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**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Barbara Foder,  
Stockton University

Classification Appeal

CSC Docket No. 2019-730

**ISSUED:** December 10, 2018 (RE)

Barbara Foder appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with Stockton University (Stockton) is Professional Services Specialist 3, Administrative Services. The appellant seeks a classification of Professional Services Specialist 2, Administrative Services.

The appellant filed a request for a position classification review of her permanent title as Professional Services Specialist 3, Administrative Services.<sup>1</sup> The appellant is assigned to Stockton Affiliated Service, Incorporated (SASI) at Stockton, reports to a Director of Stockton Affiliated Service, a non-civil service title, and does not supervise employees. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Professional Services Specialist 2, Administrative Services. Agency Services reviewed all documentation supplied by the appellant including her Position Classification Questionnaire (PCQ), Performance Assessment Review (PAR) and organizational chart, and it conducted telephone interviews with the appellant and her supervisor. Based on its review of the information provided, Agency Services concluded that the appellant’s position was properly classified as Professional Services Specialist 3, Administrative Services.

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<sup>1</sup> The Professional Services Specialist 3, Administrative Services title is an “aligned title” that is represented by the Communications Workers of America.

On appeal to the Civil Service Commission (Commission), the appellant states that SASI is a company that was created to support Stockton's mission and consists of four individuals. She states that it is unfair to "punish" her by denying her a higher title as she performs all the required work except "supervising a lower staff member." The appellant also maintains that other employees in the requested title, and a higher title, do not have any more authority than she concerning supervision. In support of her appeal, the appellant provides an organizational chart and a description of her job duties and how they relate to the examples of work from the job specification for the requested title.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Professional Services Specialist 3, Administrative Services states:

Under the direction of a Professional Services Specialist 2 or higher supervisory officer in the Administrative Services area at a State college, is responsible for independently performing professional work of greater difficulty using established policies, procedures, precedents, and guidelines; does related work as required.

The definition section of the job specification for Professional Services Specialist 2, Administrative Services states:

Under the supervision of a higher administrative officer in the administrative services area at a State college, is responsible for independently performing professional work of considerable difficulty using established policies, procedures, precedents, and guidelines; takes the lead over lower level staff; does related work as required.

The definition section of the job specification for Senior Fiscal Analyst states:

Under limited supervision of a supervisory official in a State department or agency, performs the work involved in the analysis of fiscal activities including budget preparation, review and maintenance, analyzing budgets for grants, contracts, State funds and/or program funds, assists in analyzing fiscal impacts, maintains records; does other related duties.

By way of background, in 1993 the former Merit System Board created many generic non-competitive titles for use by the Department of Higher Education as part of a settlement agreement to resolve a bargaining unit charge brought before the Public Employee Relations Commission by various unions. Specifically, that charge claimed that some of the titles created by the State Colleges after July 1986, i.e., the ones in accordance with *N.J.S.A. 18A:64-21.2* that were no longer subject to the provisions of Title 11A, actually involved functions performed by career service titles that were formerly aligned, bargaining unit titles. Germane to the matter at hand, one of the title series that was created is Professional Services Specialist, Administrative Services. Accordingly, when these generic, non-competitive titles were created, they were assigned to an employee relations group in the appropriate bargaining unit.

While the appellant argues that there are many other individuals classified as Professional Services Specialist 2, Administrative Services who are not lead workers, such an argument is unpersuasive. Initially, the Commission notes that a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. *See In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided February 20, 1997). *See also, In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995). Further, the definition of Professional Services Specialist 2, Administrative Services clearly indicates that this is a lead worker title.

Taking the lead is the distinguishing characteristic in considering whether a position should be classified at the requested title. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Acting as a representative does not define a position as a lead worker, and being the sole person responsible for a given workload ensures that an incumbent is not a lead worker. Being a lead worker does not mean that work is performed only by one person, but involves mentoring others in the work of the title series. The appellant does not have the responsibility of a lead worker and therefore, Professional Services Specialist 2, Administrative Services is not appropriate for this position. It is noted that Professional Services Specialist 2, Administrative Services is not a supervisory title, as the appellant suggests. The appellant's position stands on its own and is classified based on the duties she performs. The duties performed by other individuals, whether properly

or improperly classified, are irrelevant in determining the proper classification of the appellant's position.

In the matter at hand, the duties of the position include overseeing SASI's fiscal affairs; conducting research in order to analyze statistical, financial and other data; acting as primary liaison with vendors; serving as an administrative support resource; creating and maintaining confidential databases; serving on event committees focusing on planning and logistics; and overseeing record management for Graduate Housing and Transportation and Safety. The primary focus, performed 70% of the time, is overseeing fiscal affairs, reviewing income, expenses and fixed assets, and conducting research in order to analyze statistical, financial and other data. The position is closely concerned with monitoring and analyzing budgets. These duties fall squarely within the definition for the title Senior Fiscal Analyst, also an aligned title.

In accordance with *N.J.A.C.* 4A:3-3.5(c) within 30 days from the issuance date of a classification determination, an appointing authority shall either effect the required change in the classification of the employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to duties and responsibilities to which the employee has rights.

A thorough review of the information presented in the record establishes that the appellant's position is not properly classified as an Professional Services Specialist 3, Administrative Services, and she has not presented a sufficient basis to establish that her position warrants an Professional Services Specialist 2, Administrative Services job classification. Rather, her position should be classified as Senior Fiscal Analyst. As the Commission is reclassifying her position in this proceeding, consistent with *N.J.A.C.* 4A:3-3.5(c), her effective date shall be the pay period 30 days from the issuance of this decision, unless the appointing authority reassigns her duties consistent with her permanent title of Professional Services Specialist 3, Administrative Services.

### **ORDER**

Therefore, the Civil Service Commission concludes that the position of Barbara Foder is properly classified as a Senior Fiscal Analyst, effective the pay period 30 days from the issuance of this decision. Within 30 days of the issuance date on this decision, the appellant should receive a provisional appointment as a Senior Fiscal Analyst or she be assigned duties consistent with her permanent title of Professional Services Specialist 3, Administrative Services.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 5<sup>th</sup> DAY OF DECEMBER, 2018



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Barbara Foder  
Thomas Chester  
Kelly Glenn  
Records Center