



STATE OF NEW JERSEY

In the Matter of Kyle Piazza,
Department of Health

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

CSC Docket No. 2019-1788

Classification Appeal

ISSUED: APRIL 22, 2019 (JET)

Kyle Piazza appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Health is Senior Therapy Program Assistant. The appellant seeks an Instructor Counselor classification.

The record in the present matter establishes that at the time the appellant filed his request for a classification review he was serving as a Therapy Program Assistant. The appellant's position is located in the Activities Therapy Unit, Rehabilitation Services, Greystone Psychiatric Hospital, Department of Health. He reports to Kadeen Rowe, Assistant Supervisor of Recreation, and he does not have any supervisory duties. The appellant sought a reclassification contending that his position would be more appropriately classified as an Instructor Counselor. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performed. Agency Services reviewed all documentation supplied by the appellant including his PCQ. Based on its review of the information provided, including an organizational chart and telephone audits including the appellant, his supervisor and the Section Chief, Health Care Facility Rehabilitation/Professional Services, Agency Services concluded that the appellant's position was properly classified as a Senior Therapy Program Assistant.

On appeal, the appellant asserts, among other things, that there is additional information that Agency Services did not consider. Specifically, the appellant states that various employees serving in different titles perform the same

duties in their respective units, and the appellant is the sole person in his unit who is assigned to run the rehabilitation services under the direction of his Assistant Supervisor. The appellant adds that the organizational chart that Agency Services received is incorrect. The appellant explains that each unit consists of one rehabilitation staff member who is supervised. The appellant states that he has been performing Instructor Counselor duties since January 2015 and he frequently covers for Instructor Counselors in other units. The appellant also provides a description of duties that he is now performing which he believes are consistent with those of an Instructor Counselor. Moreover, he contends there is no difference in criteria for the Instructor Counselor title and his current title.

Additionally, the appellant asserts, among other things, that his duties are different from those performed by a Therapy Program Assistant and a Senior Therapy Program Assistant. Rather, the appellant contends that the examples of work section in the job specification for Instructor Counselor reflects the duties that he is performing. In this regard, the examples of work section for the title indicates that incumbents interview newly admitted patients, inmates, or clients, and those about to leave the institution; give advice to individual patients, inmates, or clients on problems related to social behavior and personal relationships; prepare informative, statistical and other reports; instruct and counsel patients in their attainment of basic social skills; and recommend new or revised objectives or programming to encourage each individual maximum level of participation.

CONCLUSION

The definition section of the job specification for Instructor Counselor states:

Under supervision in a State department, institution, or agency, holds formal and informal classes and discussions concerned with human relationships, personality, and the social or other factors affecting behavior to further the social adjustment, education, or reeducation of inmates, patients, or clients, and/or provides same with occupational, vocational, or educational counseling an instruction which may include teaching basic skills and concepts or instructing them in adaptive independent living skills; adjusts the content and level of counseling and instruction to suit the functional level of inmates, patients, or clients; does related work.

The definition section of the job specification for Senior Therapy Program Assistant states:

Under general supervision of a professional therapist or other supervisor in a State department facility, institution, or agency,

has charge of assigned activities within a program of recreational, vocational, occupational, physical, or behavior modification therapy; does other related duties as required.

In the instant matter, it is clear that the proper classification of the appellant's position is Senior Therapy Program Assistant. Indeed, the majority of the duties listed on the appellant's PCQ (over 50%), as well as information obtained during the telephone interviews, include: conducting group meetings; submitting attendance reports; preparing reports based on group sessions with each patient in the unit; attending treatment plan review meetings; providing input regarding patient progress; attending rehabilitation planning; providing input in treatment plans; facilitating rehabilitation interventions when directed; working with patients one-on-one with coping skills; assisting in de-escalating behavior issues; facilitating social skills, physical activities, community integration, and stress management groups; escorting patients to special events; drafting assessments regarding patients; monitoring and making changes to the Treatment Management System; co-facilitating groups when working with occupational interns or direct-care staff; being responsible for safety and protocol when conducting groups; and completing referrals for patient's jobs. Such duties are consistent with those performed by a Senior Therapy Program Assistant.

Additionally, the majority of appellant's duties do not involve holding formal and informal classes and discussions concerning human relationships, personality, and the social or other factors affecting behavior to further the social adjustment, education, or reeducation of inmates, patients, or clients, and/or providing same with occupational, vocational, or educational counseling an instruction which may include teaching basic skills and concepts or instructing them in adaptive independent living skills; adjusting the content and level of counseling and instruction to suit the functional level of inmates, patients, or clients, and doing related work. Further, the appellant's supervisor indicated on the PCQ that the appellant's most important duties were conducting group meetings on the unit. The appellant's supervisor also indicated that the appellant does not provide direct supervision of interns and he does not plan or organize special events for the area. In addition, the Section Chief, Health Care Facility Rehabilitation/Professional Services and the appointing authority did not agree that the appellant duties were consistent with those performed by an Instructor Counselor.

Although the appellant argues that his duties are consistent with those performed by an Instructor Counselor, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. In this regard, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the

appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. With regard to the appellant's arguments pertaining to the examples of work in the job specifications, the examples of work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992).

The appellant also argues that Agency Services misinterpreted some of the information that was provided on the PCQ and during the telephone interviews. The record indicates that all of his duties and responsibilities were reviewed and the classification determination was based on that information. The purpose of a classification evaluation is to conduct a fact-finding session and the classification reviewer's role is strictly limited to an independent review of the current duties and responsibilities of the position at issue. Moreover, it is longstanding policy that only those duties and responsibilities assigned at the time of the request for a reclassification are to be considered. Even assuming, *arguendo*, the validity of the appellant's claim, the entire record has once again been thoroughly reviewed in this matter in conjunction with the appellant's appeal and the Civil Service Commission is satisfied that the classification determination was proper. Moreover, classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). In this case, Agency Services determined that it was proper to conduct a telephone interview with the appellant, his supervisor, and the Section Chief, Health Care Facility Rehabilitation/Professional Services. Moreover, the appellant has not established that Agency Services' methodology in this matter was improper or led to an incorrect result. Finally, the appellant's claims that he performs duties similar to those in the Instructor Counselor title is unpersuasive, since a classification review cannot be solely based on a comparison of duties to another title, especially if that title is misclassified. *See In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995).

Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position is properly classified as Senior Therapy Program Assistant. However, if the appellant believes that he is now performing duties that are not consistent with his current title, he may submit a new classification evaluation request to Agency Services

ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17th DAY OF APRIL, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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