



On appeal, the appellants provide essentially the same arguments. Each appellant argues that he or she is a lead worker and each name one or more coworkers that they lead. Further, they argue that “prior to the self-review process that is currently in place,<sup>1</sup> a HSS2 worker would receive guidance from an HSS3 by being provided documented case errors using an approved form.” The appellants indicate that they are now “self-reviewing” which is above their responsibilities, and their work is no longer reviewed by, and they do not receive guidance from, any specialist or supervisory staff member. They state that they sign forms previously signed by HSS3s or above, and that their work is reviewed only as required, and the only guidance they receive is when errors are found in review. They maintain that *N.J.A.C. 10:71-2.13(b)* (Supervisory review and approval) states, “All records shall be reviewed by a supervisory staff member prior to final disposition,”<sup>2</sup> but they are completing final dispositions themselves. As a result, they maintain that the supervisor erred in stating that they “do not just release PR forms or complete final disposition on the worker portal because they ask me to.” They argue that a supervisor told specialists not to answer questions but that the workers must use materials provided to determine eligibility.<sup>3</sup> Some appellants maintain that the lead worker assignments were not given to them in writing, but that they have done case reviews and guidance sessions with coworkers.

In response to these appeals, the appointing authority states that none of the appellants are lead workers. It indicates that they process assigned cases with more discretion and independent judgement than a Human Services Specialist 1, and has been instructed to ask questions of the supervisor or an HSS3. They do not review the work of lower level staff for quality control purposes, and do not assist supervisory personnel in the operation of their duties. They do not have access to release their own PR forms, nor give final dispositions in the worker portal, as these duties are performed by HSS3s or higher titles.

## 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

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<sup>1</sup> Although the appellants were not specific on this date, it appears that the self-review process may have been implemented in February 2020, prior to the appellants’ filing of classification reviews in 2021.

<sup>2</sup> It is noted that *N.J.A.C. 10:71-2.13(a)* states, “In most cases an eligibility worker will complete the investigation and processing of the application,” *N.J.A.C. 10:71-2.13(c)* states, “Any difference of opinion between worker and supervisor shall be resolved by a conference, and, if necessary, the issue shall be referred to a higher administrative level for disposition,” and *N.J.A.C. 10:71-2.13(d)* states, “All records of application shall be approved in writing by the supervisor following review, either by signature or initialed transcript signature.”

<sup>3</sup> These instructions were given in February 2021 and were followed by, “This will be so specialists can focus on reviewing cases and returning corrections. These corrections will help determine what areas need more training and what aspects still need more clarification from the State.”

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 Human Services Specialist 2 states:

Under the supervision of a designated supervisor in a welfare agency, does the field and office work involved in the collection, recording, analysis, and evaluation of data, to include the employability, the medical status and the physical or mental health of applicants/clients, for the purpose of determining applicants'/clients' eligibility for program services; analyzes information on forms, applications and other financial assistance documents for completeness and accuracy; negotiates with absent parent to arrange a voluntary consent support agreement; conducts initial assessment of applicants employability and makes appropriate referrals; provides information to families and individuals to achieve self-sufficiency through employment opportunities and/or child support services; duties performed involves more discretion and independent judgment than those performed by the Human Services Specialist 1; does other related work.

The definition section of the job specification for Human Services Specialist 3 states:

Under direction in a welfare agency, performs office and field work pertaining to the review/analysis and evaluation of cases to determine clients' eligibility for program services and/or the validity of decisions made regarding program assistance; does the field and office work involved in the collection, recording, analysis and evaluation of data for the purpose of determining eligibility, the employability, the medical status and the physical or mental health of clients; as a lead worker, instructs and guides lower level employees in the work of collecting, recording, analyzing and evaluation of data; assists supervisory personnel in the operation of their duties; does related work.

First, in making classification determinations, emphasis is placed on the definition section of the job specification to distinguish one class of positions from another. The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan.

The crux of the issue herein is whether or not they are lead workers. These positions were classified as HSS2 partly on the basis that the appellants do not take the lead over assigned employees. 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 and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005). 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, mentoring others in work of the title series. Training higher level employees, contractors, individuals in other units or agencies, being a subject matter expert, or answering a question intermittently, does not constitute a lead worker.

A review of the appellants' PCQs indicates that they did not identify that they assigned or reviewed the work of others. Additionally, their supervisor provided a list of the most important duties of the positions and did not include lead worker duties. He continues that the appellants do not instruct or guide lower level staff, nor review their work for errors and quality control, nor act in a supervisory or assistant supervisory capacity. While the appellants maintain that they are lead workers, and they select individual coworkers, they did not include lead worker duties on the PCQs, and the evidence does not suggest that lead worker duties occur on a regular and recurring basis.

While the appellants cite *N.J.A.C. 10:71-2.13(b)* (Supervisory review and approval) regarding review of records, the agency's adherence to the agency's regulations, and the development and implementation of procedures, is not under the purview of the Civil Service Commission (Commission). The Commission does not have authority to determine if an agency is operating correctly under the administrative regulations adopted to guide its operations. Submission of reports with the appellants' signature does not indicate that they instruct and guide lower level employees in the work of collecting, recording, analyzing and evaluation of data, or assist supervisory personnel in the operation of their duties. The supervisor indicated that certain cases still require a final review and release by a supervisor or HHS3, but that the appellants do not have the authority to release PR forms nor complete cases in the worker portal and do not have access to do so. He states:

As their supervisor, I do not just release PR forms or complete the final disposition of cases on the Worker Portal because they ask me to. I check to make sure all work, including calculations and forms, are correct before approving the supervisory portion of the PR forms and Worker Portal. There is also no requirement to sign off in the supervisor section of any form.

The submission of reports under their own signature does not establish that the appellants perform work at the level and scope of an HSS3. The supervisor indicates that he checks that the work is correct before approval.

Accordingly, since the preponderance of the appellants' duties fall under the definition of HSS2, they are properly classified in that title. Therefore, a thorough review of the entire record fails to establish that the appellants have presented a sufficient basis to warrant a HSS3 classification of these positions.

### ORDER

Therefore, it is ordered that these appeals 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 2<sup>ND</sup> DAY OF FEBRUARY 2022

*Deirdre' L. Webster Cobb*

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