



STATE OF NEW JERSEY

In the Matter of Candice Camiso,
Department of Health

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

CSC Docket No. 2022-1508

Classification Appeal

ISSUED: JUNE 20, 2022

Candice Camiso appeals the determination of the Division of Agency Services (Agency Services) that her position with the Department of Health (DOH) is properly classified as a Manager 2, Human Resources (&32, 61618) with an effective date of December 4, 2021. The appellant seeks an earlier effective date of reclassification in this proceeding.

The record in the present matter establishes that at the time of her request for a classification review, the appellant was serving permanently in the title of Manager 1, Human Resources (V30, 56863) and reported to Loreta Sepulveda. Her position was located in Human Resources Services. Agency Services received the request in June 2021 and reviewed organizational charts, the appellant's Position Classification Questionnaire, and her Performance Assessment Review. Agency Services found that the appellant's assigned duties and responsibilities were commensurate with the title of Manager 2, Human Resources (&32, 61618). Agency Services noted that at the time the request for classification review was submitted, Sepulveda was serving in the title of Manager 2, Human Resources (&32, 61618). Agency Services explained that this would have represented an inappropriate reporting relationship because an &32 cannot report to another &32. However, Sepulveda was restored to the Senior Executive Service (SES) (M98, 90752), effective December 4, 2021, allowing the reclassification of the appellant's position. Thus, Agency Services determined that the effective date of reclassification would be based on Sepulveda's date of appointment to the SES, not on the date this agency received the request for classification review.

On appeal to the Civil Service Commission (Commission), the appellant maintains that the determination not to base the date of reclassification on the date this agency received the classification review request resulted in a loss of \$5,886.90 in back pay. She states that Sepulveda has been the Director of Human Resources since April 6, 2013. On February 27, 2021, Sepulveda was appointed to the title of Manager 2, Human Resources (&32, 61618) from an open competitive eligible list “to give permanent status.” The appellant maintains that Sepulveda’s functional title was always Director, Human Resources. The appellant also notes that she; A.K., Manager 3, Human Resources (&34, 61659); and D.B., Director of Employee Relations, Human Services (&35, 61663), are all direct reports of Sepulveda, and they reported to Sepulveda during the time Sepulveda was serving in the title of Manager 2, Human Resources (&32, 61618). The appellant asserts that when the inappropriate reporting structure was brought to DOH’s attention by Agency Services because of her classification review request, Sepulveda was moved back into the SES. The appellant proffers that this move should have occurred upon the completion of Sepulveda’s working test period in the title of Manager 2, Human Resources (&32, 61618) in June 2021. The appellant requests that the Commission reconsider her reclassification effective date as she should not be penalized for the inappropriate reporting structure implemented by DOH. In the alternative, she requests back pay. In support, the appellant submits, among other documents, Personnel Management Information System (PMIS) and electronic Cost Accounting and Timesheet System (eCATS) records for A.K. and D.B.¹

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.

Upon review, the Commission finds no basis to disturb Agency Services’ determination. Agency Services correctly determined that it could not assign an effective date of reclassification based on its June 2021 receipt of the appellant’s classification review request because to do so would have created an inappropriate reporting relationship. *See In the Matter of Celia D. Chee-Wah* (CSC, decided April 18, 2012) (Appellant’s position could not be reclassified since it would result in an inappropriate reporting relationship). *See also, In the Matter of Joseph Stefanoni* (CSC, decided February 8, 2012). An employee serving in an &32 title cannot report to another employee also serving in an &32 title. In this regard, management positions that are assigned to Employee Relations Group (ERG) “&” are represented by the International Brotherhood of Electrical Workers (IBEW). Management positions that are assigned to the ERG “M” are positions that either supervise employees in titles/positions that are represented by IBEW or are considered confidential. *See In the Matter of Heath Bernstein* (CSC, decided November 21, 2018).

¹ It is noted that these records include the employees’ full Employee IDs, among various other information.

Management positions that are assigned to the ERG “M” are not represented by IBEW or any other collective bargaining representative. *See In the Matter of Jeffrey Everett* (CSC, decided April 29, 2020). Thus, for one &32 employee to report to another &32 employee would constitute a conflict of interest. *See West Orange Board of Education v. Wilton*, 57 N.J. 417 (1971). As such, Agency Services correctly set the effective date of reclassification as December 4, 2021, when Sepulveda, to whom the appellant reported, returned to a management position in the ERG “M.”

The appellant’s arguments in favor of an earlier effective reclassification date are not persuasive. That Sepulveda’s functional title may have been Director, Human Resources is not relevant because Agency Services correctly looked to Sepulveda’s official Civil Service title in order to determine whether an inappropriate reporting relationship would result. That the appellant, A.K., and D.B. all reported to Sepulveda during the time Sepulveda was serving in the title of Manager 2, Human Resources (&32, 61618) is not relevant because Agency Services’ obligation was to ensure that the *appellant’s* position—the subject of this classification matter—was assigned a permissible effective date of reclassification. That *other* positions may have been in an inappropriate reporting relationship hardly justifies creating a new one. Further, the effective date of reclassification cannot be set based on the appellant’s opinion as to when Sepulveda “should” have been returned to the SES. The fact remains that the movement did not occur until December 4, 2021, and this was the earliest effective date that could be assigned without creating an inappropriate reporting relationship. Therefore, the Commission has no basis here to award the appellant back pay. However, it is noted that the appellant may request that any higher level out-of-title duties she performed while serving in the title of Manager 1, Human Resources (V30, 56863) be compensated via a one-time lump sum salary adjustment.²

A final issue warrants comment. The Commission cannot ignore that the appellant has submitted the PMIS and eCATS records of two other employees as supporting documentation for her appeal. These records include, among other information, the employees’ full Employee IDs. It should be noted that individual personnel records, with certain exceptions, are not public records and shall not be released other than to the subject employee, an authorized representative of the employee, or governmental representatives in connection with their official duties. *See N.J.A.C. 4A:1-2.2(b)*. The Commission recognizes that the appellant, in her Human Resources role, would access personnel records in the performance of her official duties. Accessing such records for personal use may be a different matter. *See, e.g., In the Matter of Patricia Babij, et al.* (MSB, decided December 21, 2005) (Suspensions of five employees of the Department of the Treasury upheld who were charged with accessing the tax accounts of their co-workers without permission and for personal reasons). Accordingly, the Commission strongly recommends that DOH review whether the appellant’s use of A.K.’s and D.B.’s personnel records was appropriate.

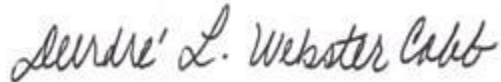
² Such salary adjustments must be reviewed and approved by the appointing authority and the Salary Adjustment Committee and are not subject to review by, or appeal to, the Commission.

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 15TH DAY OF JUNE 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris 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: Candice Camiso
Loreta Sepulveda
Division of Agency Services
Records Center