



B-17

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tomika Rowell,
Department of Health

CSC Docket No. 2015-2217

Classification Appeal

ISSUED: **OCT 13 2015** (RE)

Tomika Rowell appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Department of Health is properly classified as Technical Assistant 2, Purchasing. She seeks an Assistant Buyer job classification in this proceeding.

Ms. Rowell is assigned to work in the New Jersey Department of Health (DOH), Division of Management and Administration, Office of Financial Services, Procurement Unit, reports to an Administrative Analyst 1, Procurement, and does not have any supervisory authority. She was regularly appointed to the title Technical Assistant 3, Community Affairs¹ on September 21, 2006. A classification review was conducted by DAS in response to the appellant's request for an audit of her position.

DAS found that, based on the primary duties of Ms. Rowell's position as described in the attached determination, Ms. Rowell's title is properly classified as Technical Assistant 2, Purchasing. On appeal, the appellant states that DAS indicated that her duties were not those of Assistant Buyer as she does not provide procurement services for more than one Department. She argues that providing procurement services for more than one Department makes no sense in either theory or practical application, and it is rare that any Department provides on-going (non-special project) procurement services for other Departments. She contends that only the Department of Treasury performs this service and usually

¹ The title is used in both the Department of Community Affairs and the Department of Health.

only for the procurement of professional services, and even then Treasury does not have the ability to establish purchase orders using DOH accounts. She argues that "to suggest otherwise would cause havoc and chaos amongst the various cost centers and account balance information," severely limit the type of procurement which can be processed within a Department, and essentially negate or reduce the ability to perform any complex/professional procurement actions. The appellant maintains that the Assistant Buyer title applies to all jurisdictions, and the examples of work and knowledge, skills and abilities (KSAs) reflect procurement activities that are performed by any Department procuring product or services. She states that the Technical Assistant, Procurement title series is not professional and performs "routine/complex procurement transactions outside the professional realm," while the Assistant Buyer performs procurement work for the Department, agency of assignment or for other State Departments.

Additionally, she states that a Technical Assistant 3, Community Affairs can operate in a procurement unit, as she does, performing daily tasks such as negotiating with contract vendors for all aspects of purchasing such as quotes, product detail, shipping and contract compliance, time sensitive licenses and renewals, prompt payment of contractors. She argues that the phrase "within the particular area of assignment" does not preclude procurement, which is her particular area of assignment.

CONCLUSION

The definition section of the job specification for Technical Assistant 3, Community Affairs states:

Under the direction of a Technical Assistant 2 or other supervisory official in Department of Community Affairs or the Department of Health and Senior Services, performs complex technical duties and/or performs paraprofessional responsibilities for prescribed technical projects or programs requiring the independent application of the rules, regulations, policies, and procedures, to varying situations within the particular area of assignment; does other related duties.

The definition section of the job specification for Technical Assistant 2, Purchasing states:

Under the direction of a Technical Assistant 1 or other supervisory official, performs functions in support of purchasing operations; does related work as required.

The definition section of the job specification for Assistant Buyer states:

Under direction, assists the buyer or other higher level professional in selecting, preparing orders, and making arrangements for purchase of various equipment, materials, and supplies used by the departments or agency of assignment or for other State departments or agencies; does other related duties as required.

A review of the duties of Ms. Rowell's position indicates that they closely match the job description for Technical Assistant 2, Purchasing. It is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C. 4A:4-2.5(a)1* states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Professional work is predominantly intellectual in character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons involved in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires *application* of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities.

The Assistant Buyer title is professional, requiring a Bachelor's degree, while the Technical Assistant titles are para-professional, requiring an Associate's degree or allowing for the possession of an Associate's degree in lieu of experience. Job specifications are descriptive and illustrative of the general nature and scope of functions that may be performed and are not meant to be restrictive or inclusive. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work normally performed. The primary focus of the Assistant Buyer title is to assist with selecting, preparing orders, and making arrangements for purchase of various equipment, materials, and supplies.

In the instant matter, the appellant indicated on her Position Classification Questionnaire (PCQ) that for 25% of the time, she initiates the purchase order process for assigned programs within the Division of Management and Administration (M&A); and does research and evaluation of past purchases of the same or those of similar nature, internet searches on products/specifications to locate potential vendors, searches for all applicable New Jersey State contracts, and calls vendors to discuss needed products or levels of service and to determine the correct method of procurement (*i.e.*, State Contract, Non-Contract, GSA, Waiver etc.). For another 25% of the time, she obtains both simple and complex quotations

(verbal and written) from multiple vendors, documents the quotation and/or updates information in the Department's procurement tracking system (Reqtrack), enters data into Treasury's purchasing system NJ E-Catalog & MACSE (Management Acquisition Control System Enhanced) in accordance with all rules/regulations, contract text and addendums and DOH policies/procedures for approval by the purchasing analysis. For 15% of the time, she supports a purchasing analyst by assessing initial purchase requests submitted by assigned programs within M&A for DOH for sufficient information to initiate the purchase process. The assessment process includes analyzing the information provided by the programs; interviewing program personnel/representatives to obtain an understanding of the product/service need and/or intent; and requesting additional forms or clarifying information before initiating the purchase process. For 10% of the time, she completes Receiving Reports (RR) processing for all orders, which includes matching the appropriate approved purchase order documents with the corresponding packing slips, shipping manifests and/or timesheets, obtaining invoices from vendors, matching invoices with the RRs, and reviewing MACSE to ensure assigned completed RRs are paid. The last five duties are each performed 5% of the time: tracks all assigned Purchase Orders; follows up with user agencies on receipt of goods and services; assists in compiling data, tabulation of bids and preparation of bid proposals; provides technical assistance to purchasing staff engaged in completing sophisticated procurements and special analytical projects or investigations; and assists with negotiations with vendors to expedite shipments.

It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Regarding variants, a class is a group of positions sufficiently similar in respect to their duties and responsibilities to justify common treatment in selection, compensation and other employment processes and sufficiently different from other classes to justify treatment in one or more respects. Variant classes consists of two or more sub-classes whose characteristics are substantially the same but for a difference in one well-defined phase of their duties and qualifications, for example, the matter of specialization. That is, the variant title requires one or more specialized knowledge, skills or abilities which are not paralleled in the other variants in the class. The Technical Assistant base title has 21 active variants, some of which are in a series. The Technical Assistant, Purchasing variant has a series, 1 and 2. The 2 level is the journeyman title, while the 1 level performs the most complex technical functions and supervises staff. The Technical Assistant, Community Affairs has a series, 1, 2 and 3. The Technical Assistant, Purchasing variant requires completion of 60 semester hour credits and one year of paraprofessional of technical support experience in procurement/purchasing. The Technical Assistant, Community Affairs requires three years of experience in providing technical assistance to State and/or local communities are agencies, completing forms or applications, resolving

complaints, interpreting rules, regulations, policies, and procedures to the public, and reviewing documents for accuracy and content.

As can be seen from the definition and requirements, the Technical Assistant, Purchasing and Technical Assistant, Community Affairs variant titles are significantly different, and positions can be classified in either variant based on the duties performed. The Technical Assistant, Community Affairs is not involved in purchasing or procurement operations. Indeed, the existence of a variant for this very task is an indication that specialized knowledge, skills and abilities exist for purchasing which are not paralleled in the other variant. These requirements are sufficient to establish that purchasing cannot be considered to merely be "a particular area of assignment," as argued by the appellant. The fact that the appellant performs duties in the purchasing area is not evidence that the position is properly classified as a Technical Assistant 3, Community Affairs. As there is a variant for purchasing, the phrase "within the particular area of assignment" in the definition for the Technical Assistant 3, Community Affairs does not include procurement. As this is her area of assignment, the appellant's position is not properly classified as a Technical Assistant 3, Community Affairs.

The definitions indicate that the Technical Assistant 2, Purchasing title performs functions in support of purchasing operations, while the Assistant Buyer assists in buying functions such as selection, preparing orders, and making arrangements for purchase. The Assistant Buyer is involved in preparing proposals for solicitation of bids, tabulation of bids, and processing orders for purchase of commodities. The Assistant Buyer discusses specification details and visits sources of supply for marketing information, studies and analyses procurement operations, takes samples to the laboratory and assists in inspection and testing to ensure conformity with established specifications, and receives, tabulates and records requisitions submitted. While there is some overlap between the duties of the two titles, the Assistant Buyer assists in performing the analytical work involved in the large scale purchase of commodities, equipment and supplies.

The examples of work provided further clarification as to whether certain duties are paraprofessional or professional. For example, the Technical Assistant 2, Purchasing solicits and documents vendor price quotations and recommends awards to the lowest responsive bidder, and collects background information for and assists in preparing simple commodity specifications. This compares to the appellant's duty for 25% of the time, where she initiates the purchase order process, and does research and evaluation and calls to vendors to discuss needed products or levels of service, to determine the correct method of procurement. The appellant did not indicate that she was preparing proposals for the solicitation of bids on her PCQ.

For another 25% of the time, the appellant obtains verbal and written quotations from multiple vendors, and documents the quotation and or updates

information in a database. Collection and documentation of information is paraprofessional work. Additionally, the preparation of Requests for Quotes (RFQs) is not the same as preparation of Requests for Proposals (RFPs). RFQs set pricing, terms and conditions for a well-defined and quantifiable service or goods. They are easy to analyze, tend to be price- and terms-oriented, and can be tracked with a simple Excel spreadsheet. This does not rise to the level and scope of professional level experience in buying. In contrast, RFPs are issued when there is complexity to the business requirement. They bring structure to the procurement process and list risks and benefits. They can include detailed requirements, can be used in constraint-based complicated distributions requiring various services, and are used in the total outsourcing of services to a third party. The RFP process is more time consuming, from preparation, through final selection, to the signing of a contract, and they are challenging to evaluate. These processes are not interchangeable, and obtaining and tracking or documenting verbal and written quotations does not rise to the level of professional work. The appellant does not mention that she prepares RFPs as a regular duty of her position.

The duty performed 15% of the time, assessing initial purchase requests for sufficient information to initiate the purchase process, is information assessment and collection. Also, completion of RRs for all orders, performed 10% of the time, includes matching the purchase order documents with packing slips, shipping manifests and/or timesheets, obtaining invoices from vendors, matching invoices with the RRs, and reviewing the database to ensure assigned completed RRs are paid. The Technical Assistant is expected to review documents for accuracy, content, appropriateness, and completeness, and to identify and resolve related problems. As such, these tasks are appropriate for the Technical Assistant 2, Purchasing. The last five duties include tracking purchase orders; following up with user agencies on receipt of goods and services; assisting in compiling data, tabulation of bids and preparation of bid proposals; providing technical assistance with projects or investigations; and assisting with negotiations with vendors to expedite shipments. The majority of the appellant's work is appropriate to the Technical Assistant 2, Purchasing title.

The Technical Assistant 3, Community Affairs and Technical Assistant 2, Purchasing titles are in the same class code (14), but have different work weeks. See *N.J.A.C. 4A:3-3.1(b)3*. It is noted that one of the identifying characteristics of a title is the workweek. Some titles do not have 35 hour work week designations. The Technical Assistant 3, Community Affairs title has a NE work week, while the Technical Assistant 2, Purchasing title has a 35 hour work week. An NE designation is non-limited, non-exempt titles which are subject to the provisions of the Fair Labor Standards Act, 29 U.S.C. 201 *et seq.* See *N.J.A.C. 4A:6-2.3(a)*. As the titles are in the same class code, the title change is a lateral placement and not a demotion.

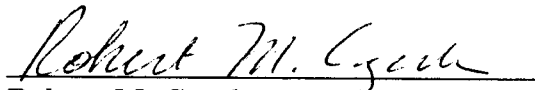
Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant an Assistant Buyer classification of her position.

ORDER

Therefore, the position of Tomika Rowell is properly classified as Technical Assistant 2, Purchasing.

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 7th DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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Enclosure

c: Tomika Rowell
Loreta Sepulveda
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
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Robert M. Czech
Chair/Chief Executive Officer

December 8, 2014

Tomika Rowell

**Re: Classification Appeal, Technical Assistant 3, Community Affairs;
Position #: 956439; CPM Log #: 01140083; EID #: 000370926**

Dear Ms. Rowell:

This is to inform you and the New Jersey Department Health of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted, as well as a phone audit conducted with you on July 21, 2014, and a follow-up interview with your supervisor, David Meckel, Administrative Analyst 1, Procurement, on July 24, 2014.

Issue:

You are appealing the current classification of your position (956439), Technical Assistant 1, Community Affairs (64181, A14). You allege that your duties are not appropriately classified and you are seeking to reclassify your position to that of Assistant Buyer (52662, P18), which you feel more appropriately reflects your current duties and responsibilities.

Organization:

Your position is located in the New Jersey Department of Health, Division of Management and Administration, Office of Financial Services, Procurement Unit. The Office of Financial Services provides assistance to the Department's operating divisions in the area of purchasing, federal funds management, third-party grants issuance, auditing, and accounting. Your position reports to David Meckle, Administrative Analyst 1, Procurement. The remainder of the unit is composed of two (2) Administrative Analyst 2, Procurement positions; one (1) Technical Assistant 1, Purchasing position; one (1) Technical Assistant 2, Purchasing position; and one (1) Agency Services Representative 1 position. You do not complete performance evaluations on any employees in your unit, therefore you have no supervisory responsibilities.

Finding of Fact:

The primary responsibilities of your position include, but are not limited to, the following:

- Tracks procurement transactions generated by Computer Aide Incorporated (CAI) Managed Staffing Services. CAI provides consultants, information technology staff and software systems used in the tracking of public health information, such as births, deaths, and diseases. Monitors CAI invoices and tracks the number of positions filled, employee timesheets, and other supervisory documents (timesheets, etc.) used to verify the accuracy of these invoices and to ensure that charges match services provided. Provides verification of time/charges to CAI and to the Office of Financial Services Accounts Payable Section (within the Department of Health) who issues payment.
- Tracks the status of all assigned purchase orders throughout the purchasing process in the Request Tracking (Reqtrack) and/or Excel tracking systems. This includes the tracking of all written and verbal communications with interested parties such as vendors, other state agencies, and divisions within the Department of Health.
- Under the guidance of higher level procurement staff, initiates the purchase order process for assigned programs within the Division of Management and Administration. Researches past purchases of a similar nature in order to determine appropriate purchasing procedures, to develop product specifications, and to locate potential vendors. As needed, contacts vendors to obtain additional product information, or other details necessary to complete the purchasing process.
- Obtains written and verbal price quotations from multiple vendors. Documents all communications regarding bids for goods and services and updates changes, as necessary. Enters this data into the Treasury Purchasing System (NJ E-Catalog) and the Management Acquisition Control System Enhanced (MACSE) tracking systems.
- Under close supervision, provides technical assistance to purchasing staff (Administrative Analysts 1 and 2, Procurement) engaged in completing sophisticated procurements and special analytical projects or investigations. Assists purchasing staff in negotiations with vendors in order to expedite the shipments of goods and/or the performance of services as specified in the contractual agreement, or purchase order.
- Assists the Administrative Analyst 1, Procurement in charge of lab purchases with generating and placing orders in the E-Catalog and MACSE. Monitors procurement transactions to ensure compliance with purchasing regulations and that contract and vendor information is accurate. Prepares packages for analyst review and makes recommendations regarding the acceptance or rejection of bid proposals.
- Assists in the compellation of purchasing data, the tabulation of bids and the preparation of bid proposals from multiple vendors. Reviews completed work to see if all payments have been submitted and that there are no outstanding orders reflected in the Reqtrack (tracking) system. Ensures that all bills are paid in a timely fashion.

- When there is no existing contract for particular goods or services, contacts vendors in order to obtain at least three price quotes for the bid proposal process and awards the contract to the lowest responsive vendor.
- When there is an existing contract for particular goods or services, has the authority to select approved vendor(s). Has Direct Purchase Authorization (DPA) for items up to twenty-five thousand dollars (after obtaining at least three acceptable bids).

Review and Analysis:

The definition section of the specification for Technical Assistant 3, Community Affairs (64181, A14) states:

“Under the direction of a Technical Assistant 2 or other supervisory official in Department of Community Affairs or the Department of Health and Senior Services, performs complex technical duties and/or performs paraprofessional responsibilities for prescribed technical projects or programs requiring the independent application of the rules, regulations, policies, and procedures to varying situations within the particular area of assignment; does other related duties as required.

While you perform complex technical duties and your work requires the independent application of rules, regulations, policies and procedures, the focus of your work is in support of purchasing operations. The Technical Assistant 3, Community Affairs is not focused on purchasing operations. The Technical Assistant 3 Community Affairs completes forms or applications, resolves complaints, interprets rules and regulations to the public, and reviews documents for accuracy and content. The duties of this title are inconsistent with your assigned duties.

You contend that your duties have increased and that a more appropriate classification for your position is that of Assistant Buyer (52662, P18). Therefore, the specification for this title was examined for appropriateness.

The definition for the specification for the title, Assistant Buyer (52662, P18):

“Under direction, assists a buyer or other higher level professional in selecting, preparing orders for, and making arrangements for purchase of equipment, materials, and supplies used by various departments; does other related duties as required.”

An Assistant Buyer typically assists a buyer or other high level professional level in activities involved in the purchasing of equipment, materials and/or supplies used by various departments. This entails making recommendations for the selection of goods, the preparation of orders, or arrangements for the purchase of equipment, materials and supplies. The Assistant Buyer is considered to be a professional-level position and has the responsibility for the purchase of these items for more than one State department.

The primary focus of your position is the provision of technical assistance to professional-level staff engaged in completing sophisticated procurements, or high level projects requiring the use of analytical or investigative skills. Your duties primarily involve monitoring procurement transactions, collecting procurement production data and tracking purchasing activities of the

purchasing unit. Additionally, your position only provides assistance to the Department of Health, whereas, the Assistant Buyer is responsible for providing procurement services to more than one State department. Assistant Buyer is an inappropriate classification of your position.

Since the focus of your work centers on providing assistance in support of the purchasing operation, the Technical Assistant, Purchasing title series was reviewed for appropriateness.

The definition section of the specification for Technical Assistant 1, Purchasing (50043, R17) states:

“Under direction of a supervisory official, performs highly complex technical functions and supervises paraprofessional, and/or clerical staff in support of purchasing operations; does related work as required.”

A Technical Assistant 1, Purchasing typically supervises the work of lower-level Technical Assistants, Purchasing and/or clerical staff involved in providing support to the overall purchasing operation. This entails planning, organizing and assigning work of the organizational unit; reviewing requisitions, obligations, and purchase orders; preparing and distributing waiver documents, contract award notices, bid proposals and other purchasing related documents submitted by lower-level staff prior to submission to professional-level procurement staff (Administrative Analysts, Purchasing). Your position has no such responsibility.

The Technical Assistant 1, Purchasing title is assigned to the “R” bargaining unit. Titles assigned to the “R” bargaining unit are considered to be first-level supervisors and must supervise lower-level employees. As such, this title has the responsibility for evaluating employee performance and conduct, making recommendations for the hiring, firing, promoting and disciplining of subordinates. A review of the table of organization and position Classification Questionnaire (DPF-44S) that was included in your appeal package, as well as the telephone audit that was conducted on your position, reveal that you have no supervisory responsibilities. Therefore, Technical Assistant 1, Purchasing is an inappropriate classification for your position.

The next-lower title in this series Technical Assistant 2, Purchasing (50042, A13) was also examined for appropriateness. The definition section of the specification for this title states:

“Under direction of a Technical Assistant 1 or other supervisory official, performs functions in support of purchasing operations; does related work as required.”

A Technical Assistant 2, Purchasing typically performs functions in support of the purchasing operation, such as, preparing and distributing waiver documents, contract award notices and bid proposals; soliciting and documenting vendor price quotes; maintaining up-to-date bidder lists; monitoring procurement transactions to ensure to ensure compliance with purchasing regulations and the prompt payment of bills; and maintaining essential contract bid histories and/or waiver records.

Since the primary duties of your position involve the performance of tasks in support of purchasing operations, such as: the preparation and distribution of waiver documents, contract award notices; the solicitation of vendor price quotes and recommendation of contract awards to the lowest bidder, the preparation of commodity specifications; and the maintenance of essential contract, bid history

and/or waiver records and files, including all documentation and correspondence pertinent to the bidding process, the Technical Assistant 2, Purchasing title most accurately describes the duties of your position.

Determination

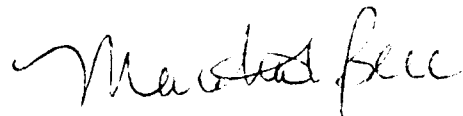
The review revealed that the position's current duties and responsibilities are commensurate with the title Technical Assistant 2, Purchasing (50042, A13). By copy of this letter, the Appointing Authority is advised that the position will be reclassified to the Technical Assistant 2, Purchasing (50042, A13) effective January 24, 2015, unless the Appointing Authority assigns duties and responsibilities that are commensurate with the position's current title, Technical Assistant 3, Community Affairs (64181, A14), within thirty days of receipt of this determination letter.

The title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

Please note that this classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment.

Please be advised that in accordance with *N.J.A.C.* 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. The appeal should be addressed to the Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination letter being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Martha T. Bell
Human Resources Consultant 5
Classification & Personnel Management

MTB/rwz

Cc: Loreta Sepulveda
Ann Kopczynski
CSC Log #: 01140083