



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Lee Rosenthal, Burlington County Board of Social Services

Classification Appeal

CSC Docket No. 2016-3701

ISSUED: NOV 8 2016 (SLK)

Lee Rosenthal, represented by Frances A. Hartman, Esq., appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Burlington County Board of Social Services is Human Services Specialist 4. The appellant seeks a classification of Coordinator Child Support and Paternity Program.

The record in the present matter establishes that Mr. Rosenthal's permanent title is Human Services Specialist 4. The appellant reports to Kathy Walsh, Administrative Supervisor of Income Maintenance. The appellant supervises 12 employees in the titles, Human Services Specialist 2 and Human Services Specialist 3. The appellant sought a reclassification of his position, alleging that his duties are more closely aligned with the duties of a Coordinator Child Support and Paternity Program. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performs as a Human Services Specialist 4. Agency Services reviewed and analyzed the PCQ completed by the appellant as well as other information and documentation provided by the appellant and his supervisor. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Human Services Specialist 4.

On appeal, Mr. Rosenthal asserts that, although he reports to Ms. Walsh, he does not have an immediate supervisor as she is two steps above him on the organizational chart. Therefore, he contends that he has assumed the

responsibilities that have been created by this vacuum and he manages employees in the Child Support I and II groups. The appellant believes that Agency Services ignored several important facts in its review. Specifically, the appellant states that he supervises the preparation of cases being presented to attorneys for child support enforcement, which is a significant portion of the work performed by Child Support II employees. Further, he maintains that Ms. Walsh cannot supervise him regarding his use and training on NJKIDS because she does not have access to that computer program. Moreover, he represents that, when the State sends down directives which mandate changes to child support programs, he is the one who reviews them and prepares the appropriate changes to protocol and he does so without discussing them with Ms. Walsh since she does not have access to the information that addresses the change. The appellant cites several directives where he was responsible for implementing the changes without assistance from the administration, where he explained the changes to senior staff, and answered all questions regarding these changes and their impact.

Additionally, he provides that he answered all of the IRS' questions when it inspected the Data Security Team's operations and it was the first time that no issues were found after an IRS inspection. He states that these responsibilities had previously been given to administrators in the past. He disagrees with Agency Services' finding that he "receives program changes and clarification, which may be implemented at the discretion of administrative staff" as the protocol changes that he receives from the State or Federal government must be implemented and are not discretionary. He objects to Agency Services' finding that he simply insures that the Parent Locator Service Program is operating in accordance with State procedure as he discusses with his staff how to properly use the Parent Locator Service and strategies for locating non-custodial parents who have a child support obligation. He advises Child Support Unit I employees on which search engines they can use to identify non-custodial parents. He trains and mentors staff on the actual application of programs in the office. He argues that, even based on his supervisor's description, he spends at least 50 percent of his time performing the duties of a Coordinator Child Support and Paternity Program. He highlights that, for two of the past three years, he has been responsible for preparing staff for IRS Confidentiality Inspections and answering all questions. He maintains that he took the initiative to maintain monthly statistics and it is only now that the administration is using the results. He indicates that he is the lead contact between the appointing authority and other judiciary vicinages such as the Administrative Office of the Courts, Probation, and the Family and Finance Division. He complains that, since there is a conflict between his submissions and his supervisor's submissions, he should have been interviewed prior to Agency Services issuing a determination. He submits a revised PCQ to describe his duties in more detail. He emphasizes the praise that he had received from his superiors prior to requesting a desk audit.

## CONCLUSION

The definition section of the job specification Coordinator Child Support and Paternity Program states:

Under the direction of the Director of Welfare or other designated administrator in a county welfare agency, coordinates various procedures and methods to implement a Child Support and Paternity Program in compliance with state and federal regulations; does other related duties.

The definition section of the job specification for Human Services Specialist 4 states:

Under general direction of an administrative official, supervises work of assigned staff; ensures effective and efficient utilization of available resources to achieve established goals; assign workloads and specific duties to staff; review work of others; establish unit's work procedures and priorities; instruct staff on policies and procedures; ensures adherence to program laws, rules, regulations, policies and procedures; demonstrates effective leadership skills to assure employee development; establishes and maintains relationships with public and private agencies; does related work as required.

The Civil Service Commission (Commission) agrees with Agency Services' determination that the appellant's position is properly classified as Human Services Specialist 4. Under section 8 of the appellant's PCQ, the instructions state an employee shall, "Describe in detail the work required for this position. Make descriptions so clear that persons unfamiliar with the work can understand exactly what is done." The appellant listed that he performed 24 separate duties. However, the first 10 duties the appellant listed, where he indicated that he spent the majority of his time, were copied directly from the examples of work for the job specification for Coordinator Child Support and Paternity Program instead of using his own words to describe in detail the work he actually performs. The appellant's verbatim listing of the examples of work from his desired title is not evidence that he spent the majority of his time performing the duties of a Coordinator Child Support and Paternity Program. Further, Ms. Walsh disputes that the appellant spent the majority of his time performing the first 10 duties that he listed. Moreover, she indicated that the appellant spent 23 percent of his time reviewing work completed by Child Support staff before allowing it to be forwarded to the court for processing, spent 20 percent of his time checking reports from NJKIDS to confirm that work is being completed within required timeframes, and spent 5 percent of his time evaluating his staff's caseload to ensure equity and redistribute as needed. Additionally, the appellant's PCQ, as stated in duties 21 to 24, indicates

that he spent 15 percent of his time assisting staff members to resolve case problems, evaluating staff timesheets, reviewing staff time off requests, and disciplining and praising staff members. In other words, the appellant spends more than 50 percent of his time assigning, reviewing, and supervising the Child Support staff. This is consistent with the definition from the job specification for an incumbent serving as a Human Services Specialist 4. Further, a classification appeal is based on the information that is submitted at the time of the appeal and therefore the appellant's revised PCQ cannot be considered. *See In the Matter of Dolores Houghton* (Commissioner of Personnel, decided October 6, 1993) (Duties which were not initially presented and were not reviewed by Agency Services cannot be considered in a classification appeal to the Commission). Moreover, even if the appellant's revised PCQ was considered, it is noted that many of these duties would fall under assigning, reviewing, and supervising the child support staff and maintaining relationships with public and private agencies, which is consistent with his position being classified as a Human Services Specialist 4.

In reference to the appellant's comments that he does not have an immediate supervisor and that Ms. Walsh cannot be his supervisor regarding his use and training on NJKIDS since she does not have access to this computer program, the appellant acknowledges that he reports to Ms. Walsh. Therefore, even if Ms. Walsh is not providing guidance to him on a daily basis or providing technical guidance to him on a certain software program, she is in fact his immediate supervisor as the appellant reports to her and she is ultimately responsible for evaluating the appellant's performance. With respect to the appellant's claim that Agency Services ignored certain facts such as him supervising the preparation of cases being presented to attorney's for child support enforcement or supervising the use of the Parent Locator Service to assist staff to locate non-custodial parents who have child support obligations, the appellant's supervision of certain tasks of employees is consistent with the Human Services Specialist 4 job specification definition. In regard to the appellant's assertion that he is solely responsible for implementing directives from the State and Federal government or preparing and representing the appointing authority regarding IRS Confidentiality Inspections, even if true, there is no indication that the appellant spends 50 percent or more of his time on these tasks. Moreover, in reference to the appellant's statement that he is the lead contact for the appointing authority with any of the judiciary vicinages, this responsibility is consistent with the Human Services Specialist 4 job specification definition which states that the incumbent "establishes and maintains relationships with public and private agencies." With respect to his statement that he should have been interviewed since there was a conflict between his statements and his supervisor's statements, a classification review can be based solely on a paper review. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). Moreover, as stated above, the appellant had a chance to describe in detail in his own words, as instructed on his PCQ, the duties that he performed, and instead chose to list verbatim the examples of work from the job specification

for his desired title as the majority of his work duties performed. In regard to the appellant's positive performance reviews and other praise that he received from his superiors prior to his classification appeal, how well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009).

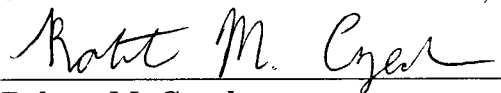
With reference to his overall argument that he is performing duties that are consistent with the examples of work for Coordinator Child Support and Paternity Program and that he is performing certain duties that are typically the responsibilities of administrators, a classification appeal cannot be based 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). Additionally, 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. Moreover, 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

### ORDER

Therefore, the Civil Service Commission concludes that the position of Lee Rosenthal is properly classified as a Human Services Specialist 4.

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 23<sup>rd</sup> DAY OF NOVEMBER, 2016



Robert M. Czech

Chairperson

Civil Service Commission

Inquiries  
and  
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Division of Appeals  
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Attachment

c: Lee Rosenthal  
Frances Hartman, Esq.  
Charles Sanfilippo  
Kelly Glenn  
Records Center



Chris Christie  
*Governor*  
Kim Guadagno  
*Lt. Governor*

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Robert M. Czech  
*Chair/Chief Executive Officer*

March 15, 2016

Ronald A. Yulick, Jr.  
Burlington County Board of Social Services  
795 Woodlane Road  
Mount Holly, New Jersey 08060

**Re: Classification Appeal – Human Services Specialist 4, EID # 000100873,  
Log # 07150334**

This is to inform you and the incumbent, Lee Rosenthal, of our determination in the classification appeal referenced above. This determination is based on a thorough review and analysis of the information submitted, including the Position Classification Questionnaire (DPF-44) signed by the incumbent, the supervisor and the Appointing Authority.

**Issue:**

Mr. Rosenthal holds permanent (RAP) status in the title, Human Services Specialist 4 (07997), and contends he is performing duties consistent with the title, Coordinator Child Support and Paternity Program (04503).

**Organization:**

This position is located in the Burlington County Board of Social Services. The incumbent reports to Kathy Walsh, Administrative Supervisor of Income Maintenance. Mr. Rosenthal supervises twelve (12) employees in the titles, Human Services Specialist 2 and Human Services Specialist 3.

**Findings of Fact:**

The following assigned duties and responsibilities are performed:

- Supervise and review work of staff in the Child Support and Paternity Units. Ensure cases are prepared in accordance with procedures prior to submitting to courts for processing. Prepare performance evaluations. Recommend disciplinary actions and serve notices to staff. Evaluate staff's caseload daily and redistribute work as needed. Assist staff in resolving problems and concerns. Regularly check reports to ensure work is completed within appropriate timeframes.

March 15, 2016

- Review, interpret, and apply program laws, regulations, policies and procedures. Receive program changes and clarifications, which may be implemented at the discretion of administrative staff. Disseminate information to staff as necessary.
- Train new staff in the unit's regulations and procedures and the use of the child support system (NJKIDS). Request outside training for staff as necessary. Ensure staff receives all mandated training.
- Act as the point of contact for all inquiries and questions related to the Child Support and Paternity Program.
- Maintain monthly statistics for use in Administrator's annual report.
- Ensure Parent Locator Service Program is operating in accordance with state procedures.
- Attend monthly and quarterly meetings on behalf of the Administrator. Submit a summary of the meetings to the Administrator.

**Review and Analysis:**

The definition section of the job specification for the title, Human Services Specialist 4 (07997) states:

"Under general direction of an administrative official, supervises work of assigned staff; ensures effective and efficient utilization of available resources to achieve established goals; assign workloads and specific duties to staff; review work of others; establish unit's work procedures and priorities; instruct staff on policies and procedures; ensures adherence to program laws, rules, regulations, policies and procedures; demonstrates effective leadership skills to assure employee development; establishes and maintains relationships with public and private agencies; does related work as required."

Typical duties and responsibilities of an incumbent in the title, Human Services Specialist 4, include planning, organizing, and assigning the work of the unit, reviewing the work of others, training of staff, analyzing, interpreting, and applying laws, rules, regulations, policies, and procedures, and establishing and maintaining working relationships with private and public agencies.

The definition section of the job specification for the title, Coordinator Child Support and Paternity Program (04503) states:

"Under the direction of the Director of Welfare or other designated administrator in a county welfare agency, coordinates various procedures and methods to implement a Child Support and Paternity Program in compliance with state and federal regulations; does other related duties."



An incumbent in the title, Coordinator Child Support and Paternity Program, is responsible for coordinating and implementing a Child Support and Paternity Program, establishing standard operating procedures, developing procedures, implementing new child support legislation and regulations, and maintaining a cooperative working relationship with courts, and other private and public agencies.

The primary focus of the duties and responsibilities of this position is the supervision and training of staff and ensuring the unit is meeting goals efficiently and effectively.

**Determination:**

Based on these findings, it has been determined the current duties and responsibilities of this position are commensurate with the permanent title, Human Services Specialist 4 (07997). The position is appropriately and properly classified.

Please be advised, in accordance with N.J.A.C. 4A:3-3.1, an appeal of this decision may be filed within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe. Please include a copy of this letter. Appeals should be addressed to the Written Records Appeal Unit, Division of Appeals and Regulatory Affairs, Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

Sincerely,



Cheryl Legg  
Human Resource Consultant 5  
Division of Agency Services

CL/zw

C: Lee Rosenthal  
Kathleen Dobie  
Zeslyn Wade

