



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Mary Anne Schultz,
Department of Law and Public Safety

CSC Docket No. 2015-2483

Classification Appeal

ISSUED: **NOV 3 0 2016** (DASV)

Mary Anne Schultz appeals the attached determination of the Division of Agency Services (Agency Services) that her position with the Department of Law and Public Safety is properly classified as a Buyer. The appellant seeks a Procurement Specialist 1 job classification in this proceeding.¹

The record in the present matter establishes that the appellant is permanent in the title of Buyer (salary range P21) and is assigned to work in the Department of Law and Public Safety, Division of State Police (DSP), Central Purchasing Unit. She reports directly to Barbara Worthington, a Supervising Procurement Specialist, and at the time of the position audit, she had no supervisory responsibility. The appellant had supervisory responsibility at the time she sought a reclassification of her position to Senior Buyer, but those duties were removed as of August 6, 2014. Agency Services performed an analysis of all information submitted, including a Position Classification Questionnaire (PCQ) completed and certified by the appellant on March 27, 2013 and a revised PCQ completed by the appointing authority on October 8, 2014. The appellant did not sign the October 8, 2014 PCQ, which stated that "job duties were removed," which were her supervisory responsibilities. Agency Services also conducted a telephone audit on December 8, 2014.

Agency Services found that the appellant's primary duties and responsibilities entailed, among other things, creating and maintaining documents detailing all purchase requests; obtaining vendor quotes; generating fiscal reports

¹ The appellant initially sought a position reclassification to Senior Buyer.

and overseeing the IT database to monitor the provision of goods and services and ensuring that funds are not over-expended; and analyzing, interpreting, and applying purchase regulations to ensure compliance with the Department of the Treasury's purchasing policies. Agency Services compared the job specifications for Buyer and Senior Buyer and determined that the preponderance of the appellant's current duties and responsibilities are performed by a Buyer. It stated that a Buyer is responsible for the purchase of services and supplies and prepares bids for contractual purchases and reviews and awards proposals, which the appellant primarily performed. Moreover, Agency Services noted that a Senior Buyer is a supervisory title and although the appellant provides advice and makes corrections to other employees' work, she was no longer functioning as a supervisor. However, Agency Services found that based on the appellant's original PCQ, she previously performed supervisory duties and should be compensated for the higher-level duties from May 18, 2013 through August 6, 2014. It is noted that, in accordance with Agency Services' determination, the appellant's record currently reflects that she served provisionally in the Senior Buyer title from May 18, 2013 through August 6, 2014 and was returned to her permanent title of Buyer effective August 7, 2014.

On appeal to the Civil Service Commission (Commission), the appellant states that she was denied the Senior Buyer title because she no longer supervises anyone in her unit. However, she indicates that she has conducted research in the matter and believes that the Procurement Specialist 1 title fits the work she is "performing now." She contends that the job definition, experience, and knowledge and abilities of a Procurement Specialist 1 compare favorably with her duties. In that regard, she states that she researches an item through brochures, sets up meetings with vendors, checks online for any helpful information, or inspects samples before promulgating any purchase orders; is responsible for the purchase of commodities assigned to her, including researching the item as to the cost and preparing the necessary documents for contractual and non-contractual orders and provides justification for various waiver proposals; keeps up to date with all purchases made and associated regulations; collects, reviews, and revises existing specifications, and when needed, prepares new specifications for commodities; handles complaints from the department or vendors regarding merchandise or with respect to procedures and corrects any issues; reviews all phases of the inventory control system, including surplus property and store operations, and provides recommendations to the supervisor for necessary changes; is responsible for planning a budget after conducting research on the volume of purchases, competition levels, schedules, and costs and calculates the projected costs for the fiscal year; prepares accurate and detailed reports and correspondence pertaining to purchasing, including preparing various documents for the purchase of commodities, materials, services and supplies; maintains accurate records and files; creates spreadsheets and balance sheets that keep track of all purchases made; utilizes the computer for various forms and documents used in the Purchasing Unit; and assists other employees with their work, advising them on procedures, rules, and regulations that need to be followed, and makes corrections as necessary.

Furthermore, the appellant maintains that she possesses the knowledge and ability to comprehend, analyze and interpret purchase regulations and apply them to specific situations. Therefore, the appellant submits that her position should be reclassified to Procurement Specialist 1.

CONCLUSION

The definition section of the job specification for Buyer states:

Under supervision, selects, prepares orders, and arranges for purchase of various types of 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.

The definition section of the job specification for Procurement Specialist 1 states:

Under general supervision of a Supervising Procurement Specialist or other supervisor in the Department of the Treasury, performs professional work of considerable difficulty including specification development, bid preparation, evaluation, recommendation, quality assurance, and execution of contract awards in a computerized central procurement environment; does related work as required.²

In the instant matter, Agency Services determined that the appellant's position did not meet the criteria established for Senior Buyer and found her duties to be commensurate with those of a Buyer. On appeal, the appellant does not dispute her duties as found by Agency Services. Rather, she elaborates on the duties she performs and contends that they compare favorably with the duties of a Procurement Specialist 1. However, much of the duties she lists are performed by a Buyer. In that regard, the examples of work for a Buyer include purchasing equipment, materials, and/or supplies; preparing proposals to be sent to a selected list of vendors and ensuring vendors' qualifications are properly investigated; ascertaining prices of commodities and ability of vendors to deliver specified items; preparing bid documents designed for annual contractual purchasing; analyzing proposals received from vendors and awarding purchase orders in accord with rules and regulations of the jurisdiction or agency; studying trade journals, catalogs, directives, and other technical material to determine market and price conditions; receiving, tabulating, and recording detailed applications for one or more types of

² The Procurement Specialist 1 title is designated for use only at the Department of the Treasury. However, the Commission may designate a title as usable for all State agencies. Thus, if the appellant's position was properly classified as a Procurement Specialist 1, the Commission possesses the ability to effect the classification. Moreover, it is noted that the Supervising Procurement Specialist, which is in the Procurement Specialist title series, is designated as a general title and may be used in all State agencies.

equipment, materials, and/or supplies used by various departments; and assisting in the preparation of statistical, cost, and other reports.

It is noted that the fact that some of the appellant'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 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 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 a job specification is appropriately utilized. It is clear that the appellant "selects, prepares orders, and arranges for purchase of various types of equipment, materials, and supplies" as set forth in the job definition of a Buyer. The appellant has not shown that her primary duties include "specification development, bid preparation, evaluation, recommendation, quality assurance, and execution of contract awards" at the level of a Procurement Specialist 1. Although arguably the appellant lists some of these responsibilities on appeal, they have not been verified by Agency Services. For instance, there is no indication as to the percent of time spent on a certain task to determine whether the appellant performs that duty a majority of the time. It is reiterated that the appellant does not dispute the duties of her position as found by Agency Services. Further, in reviewing both of her PCQ's, the appellant's responsibilities are consistent with Agency Services' findings. The appellant also certified to the accuracy of her duties in the March 27, 2013 PCQ.

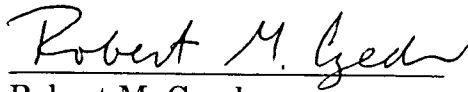
Accordingly, based on the foregoing, the record amply supports Agency Services' determination. It is noted that the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Therefore, if the appellant believes that her duties have further evolved since the position audit, she should pursue a new request for position classification review pursuant to *N.J.A.C. 4A:3-3.9*.

ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 23RD DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Mary Ann Schultz
Mirella Bednar
Kelly Glenn
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
Agency Services
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Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

January 8, 2015

Mary Anne Schultz



Re: Classification Appeal – Buyer, Position # 002773, EID # [REDACTED] Log # 04140043

Dear Ms. Schultz:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart, Performance Assessment Review (PAR), and a telephone audit conducted December 8, 2014.

Issue:

You are serving permanently (RA4) in the title, Buyer (22, P21, 52663) and contend you are performing duties and responsibilities commensurate with the title, Senior Buyer (25, R24, 52664).

Organization:

Your position is currently assigned to the Central Purchasing Unit, Division of State Police, Department of Law and Public Safety. Your supervisor is Barbara Worthington, Supervising Procurement Specialist (28, R28, 52629). You presently have no direct supervisory responsibility.

Findings of Fact:

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

- Create and maintain documents detailing all requests for purchase.
- Obtain vendor quotes in accordance with rules and regulations.
- Generate fiscal reports and oversee IT database to monitor the provision of goods and services and ensure funds are not over-expended.

- Analyze, interpret and apply purchase regulations to assure compliance with Treasury purchasing policies.

Review and Analysis:

Currently, your position is classified in the title, Buyer (22, P21, 52663). The definition section of the job specification for the title states:

“Under supervision, selects, prepares orders, and arranges for purchase of various types of 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.”

An incumbent properly classified in this title is responsible for the purchase of services and supplies. She/He prepares bids for contractual purchases and reviews and awards proposals received from vendors.

You contend your position should be reclassified to the title, Senior Buyer (25, R24, 52664). The definition section of the job specification for the title states:

“Under supervision, takes the lead over assigned employees and performs technical work involved in preparing proposals, orders, and reports, arranges for the purchase of equipment, materials, and supplies used by various departments, and may perform the work involved in term contracts; does other related duties as required.”

An incumbent properly classified in this title supervises those performing the work involved in preparing proposals and placing orders. This title is in the “R” bargaining unit and considered a first level supervisor. A first level supervisor is required to supervise lower level employees and/or an organizational unit. While you provide procedural advice and make corrections on others’ work as necessary, you are not currently functioning as a supervisor. Additionally, your supervisor’s title is assigned to the “R” bargaining unit, and a supervisor and subordinate may not hold titles assigned to the same bargaining unit, even if the supervisor’s title is assigned a higher class code. Therefore, the title, Senior Buyer, is an inappropriate title for your position. It is our determination that your position is properly classified in the title, Buyer (22, P21, 52663).

Determination:

In accordance with the Civil Service Commission’s standards, your position does not meet the criteria established for the title, Senior Buyer. By copy of this letter, the appointing authority is advised that based on the duties currently assigned, your position is presently properly classified in the title, Buyer (22, P21, 52663).

However, the Appointing Authority is also advised that based on the original DPF-44S submitted with the appeal package, your position was functioning as a first-level supervisor with

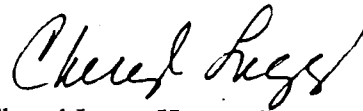
Mary Anne Schultz
January 8, 2015

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responsibility for the completion of employee performance evaluations, effective May 18, 2013 through August 6, 2014, when supervisory duties were removed. Duties performed during this time period must be compensated at the Senior Buyer (25, R24, 52664) rate.

According to the New Jersey Administrative Code 4A:3-3.9, you may appeal this determination within twenty (20) days of receipt of this notice. This appeal should be addressed to Written Record 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 being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant 5
Division of Agency Services

CL/SR

C: Mirella Bednar
File