

B-41



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rosemary Monge,
Clifton

CSC Docket No. 2017-592

Classification Appeal

CORRECTED

ISSUED: **MAY 16 2017** (RE)

Rosemary Monge appeals the attached decision of the Division of Agency Services (DAS) which found that her position with Clifton is properly classified as Cashier. Ms. Monge seeks a Clerk 2 title in this proceeding.

The record in the present matter establishes at the time the appellant filed the request for reclassification, her permanent title was Payroll Clerk. She is assigned to work in the Department of Finance, reports directly to a Tax Collector, and has no supervisory responsibilities. DAS conducted a classification review of the appellant's position at her request. A review of information regarding the appellant's position was performed along with a detailed analysis of her Position Classification Questionnaire (PCQ) and all related documents. Additionally, telephone interviews were conducted with the appellant, her supervisor, and his supervisor, the Director of Finance. As described in the attached determination, DAS found that Ms. Monge's position would be properly classified as Cashier effective March 22, 2016.¹

On appeal, Ms. Monge maintains that the duties she listed on her PCQ are accurate. She states that she was advised that examples of work were not necessary to be submitted with her audit request. The appellant explains that the duties that she performs are not the same as those listed in DAS' determination, as her immediate supervisor changed his wording to appease the Director of Finance. She claims that the Director of Finance is retaliating against her because of

¹ The effective date should have been January 20, 2016, when the corrected PCQ was received.

statements she made in a whistle blower complaint involving the Finance Department. Further, the appellant maintains that the Director of Finance has never witnessed her daily schedule or duties and could not document her daily work. Additionally, upon her return from a disability leave on June 20, 2016, she was informed that a Keyboarding Clerk 2 would be taking over her position. Based on her ongoing litigation against Clifton for whistle blowing and racial discrimination, the appellant claims that she was demoted.

CONCLUSION

The definition section of the job specification for Cashier states:

Under supervision, performs varied assignments of limited complexity, involved in the receipt and disbursement of money; answers routine inquiries; may issue receipts and post, bill and/or maintain accounts; adds and subtracts totals manually and/or uses a cash register, calculator, and/or other type of office machine; does other related duties as required.

The definition section of the job specification for Clerk 2 states:

Under limited supervision, performs clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work; may provide guidance and assistance to other staff; does other related duties as required.

In the instant matter, the duties performed are in dispute. The appellant provided a list of duties on her PCQ, which were relatively the same provided verbally during the telephone audit. However, her supervisor disagreed with her performance of various clerical duties, and DAS' determination relied on the supervisor's information when it listed the duties of the position in its determination.

On her PCQ, the appellant indicated that her most important duty, performed 30% of the time, involved sewer project management. Specifically, she states that these duties involved corresponding with the Passaic Valley Water Commission; maintaining records of meetings, agendas and resolutions; composing and typing letters, notifications and reports; creating and updating Excel spreadsheets for daily and monthly reports; assisting in maintaining delinquencies, discounts, quality, client relationship management, and oversight for non-paying sewer properties; cross referencing property accounts with maps; calculating amounts owed; identifying accounts with a leak, pool, or senior discount, and receiving discount applications, calculating the discount, and providing copies; distributing sewer bills; answering phones; and maintaining sewer records for

billing purposes. For 50% of the time, she has office responsibilities, including opening and closing registers and maintaining cash accuracy; assisting departments with money transactions; processing payments; explaining balances to payees; calculating cash at the end of the day; answering phones; performing tax searches; comparing software totals to those given by Tellers; investigating accounts that have been paid but not credited; performing data entry; writing correspondence for the tax collector; maintaining supervisor files; receiving mail and processing payments and calculating interest; operating and maintaining office equipment; preparing spreadsheets for bank deposits; customer service; and investigating misapplied payments. For 20% of the time, the appellant indicated that she was filing, including tax bills, other documents, and items related to payments and accounts receivable.

The appellant's supervisor indicated that he agreed with the employee's description of job duties, and stated that the most important duties were customer service, data entry of payments, preparing deposits, and matching deposits to Excel spreadsheets. The appellant provided another list of duties in her telephone interview. Nevertheless, in his telephone interview, the Tax Collector indicated that the appellant did not perform the following duties which she stated in her interview: maintain returned checks and wire payments to the bank; maintain monthly cash receipts; maintain computer generated tax and financial summary reports, find discrepancies and call these to his attention; generate the annual Passaic Valley Water Commission water report and reconcile the reasons for nonpayment of sewer bills; write correspondence letters regarding payment issues; generates money report through Excel showing monetary amounts received from collecting taxes and payments; generating daily financial summary report determining where account payments are applied; and generating pie charts to differentiate between tax money spent and paid. The appellant had indicated that the primary responsibility of her job, taking approximately 30 to 40% of her time, was performing sewer project management, which included reconciling sewer bill discrepancies. The supervisor stated that this was not a primary responsibility of the position.

The Director of Finance indicated that the appellant did not compute sewer tax information, which was done by software, did not maintain permanent records for taxable properties, and did not schedule. He maintains that the primary focus of the position is performing cashier functions by collecting and processing tax and sewer payments, crediting customer accounts, and issuing receipts. He stated that she also provides customer service, files, and periodically generates reports on Excel for water and sewer usage.

A review of this information indicates that, although the appellant's supervisor and Director of Finance disagree with the appellant's description of duties, it is clear that the primary focus of the position is not receipt and

disbursement of money, and adding and subtracting totals manually and/or using a cash register, calculator, and/or other type of office machine. While the appellant is answering routine inquiries; issuing receipts and posting, billing and maintaining accounts; she is not primarily involved in the collection of payments, which is performed by the "Tellers." Answering routine inquiries, and issuing receipts and posting, billing and/or maintaining accounts is clerical work as well. Indeed, during the phone audit conducted on March 4, 2016 both the Tax Collector and the Director of Finance indicated that they believed Ms. Monge's position should be classified in the Clerk title series. The samples of work provided by the appellant, which have not been rebutted by the appointing authority in this appeal, indicate that the duties of the position include finding discrepancies, reconciling the reasons for nonpayment of sewer bills, writing correspondence letters regarding payment issues, generating money report through Excel showing monetary amounts received from collecting taxes and payments, and generating pie charts to differentiate between tax money spent and paid. Thus, the evidence in this case demonstrates that the appellant's position should be classified as Clerk 2.

ORDER

Therefore, it is ordered that this appeal be granted and the classification of the position encumbered by Rosemary Monge is Clerk 2, effective January 20, 2016.

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
THE 22nd DAY OF MARCH, 2017


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. Rosemary Monge
Dominick Villano
Kelly Glenn
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair Chief Executive Officer

September 7, 2016

(CORRECTED LETTER)

Dominick Villano, City Manager
City of Clifton
900 Clifton Avenue
Clifton, New Jersey 07013

RE: Classification Appeal, Rosemary Monge, Payroll Clerk, Department of Finance, City of Clifton, Log # [REDACTED] Emp. ID # [REDACTED].

Dear Mr. Villano:

A classification review of the position held by Rosemary Monge, Payroll Clerk, Department of Finance, City of Clifton, has been completed. The review included a detailed analysis of the Position Classification Questionnaire completed and signed by Ms. Monge and her immediate supervisor, Carl Smith, Tax Collector. A telephone interview was also conducted with Ms. Monge on March 4, 2016, along with her immediate supervisor, Carl Smith, and Joseph Kunz, Chief Financial Officer, to obtain clarification of duties assigned to the position.

Issue:

Ms. Monge is serving permanently in the title, Payroll Clerk, (02634). She contends she is performing out-of-title duties and requests a review of her position to ensure proper classification.

Organization:

The position is currently assigned to the Tax Collector's Office, Department of Finance, within the City of Clifton. This position reports directly to Carl Smith, Tax Collector. The position is assigned no supervisory responsibilities.

Findings of Fact:

The primary function of the position is to collect, process and maintain tax and sewer payments for the Tax Collector's Office, Department of Finance. Ms. Monge performs the following duties and responsibilities:

- Collects, calculates and processes tax and sewer payments on a daily basis for the Tax Collector's Office.
- Issues customer receipts.
- Answers homeowner and customer inquiries regarding tax liens, taxes, usage charges, payments, fines, etc., in reference to tax and sewer accounts.
- Maintains files.
- Reconciles monies received from tax and sewer account payments; compares information to property owner accounts to ensure accuracy.
- Answers the telephone and greets customers.
- Reconciles customer non-payment bill discrepancies.
- Calculates tax and sewer payment information by using Excel and a calculator.
- Records tax and sewer non-payments by homeowners and water usage discrepancies noted by homeowners.
- Summarizes cash payments for bank deposit.

Review and Analysis:

The definition section of the classification specification for the incumbent's current permanent title, Payroll Clerk, states:

"Under close supervision, does routine clerical work relating to the review, verification, and preparation of payroll or personnel records; may keep time and work records; does other related duties as required."

The definition section of the classification specification for the title, Cashier, states:

"Under supervision, performs varied assignments of limited complexity, involved in the receipt and disbursement of money; answers routine inquiries; may issue receipts and post, bill and/or maintain accounts; adds and subtracts totals manually and/or uses a cash register, calculator, and/or other type of office machine; does other related duties as required."

Duties performed as a Payroll Clerk require clerical performance involved in the computing and verifying of payments, maintaining of payroll records, and related work regarding the maintenance, reviewing, and disposition of time and leave records. Responsibilities include the payroll withholding of savings bonds, taxes, retirement contributions, etc. from employee paychecks. Duties may consist of preparing payroll, general account keeping, voucher auditing, typing, and the use of computers when payrolls are processed.

Our overview finds the majority of the duties performed by the incumbent involve the collecting, processing, and calculating of sewer and tax payments, answering customer tax and sewer inquiries, summarizing cash payments for bank deposit, recording homeowner tax and sewer non-payments, reconciling customer bill non-payments and discrepancies, maintaining files, answering telephones and greeting customers.

The duties performed by the incumbent do not involve the maintaining of employee payroll records, and work related to reviewing, maintaining and recording of time and leave records. The duties performed by the incumbent do not meet the standards established for the title, Payroll Clerk.

Determination:

Our review reveals the title, **Cashier (00976)**, encompasses the preponderance of the position's current duties and responsibilities on a continual basis and properly classifies this position.

Accordingly, Ms. Monge is considered to be serving permanently in the title, Cashier, pending completion of the working test period, effective March 22, 2016.

Please be aware that an incumbent's eligibility in meeting specification requirements is not the same as properly classifying the duties of a position. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment to the title.

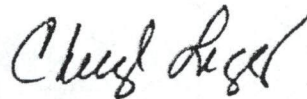
According to the New Jersey Administrative Code 4A:3-3.5(c)1: "Within 30 days of receipt of the reclassification determination, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or

Dominick Villano (Re: Rosemary Monge)
Page 4

reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules."

In accordance to the New Jersey Administrative Code 4A:3-3.9, either the appointing authority or the affected employee may appeal this determination within (20) days of receipt of this letter. This appeal should be addressed to the Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, Administrative Appeals-Unit A, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that 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 the appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant 5
Division of Agency Services

CL:SW

Cc: Rosemary Monge
Stacey Walker, CSC
Jurisdictional File
Records Unit
Nick Kanellis, Records Imaging Center