



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rosemary Monge,
Clifton

Request for Reconsideration

CSC Docket No. 2017-3244

ISSUED: **JUL 19 2017** (RE)

The City of Clifton, represented by the Sean Joyce, Esq., requests reconsideration of the attached decision rendered on March 22, 2017, which upheld the determination of the Division of Agency Services (DAS) that Rosemary Monge's position is properly classified as Clerk 2.

By way of background, DAS conducted a detailed analysis of Ms. Monge's position and determined that it would appropriately be classified as Cashier. The initial determination letter dated August 3, 2016 contained an administrative error as it provided Ms. Monge a provisional appointment on the supposition that the Cashier title was in the competitive division. Subsequently, DAS provided a corrected letter dated September 7, 2016 indicating a regular appointment as Cashier, which is in the non-competitive division.

Ms. Monge appealed DAS' determination to the Civil Service Commission (Commission). In this regard, the duties performed were in dispute. The appellant's supervisor, the former Tax Collector, indicated that he agreed with the employee's description of job duties on her PCQ, but in his telephone interview, he indicated that the appellant did not perform various duties that she stated in her interview. 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 provided another set of duties. The Commission found that although the appellant's supervisor and Director of Finance disagreed with the appellant's

description of duties, the primary focus of the position was *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 consistent with a Cashier classification. Rather, her duties were mostly clerical, which warranted the Clerk title, and during the phone audit, 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, were not rebutted by the appointing authority.

On reconsideration, the appointing authority argues Ms. Monge did not appeal DAS' corrected letter of September 7, 2016. Therefore, since she never appealed that determination, the Commission's decision should be vacated. Moreover, it contends that it did not have the opportunity to provide a defense or arguments, and it requests that the Commission's findings be vacated on these grounds. Ms. Monge responds that staff confirmed the timeliness of her appeal, and asserts that the appointing authority's petition for reconsideration is untimely.

Next, the appointing authority asserts that the samples of work provided by Ms. Monge to support her appeal were not created or written by her. It states that the documents she provided are not official, were manipulated and doctored, and may rise to the level of forgery. It argues that the Commission's decision relied on documents when rendering the prior decision. Regarding the sample letter about a tax bill, it contends that Ms. Monge never wrote correspondence regarding payment issues. In support, it provides an example of the City Manager's letterhead, and compares it to the letterhead on the tax bill letter provided by Ms. Monge. It maintains that Ms. Monge's letterheads are crude replicas containing incorrect fonts, and exclude the City Manager's name and contact information. Additionally, it provides copies of three "resolutions" which Ms. Monge submitted as samples of work. It states that these are not the types of documents that a Cashier or Clerk would draft, and Ms. Monge used identical letterhead on these resolutions as in her other samples, but that resolutions are not placed on letterhead. It supplies samples of signed resolutions, which do not have letterhead. It indicates that on her resolutions, the City Manager is referred to as Nicholas Villano, when his name is Dominick Villano. The appointing authority maintains that an Excel chart submitted by the appellant contains the same information regarding the block and lot premiums as an actual resolution, and therefore it is a fabrication. It states that Ms. Monge did not generate pie charts for informational purposes, but that information contained in her sample of work was created by the City Manager and the Finance Department.

The appointing authority indicates that the supervisors who supplied information during the desk audit are no longer employed with the City, and it is unclear about the nature of the telephone interviews conducted. It maintains that it did not have the opportunity to provide Commission staff with appropriate

information. It states that Ms. Monge was transferred into, not hired into, the Tax Assessor's office and given the title and job duties of a Cashier. Due to a disability, she was given an accommodation and was not required to "work the window," where Cashiers perform the majority of their essential functions. In support of its request, the appointing authority certifies that this information is true.

In reply, Ms. Monge, represented by Chris Taylor, International Brotherhood of Electrical Workers, Local 1158, argues that the appointing authority failed to take issue with the samples of work provided by her prior to the Commission's initial determination, and it has created a "fantastical plot of forgery," to meet the reconsideration criteria of a clear material error. She reiterates that her immediate supervisor and Mr. Villano agreed with her job functions at the time she submitted her original desk audit request. DAS staff requested that she reformat her information, and when she resubmitted it, the supervisor once again agreed, but Mr. Villano disagreed with the same duties. At this time, the Chief Financial Officer added a letter of disagreement with the duties. She states that the exhibits provided were documents that she was asked to prepare by her supervisor, and that the appointing authority's argument that she would never be involved with those documents is false. She states that she did as she was told when preparing those documents, using copies provided to her by her supervisor who said that she could copy the format. Regarding the tax bill letter, she states that as it was her first attempt, she made errors in the numbers. As to the reference to her "crude replica," Ms. Monge states that all of the departments have different letterheads which are used all the time, and the letterhead used is found in her "s:" drive. She states that she created the document that was corrected by her supervisor and handed to the City Manager's Office. She explains that, at this point, the City Manager's Office would use their letterhead on the Tax Assessor's Office's work and make any last minute changes to information. Ms. Monge provides a screen shot from her personal computer indicating that the tax bill letter was last modified on September 22, 2015, which indicates that she did not forge the document for the appeal filed in January 2016. She provided the same for the pie chart.

As to the resolutions, the appellant states that she performed this work under her supervisor's direction, and it was turned over to him for his use, and that she used these same exhibits for her current supervisor in December 2016 to indicate how the previous supervisor wanted the work. She indicates that using the City Manager's incorrect name was her error, as she is fairly new to the City. She states that she provided these documents to her current supervisor as examples of how her prior supervisor had asked her to do them. As to the Excel spreadsheet, Ms. Monge indicates that her prior supervisor instructed her to prepare the spreadsheet and give it to him. She maintains that the City has fabricated evidence and is engaged in a slander campaign against her in order to force her to drop a lawsuit against them. She also indicates that her computer was locked down in an attempt to stop her from accessing information to refute this appeal regarding her

work. Lastly, Ms. Monge requests that the information regarding the samples of work provided by the appointing authority not be allowed to be introduced as new evidence, since their validity was not challenged at a time of their submission.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Civil Service Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

At the outset, the petitioner has not met the reconsideration criteria. The appointing authority has not shown a clear material error or presented new evidence or additional information not presented at the original proceeding which would change the outcome of the case. First, regarding the timeliness of the appeal, it is noted that Ms. Monge's appeal of DAS' August 3, 2016 initial determination was postmarked August 22, 2016. The correction to the decision involved the type of appointment, not the classification of her position. Thus, Ms. Monge was not obligated to refile her appeal after the corrected letter. As such, Ms. Monge's appeal of DAS' decision was timely. Further, by letter dated August 25, 2016, the Division of Appeals and Regulatory Affairs advised the appointing authority that Ms. Monge was appealing DAS' determination to the Commission, attached a copy of her appeal to that letter, and provided it the opportunity to respond to her appeal. Therefore, the City of Clifton had an opportunity to respond.

Next, at the heart of a classification determination are the duties performed by the incumbent of the position. The Commission found that the primary focus of the position was *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. Notwithstanding the documents she provided as part of her appeal submissions to the Commission, on the appellant's original PCQ, the City Manager and Chief Financial Officer indicated that the position:

1. Receives, screens, reviews and verifies documents;
2. Opens, time stamps, sorts, and numbers mail;
3. Provides general [routine] information, and refers complicated matters to appropriate staff;
4. Key enters or types simple or routine reports and/or assists in the preparation of reports (data entry).

They disagreed with the Tax Assessor's assessment of her duties and indicated that the position should be classified as Keyboarding Clerk. However, a Keyboarding

Clerk classification requires the position to spend the majority of time (more than 50%) typing or operating keyboard equipment. The description of duties confirmed by the Chief Financial Officer and City Manager on the January 19, 2016 attachment to the PCQ do not support a Keyboarding Clerk or Cashier classification. Rather, they describe the performance of clerical work involving the processing of documents in a variety of functions. Therefore, even absent the samples the appellant provided with her appeals submission, the information provided by the appointing authority on the original PCQ confirm that the position should be classified as Clerk 2. The samples of work match the description of duties provided by Ms. Monge on her PCQ, and is clerical work. Nonetheless, the Commission did not limit its consideration to the examples of work regarding correspondence, but deliberated all the information in the file. The duties required for the position at the time of the audit were primarily clerical in nature and did not match those of the title Cashier.

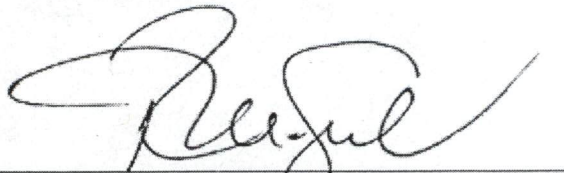
With respect to the appointing authority's allegation that some of the documents provided by the appellant are forgeries, a classification review appeal is not the forum to decide issues regarding forgery or an underlying intent to defraud, based on knowledge of the false nature of the instrument. However, if the appointing authority believes that the appellant inappropriately utilized its property or made other inappropriate representations, it has the option to pursue disciplinary action against her.

ORDER

Therefore, it is ordered that this request 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
THE 13th DAY OF JULY, 2017



Robert M. Czedo, 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
Chris Taylor, Local 1158
Dominick Villano
Sean Joyce, Esq.
Kelly Glenn
Records Center



Robert N. Cook, Director
Civil Service Commission



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

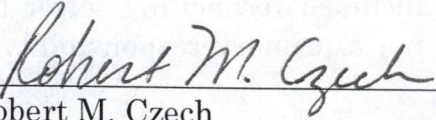
disbursement of money, and adding and subtracting totals manually and/or using a cash register, calculator, and/or other type of office machine. While the appellant is answering routine inquiries; issuing receipts and posting, billing and maintaining accounts; she is not primarily involved in the collection 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."

Dominick Villano (Re: Rosemary Monge)

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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.

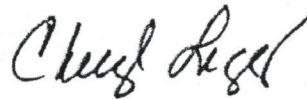
According to the New Jersey Administrative Code 4A:3-3.5(c)1: "Within 30 days of receipt of the reclassification determination, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's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

Dominick Villano (Re: Rosemary Monge)
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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

