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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Suzanne Pirozzi-Toro,
Department of Corrections

CSC Docket No. 2015-3165

Classification Appeal

ISSUED: NOV 19 2015

(RE)

Suzanne Pirozzi-Toro appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Department of Corrections is properly classified as Education Program Assistant 2. She seeks an Education Program Assistant 1 job classification in this proceeding.¹

Ms. Pirozzi-Toro was appointed to a Principal Clerk Typist position on November 29, 2003. The position is located in the Department of Corrections, Adult Diagnostic and Treatment Center-Education, reports to a Section Supervisor of Educational Programs 1, and does not have supervisory responsibilities. Upon her request, a classification review of her Position Classification Questionnaire (PCQ) and related documentation was performed.

As described in the attached determination, DAS found that based on the primary duties of Ms. Pirozzi-Toro’s position, her title is properly classified as Education Program Assistant 2. On appeal, the appellant argues that she is completing all clerical duties, both basic and complex, and is responsible for the Education Department. She reiterates that she is responsible for complex work including setting up and implementing video teleconferences, “LACES,” payroll, and the “C.H.A.N.G.E.” report.² Also, she states that and she did not have an

¹ It is noted that the appellant was appointed provisionally, pending promotional examination procedures, to Education Program Assistant 2, effective February 7, 2015.

² These acronyms are not translated in any of the materials submitted by the appellant either originally or on appeal.

opportunity to speak with someone from DAS, and that her job functions were not properly presented.

CONCLUSION

The definition section of the job specification for Education Program Assistant 1 states:

Under direction of the supervising official in a State department, institution, or agency, in an educational setting, performs the more responsible detailed clerical duties related to research, reference, statistical, inspection, fiscal, analytical, and interpretive activities within an assigned area; does other related duties as required.

The definition section of the job specification for Education Program Assistant 2 states:

Under direction of the supervising official in a State department or agency, in an educational setting, performs responsible clerical duties related to research, reference, statistical, inspection, investigation, fiscal, analytical, and interpretive activities within an assigned area; does other related duties as required.

A thorough review of the information presented in the record establishes that Ms. Pirozzi-Toro's position is properly classified as Education Program Assistant 2 based on her duties and responsibilities. It is noted that the outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Further, how well or efficiently an employee does his or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified.

Also, 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 are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. The focus of the duties of an Education Program Assistant 1 is to perform the *more responsible detailed* clerical duties related to research, reference, statistical, inspection, fiscal, analytical, and interpretive activities within an assigned area. On her PCQ, the appellant indicated that she performs data entry; gathers, collates, and documents the daily statistics from education staff for the supervisor to review and verify; performs word processing; verifies class assignments with teachers; prepares and

updates rosters; schedules appointments and interviews, including video teleconferencing appointments; confirms accuracy of information; forwards information; organizes and sorts inmate requests; prepares and verifies purchase orders; tracks inmate legal calls; prepares reports and memos; response to inquiries; co-coordinates the annual graduation program; maintains records and data; and performs payroll entry. While there is only a small difference in the job definitions for these titles, the job specifications provide further clarification of the differences in the levels in this series. They indicate that the Education Program Assistant 2 answers routine inquiries for information or clarification, while the Education Program Assistant 1 makes recommendations for action based on extensive knowledge of rules and regulations, and acts as a team leader in responding to inquiries for information. Also, the Education Program Assistant 1 maintains program budget statuses of account reports, and reports and resolves matters of improper charges against budget elements. Also, this incumbent enters information in budget element documents. This incumbent acts as team leader more frequently and completes more detail-oriented work.

A review of the appellant's duties do not evidence performance of detailed fiscal clerical tasks. Further, she is not responsible for drawing conclusions or inferences from data, or developing data from which such an action can be taken. Moreover, she does not make recommendations for action based on extensive knowledge of rules and regulations or on findings relative to the issues of permits, licenses or certificates of approval. Finally, there is no indication of lead worker or team leader duties being performed. The appellant's duties more closely align to the Education Program Assistant 2 title.

As to the type of classification review performed, classification reviews are typically conducted by either a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal teleph one audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). The chosen method in this case was a paper review, which is a valid way of collecting information about a position and is not by any means considered to be inadequate or improper. The appellant's dissatisfaction with the method of classification review is not a reason to conclude that the audit results were inaccurate.

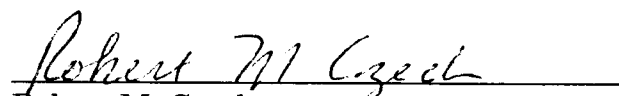
Accordingly, a thorough review of the entire record fails to establish that Ms. Pirozzi-Toro's position warrants an Education Program Assistant 1 classification.

ORDER

Therefore, the position of Suzanne Pirozzi-Toro is properly classified as an Education Program Assistant 2.

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 18th DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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P. O. Box 312
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Enclosure

c: Suzanne Pirozzi-Toro
Elizabeth Whitlock
Brunilba Dirmeitis
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
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Chris Christie
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Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

May 22, 2015

Ms. Suzanne Pirozzi-Toro

**RE: Classification Appeal – Principal Clerk Typist
AS# 01150299, Position# 064399, EID# 000373721**

Dear Ms. Pirozzi-Toro:

This is to inform you, and the Department Of Corrections, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

Issue:

You are appealing your current permanent title of Principal Clerk Typist (R12) is not consistent your current assigned duties and responsibilities. You contend that the title Education Program Assistant 1 (A16) is consistent with the duties that you currently perform.

Organization:

Your position is located in the Department of Corrections, Adult Diagnostic and Treatment Center – Education. You report directly to Diane Patrick, Supervisor of Educational Programs 1 (R29) and do not have supervisory responsibility.

Finding of Fact:

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

- Assisting and supporting supervisory, teaching and/or other support staff in the delivery of educational services.

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- Gathering, collating, and entering data including: student enrollment, hours of participation, Test of Adult Basic Education (TABE) scores, and grade level achievement and/or progress results including General Educational Development (GED) or Test of Adult Secondary Completion (TASC).
- Compiling daily statistics from education staff for Supervisor of Education's review.
- Preparing reports and entering data in I-TAG or the appropriate database including but, not limited TABE information, LACES, college correspondence, to credit evaluations and updates, final transcripts for SFEA inmates, etc. as needed.
- Assisting other support staff as needed including: Orientation, TABE testing, library, Law library, classification meetings, SFEA and adult programming needs (i.e. communicating with the Local Education Agency).
- Preparing memos as directed by the Supervisor of Education and maintaining Time and Attendance Reports (TLRS).

Review and Analysis:

Your position is currently classified by the title Principal Clerk Typist (R12-23234). The definition section of the job specification for this title states:

“Under direction of a supervisory official, does clerical work including typing of a complex and/or technical nature requiring knowledge of department laws, regulations, policies, and procedures as well as the frequent exercise of independent judgment, and/or has charge of the work of a clerical unit; does related work as required.”

You contend that the title Education Program Assistant 1 (A16-20063) is an appropriate title for your position. The definition section of the job specification for this title states:

“Under direction of a supervising official in a state department, institution, or agency, in an educational setting, performs the more responsible detailed clerical duties related to research, reference, statistical, inspection, fiscal, analytical, and interpretive activities within an assigned area; does other related duties as required.”

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The Examples of Work include: making recommendations for action based on extensive knowledge of rules, regulations, policies, and procedures of the department and/or assigned unit; acting as team leader in the provision of responses to inquiries for information by means of letters, memoranda, or reference documents, such as bibliographies and reading lists; maintaining, in current condition, program budget status of account reports, and takes required steps to report and resolve matters involving improper charges against budget elements; and personally entering information or amended information in budget element(s) documents.

The definition section of the job specification for Education Program Assistant 2 (A13-20062) states:

“Under direction of a supervisory official in a state department or agency, in an educational setting, performs responsible clerical duties related to research, reference, statistical, inspection, investigation, fiscal, analytical, and interpretive activities within an assigned area; does other related duties as required.”

A review of your primary job duties and responsibilities finds that the position is primarily responsible for: assisting and supporting supervisory, teaching and/or other support staff in the delivery of educational services; compiling daily statistics from education staff for Supervisor of Education’s review; and assisting other support staff as needed including: Orientation, TABE testing, library, Law library, classification meetings, SFEA and adult programming needs (i.e. communicating with the Local Education Agency).

The preponderance of assigned duties and responsibilities are significantly descriptive of tasks assigned to and consistent with the title, Education Program Assistant 2 (A13-20062).

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Education Program Assistant 2 (A13-20062), effective February 7, 2015.

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The New Jersey Administrative Code 4A:3-3.5(c)1 states that "within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, 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 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 application rules.

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. This appeal should be addressed to Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, PO 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 the appeal.

Sincerely,



Joseph Ridolfi, Team Leader
Agency Services

JR/rmd

c: James Mulholland, Director, Department of Corrections
John Elfo, Manager, Department of Corrections
PMIS Unit, CSC