



B-34

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

Classification Appeal

In the Matter of Gail Tarr,
Department of Banking and
Insurance

CSC Docket No. 2015-2505

ISSUED: **NOV 10 2015**

(RE)

Gail Tarr appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Department of Banking and Insurance (DOBI) is correctly classified as Administrative Assistant 2. She seeks an Administrative Analyst 1 title in these proceedings.

Ms. Tarr was regularly appointed to Administrative Assistant 2 on August 22, 2013. She requested a classification review of her position and a thorough review of all submitted documentation was conducted. The position is located in the Division of Banking and her immediate supervisor is the Director, Division of Banking. Her position does not have supervisory responsibilities.

DAS determined that the title of Administrative Assistant 1 cannot be used in this position because the use of that title conflicts with the Administrative Support Entitlement Plan established for the DOBI. DAS explained that Entitlement Plans are established for every State agency in order to ensure clerical and administrative support personnel are appropriately compensated relative to their level of supervision and responsibility. Managers, Directors and Executive Staff are permitted to have support staff up to a certain pre-determined level, depending on the hierarchy of the organization. DAS stated that according to the Entitlement Plan established for DOBI, a Director, Division of Banking is entitled to the administrative support of an employee up to the title of Administrative Assistant 2. DAS determined that a Director, Division of Banking is not entitled to the administrative support services of an Administrative Assistant 1.

On appeal, the appellant argues that the DOBI has a different organizational chain of command than those of other State agencies. She states that the "chain of command" is Commissioner, Division Directors, Assistant Commissioners, Assistant Directors and Deputy Commissioners, and that the Commissioner and Division Directors are the only incumbents voted upon by the Senate and sworn-in. Additionally, the appellant maintains that she was not informed of the Entitlement Plan, and learned from management that it was effective August 2014, after she filed her classification review request. She states that two other employees received the requested title prior to DOBI eliminating the title, and that it was eight months after she filed her request before she received a determination from DAS. She states that staff was not informed of this Entitlement Plan until February 2015, when it had already been in existence for seven months.

CONCLUSION

The definition section of the job specification for the title Administrative Assistant 1 states:

Assists an Assistant Commissioner, Deputy Commissioner, or other Executive Officer in a State department, institution or agency by performing and coordinating administrative support services; does related work is required.

The definition section of the job specification for the title Administrative Assistant 2 states:

Assists a division director in a State department, institution or agency by performing and coordinating administrative support services; does related work is required.

The utilization of the professional level Administrative Assistant title series is determined based on the level of the assigned immediate supervisor. In this regard, this title is an "entitlement title." The Administrative Assistant 1 title is used to classify positions which assist an Assistant Commissioner, Deputy Commissioner, or other Executive Officer with responsibility for more than one division in a State department. The Administrative Assistant 2 title is used to classify positions which assist a Division Director in a State department, institution or agency. One Director is allowed only one Administrative Assistant 2. The DOBI Entitlement Plan assigns an Administrative Assistant 1 to the Assistant Commissioner, and an Administrative Assistant 2 to the Directors of the Divisions of Banking and Insurance. This is consistent with the definition for the job specifications for these entitlement titles. Nevertheless, the plan lists the Directors as Deputy Commissioners, above the Assistant Commissioners. As such, it is counter-intuitive for individuals who are performing at the level of Deputy

Commissioner, regardless of their title, to have support staff who are lower than those assigned to an Assistant Commissioner. In this respect, the appellant's arguments warrant consideration.

However, DAS's determination evaluated the level in the title series based on entitlement, and did not analyze the duties of the position. The appellant completed a Position Classification Questionnaire (PCQ) as required for a classification appeal, but did not appropriately complete the form. She listed a three page duty performed 90% of her time, two duties performed 4% of the time each, and one duty perform 2% of the time. Basically, using this format, the percentage of time and order of difficulty for the majority of the appellant's tasks was not provided. Even without this information, it appears that the appellant may be primarily performing clerical or secretarial work, and is not in a professional position.

In that regard, titles are categorized as professional, para-professional or non-professional. *N.J.A.C. 4A:4-2.5(a)1* states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Professional work is predominantly intellectual in character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons involved in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires *application* of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities. The Administrative Assistant 2 title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as two years of relevant experience. As such, it is considered a professional title.

The Administrative Assistant series was created to classify positions responsible for performing a variety of duties to relieve the executive officer of administrative details relative to the internal operation of the unit, and coordinating support services to insure the availability and efficient use of resources needed to accomplish the goal of the unit. They are involved in analysis, determination, and implementation of changes and improvements of procedures that involve personnel, records management and movement (computerized and manual), budget and accounting recordkeeping, purchasing of services and materials, physical layouts of facilities, and workflow and operations procedures,

etc. This is not a super-clerical or paraprofessional title, but belongs in the professional class, and the incumbent acts as principal assistant to the executive on administrative matters. An incumbent Administrative Assistant acts as a principal assistant to a manager or executive on administrative matters, relieving the supervisor of details related to the internal operation of the unit.

The appellant listed the following tasks in her one main duty (90%): schedules appointments and updates engagement calendars for both the Director of Banking and Deputy Assistant Director of the Office of Consumer Finance, provides materials for meetings and other engagements, coordinates quarterly meetings with Directors and board members, transcribes and prepares the minutes and agendas for the meetings, assures the completion and enclosure of all pertinent materials in labelled folders, including collaborating with all parties involved in the meeting to prepare precise meeting agendas, and prepares MapQuest directions for the Director; maintains confidential personal correspondence files and other personnel records including following up file on outstanding matters; is the surrogate concerning time sheets for the Director, and reviews the submitted time sheets and leave requests, makes sure they are matching and in compliance with the Department's policies and procedures, and brings to the Director's attention any issues of concern; as required, researches and investigates administrative issues and provides recommendations to the Director; on a daily basis, provides accurate and timely phone messages to the Director and Office of Consumer Finance staff, screens general information calls and routes calls to appropriate personnel, coordinates and prepares all paperwork for conference calls between the Director and inside/outside parties; on a daily basis, receives, opens, date stamps and delivers the Director of Banking and the Office of Consumer Finance's mail, receives other mail and deciphers which unit or Department it belongs with and sends it to the appropriate one; makes travel arrangements and hotel accommodations for the Director and the Deputy Assistant Director of the Office of Consumer Finance; prepares travel authorization forms, travel vouchers, speaker request forms, and ethics forms, and once the travel is approved, makes hotel and flight reservations and registers them for the events; prepares reimbursement vouchers, and purchase vouchers with receipts and other information, and sends these reports to the Fiscal Unit for reimbursement; prepares, edits and/or supervises the preparation and editing of documents for the Director and Deputy Assistant Director's signatures from other Units under the Banking Division and describes the contents of the materials to them before they sign any documents; maintains statute books and administrative code books; assembles and prepares statistical and non-statistical information for the yearly budget, and collects information from different units and coordinates with the Fiscal Unit; collects data and develops reports concerning time and attendance records, leaves and other related information; schedules the available schools for training and assigns individuals to those schools, registers the examiners, prepares travel authorization forms and ethics forms, books hotel and flight reservations; keeps updated on personnel policies, rules and procedures, and answers questions related to the

division's policies and procedures; develops and submits paperwork to have telephone and computer problems fixed, submits paperwork for new hires to receive computers and telephones, completes paperwork for the use of laptop and power point equipment when necessary, as a team member, assists in coordinating office operations including clerical work, internal reporting systems, forms and space suggesting methods for office improvements; acts as liaison with the Financial Crime Network Unit within the IRS, producing highly confidential financial data and transaction reports which are refined and compiled in one final report and communicated to managers, runs reports with a specified set of search criteria and prepares the reports; keeps accurate record retention schedules and boxes required files for storage, and has boxed files moved to an off-site storage facility; and, each month, prepares a concise brief description of the issued enforcement administrative orders, which is then reviewed by the Deputy Assistant Director and posted on the Department's website. The duties performed 4% of the time are collecting materials to assist with the public records act, and managing and maintaining an inventory for supplies. For the remaining 2% over time she acts as back up for support staff.

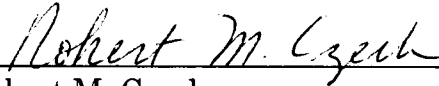
There is no discrepancy between the appellant and the supervisor regarding these duties, and the supervisor agrees that these are the duties of the position. Many of these duties are clerical or secretarial in nature, not professional. As such, the appellant may not be performing the duties of an Administrative Assistant at any level as the primary focus of her position. As such, entitlement issues regarding this title series may be moot. Accordingly, DAS should evaluate the classification of the position based on the duties performed. Should it find that the appellant's title belongs in the Administrative Assistant title series, it should review DOBI's entitlement plan in light of the appellant's assertions in that regard.

ORDER

Therefore, it is ordered that this appeal is denied and DAS is ordered to re-review the classification of the position encumbered by Gail Tarr consistent with this decision on an expedited basis.

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 ON
THE 5th DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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: Gail Tarr
Lisa Joy
Kenneth Connolly
Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

February 13, 2015

REVISED LETTER

Gail Tarr
20 West State Street
PO Box 040
Trenton, NJ 08625

**Re: Classification Appeal – Administrative Assistant 2 (59904/P21);
Position # 008281; Log #06140242; EID # 000342115**

Dear Ms. Tarr:

This is in response to the classification appeal received June 16, 2014 submitted to this office on your behalf by Ms. Lisa Joy, Manager 1, Human Resources. The package indicates you are appealing your current title of Administrative Assistant 2 (59904/P21) and you believe the appropriate classification of your position is that of an Administrative Assistant 1 (59905/P24). It has been determined that the title of Administrative Assistant 1 cannot be used in your current position because the use of that title conflicts with the Administrative Support Entitlement Plan established for the New Jersey Department of Banking and Insurance.

Entitlement Plans are established for every State agency in order to ensure clerical and administrative support personnel are appropriately compensated relative to their level of supervision and responsibility. In short, Managers, Directors and Executive Staff at the New Jersey Department of Banking and Insurance are permitted to have support staff up to a certain pre-determined level, depending on the hierarchy of the organization.

In your particular case, you report to Mr. Patrick Mullen, Director. According to the Entitlement Plan established for the New Jersey Department of Banking and Insurance, a Director, Division of Banking is entitled to the administrative support of an employee up to the title of Administrative Assistant 2. A Director, Division of Banking is not entitled to the administrative support services of an Administrative Assistant 1.


Ms. Gail Tarr
February 13, 2015

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As a result, this office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); a recent Performance Assessment Review; your statements; the statements of your supervisor (Mr. Patrick Mullen, Director); the Administrative Support Entitlement Plan of the New Jersey Department of Banking and Insurance and a table of organization. It is our determination the appropriate classification of your position is that of an Administrative Assistant 2 (59904/P21). This action shall be effective July 12, 2014.

Please be advised, 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. The appeal should be addressed to the Written Records Appeals Unit, Division of Merit System Practices and Labor Relations, 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 the appeal.

Sincerely,


Annemarie Nostrand,
Team Leader

TR/AN

C: Lisa A. Joy, DOBI
PMIS Unit, CSC