

B-46



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Shannan Erlston,
Department of Law and Public Safety

CSC Docket No. 2015-1584

Classification Appeal

ISSUED: APR - 6 2015 (LDH)

Shannan Erlston appeals the attached decision of the Division of Classification and Personnel Management (CPM) that determined the proper classification of her position with the Department of Law and Public Safety is Principal Payroll Clerk. Erlston seeks a Personnel Aide 1 classification.

The record in the present matter establishes that Erlston is currently serving in the permanent title of Principal Payroll Clerk. Erlston pursued the matter of her classification with CPM. CPM reviewed all documentation supplied by Erlston and performed an audit of her position. The position is located in the Office of Human Resources, Division of State Police, Department of Law and Public Safety. By way of background, appellant submitted a Position Classification Questionnaire (PCQ) dated December 6, 2012. Her manager agreed with her statements. However, the appointing authority rejected the request on March 27, 2014 noting that in a March 20, 2014 meeting, the appellant was advised that the higher level out-of-title duties would be removed. Thereafter, a second PCQ was completed on August 7, 2014 in which the appointing authority noted that the higher level out-of-title duties were removed from the position on March 20, 2014. The appellant refused to sign the second PCQ noting that this was the third PCQ she had completed and that all three times it had been the "same story." Specifically, she noted that she had to perform the higher level work, but the higher title was "denied," then the higher level duties were taken away, but a week later duties are reassigned and the cycle starts all over again. Finally, the appellant noted that she had been performing the higher level duties, without any additional compensation, since July 2010.

Based on the second PCQ, CPM found that the primary duties and responsibilities of Erlston's position entailed preparing payroll for civilian employees; preparing payroll for enlisted employees; processing supplemental pay for civilian and enlisted employees; processing requests for lost or misplaced paychecks; entering checks for employees on leave without pay onto the New Jersey State Web Portal for continued health, prescription drug and dental coverage; processing leaves of absence with pay for enlisted employees and sending correspondence advising them their leave will be recorded under the Federal Family and Medical Leave Act (FMLA); entering leaves and returns from leave into the Personnel Management Information System (PMIS); processing and entering retroactive time into the Time and Leave Reporting System (TALRS) for civilian employees; and processing voluntary furlough personnel actions. The position is assigned no supervisory responsibilities. Thus, CPM concluded that the duties of Erlston's position were appropriately classified by the title of Principal Payroll Clerk.

On appeal to the Civil Service Commission (Commission), Erlston argues that the title of Personnel Aide 1 is supported by her duties and responsibilities. She contends that she is the only civilian member in New Jersey State Police Human Resources that processes and oversees the day-to-day civilian and enlisted payroll function for her Division. She maintains that she is the Division lead involving all employees' payroll and overtime functions; resolving any issues that arise involving all New Jersey State Police employees; and is responsible for all inquiries and follow-up notices that are sent to both enlisted and civilian New Jersey State Police employees.

CONCLUSION

The definition section of the job specification for Personnel Aide 1 states:

Under general direction of a supervisory official in the personnel office of a state department, institution, or agency, performs paraprofessional technical duties in connection with and support of one or more various general personnel program area requiring the independent application of the [Civil Service Commission] and the Department of the Treasury rules, regulations, policies, and procedures to varying situations; may function as a lead worker in a large unit or as the supervisor in a small unit; does related work as required.

The definition section of the job specification for Principal Payroll Clerk states:

Under general direction of a Supervisory Payroll Clerk or other supervisor, performs complex and highly responsible clerical work

involved in and relating to the review, verification, and preparation of payroll and personnel records which require the frequent exercise of independent judgment, and/or supervises a small group of clerical workers in a payroll or payroll and personnel unit; does related work as required.

A review of the record reveals that the Erlston's position is properly classified by the title of Principal Payroll Clerk. A distinguishing factor between the two titles is the primary focus of the duties and responsibilities. The primary focus for Personnel Aide 1 is the support of personnel programs which include assisting employees in completing and processing forms and applications for retirement, insurance, payroll deductions, and record changes. In addition, a Personnel Aide is responsible for posting highly complex personnel actions including reclassification, promotions, and demotions requiring application of rules, polices, and regulations. The primary focus for Principal Payroll Clerk is the reviewing and processing of payroll and personnel forms and records. A review of Erlston's duties and responsibilities does not support a Personnel Aide 1 classification. The primary focus of Erlston's duties and responsibilities is in the processing of payroll for civilian and enlisted employees. Erlston is responsible for processing supplemental pay; requesting lost or misplaced paychecks; entering checks for employees on leave without pay into the New Jersey State Web Portal for continued health, prescription drug, and dental coverage; and processing leaves of absence with pay for enlisted employees and entering leaves and returns from leave into PMIS. Finally, how well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Accordingly, Erlston has failed to establish that CPM's determination, that her position is properly classified as a Principal Payroll Clerk, was incorrect.

However, there is support in the record to find that Erlston performed the duties of a Personnel Aide 1 from December 6, 2012 to March 20, 2014. In this regard, on March 27, 2014, the appointing authority noted on the December 6, 2012 PCQ that the appellant was indeed performing the higher level out-of-title duties but that the appellant had been informed on March 20, 2014, that those higher level out-of-title duties would be removed. Thereafter, in a PCQ dated August 7, 2014, the appointing authority indicated that the higher level out-of-title duties were removed on March 20, 2014. However, this practice of giving employees out-of-title duties then removing those duties during the classification appeal process circumvents an employee's right to challenge his or her classification and to be properly compensated for the performance of confirmed out-of-title duties. Thus, in this matter, the appellant is entitled to differential back pay for the performance of the higher level out-of-title duties from December 6, 2012 to March 20, 2014. If the appellant believes her current duties are out-of-title, she must request a new

classification review under *N.J.A.C. 4A:3-3.9*. If such a request is made, the appointing authority must strictly adhere to the processing procedures for such a request outlined in *N.J.A.C. 4A:3-3.9*. Failure to do so may result in penalties and/or fines. Finally, the appointing authority is cautioned that any further attempts to circumvent Civil Service laws and regulations by assigning higher level out-of-title duties, only to remove them when complained of, may also result in penalties and/or fines up to \$10,000. See *N.J.S.A. 11A:10-3* and *N.J.A.C. 4A:10-2.1(a)2*.

ORDER

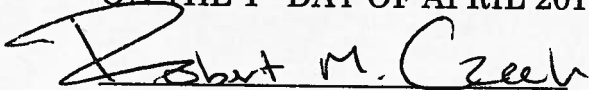
Therefore, it is ordered that this appeal be granted in part and the appointing authority shall pay Erlston differential back pay for performing duties of a Personnel Aide 1 from December 6, 2012 to March 20, 2014.

In the event that the appointing authority fails to make a good faith attempt to comply with this decision within 30 days of its issuance, the Commission orders that a fine be assessed against the appointing authority in the amount of \$100.00 per day, beginning on the 31st day of the issuance of this decision, continuing for each day of violation up to the maximum amount of \$10,000.00.

Further, the appointing authority is warned that any future attempts to circumvent proper classification review procedures will subject it to fine(s) and/or penalties.

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
ON THE 1st DAY OF APRIL 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: Shannan Erlston
Colleen Gadsby
Kenneth Connolly
Joseph Gambino**



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

October 31, 2014

Shannon Erlston
Division of State Police
P.O. Box 7068
West Trenton, NJ 08628

**Re: Classification Appeal –Principal Payroll Clerk (Y13), Position #051164,
HRM Log #04140048, EID #000339186**

Dear Ms. Erlston:

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 submitted and the information and documentation submitted by you, your immediate supervisor, Sonia Whittle, and your Appointing Authority during the review process.

Issue:

You are serving permanently in the title, Principal Payroll Clerk (14, Y13, 26994) and contend you are performing duties and responsibilities commensurate with the title, Personnel Aide I (15, W14, 63234).

Organization:

Your position is assigned to the Office of Human Resource, Division of State Police of the Department of Law and Public Safety. You report directly to Sonia Whittle, Supervisor Personnel Records and Payroll Processing I (23, V23, 27104). Your position is assigned no supervisory responsibilities.

Findings of Fact:

The primary function of your position is to process payroll and personnel forms for civilian and enlisted employees.

You perform the following assigned duties and responsibilities:

- Prepare payroll for civilian employees. Accurately enter shift differentials, regular hours, overtime hours into database and submit to Centralized Payroll.
- Prepare payroll for enlisted employees. Manually enter overtime, hour adjustments, military leave, suspensions, vision care reimbursement, and miscellaneous deductions into database.
- Process supplemental pay for civilian and enlisted employees. Process requests for lost or misplaced paychecks. Enter checks for employees on leave without pay into the New Jersey State Web Portal for continued health, prescription drug, and dental coverage.
- Process leaves of absence with pay for enlisted employees and send correspondence advising them their leave will be recorded under the Federal Family and Medical Leave Act (FMLA). Enter leaves and returns from leave into the Personnel Management Information System (PMIS).
- Process and enter retroactive time into the Time and Leave Reporting System (TALRS) for civilian employees. Process voluntary furlough personnel actions and enter into PMIS.

Review and Analysis:

Currently your position is classified in the title, Principal Payroll Clerk (14, Y13, 26994). The definition section of the job specification for the title, Principal Payroll Clerk, states:

“Under general supervision of a Supervisory Payroll Clerk or other supervisor, performs complex and highly responsible clerical work involved in and relating to the review, verification, and preparation of payroll or payroll and personnel records which require the frequent exercise of independent judgment, and/or supervises a small group of clerical workers in a payroll or payroll and personnel unit; does related work as required.”

The definition section of the job specification for the title, Personnel Aide I (15, W14, 63234), states:

“Under general direction of a supervisory official in the personnel office of a state department, institution, or agency, performs paraprofessional technical duties in connection with and support of one or more various general personnel program areas requiring the independent application of Department of Personnel and Department of the Treasury rules, regulations, policies, and procedures to varying situations; may function as a lead worker in a large unit or as the supervisor in a small unit; does related work as required.”

An incumbent properly classified in the title, Personnel Aide I, performs duties and responsibilities whose primary focus is the support of personnel programs. These services include assisting employees in completing and processing forms and applications for retirement, insurance, payroll deductions, and record changes. A Personnel Aide I is also responsible for posting highly complex personnel actions including reclassifications, promotions, and demotions requiring application of rules, policies, and regulations. The review of the information obtained during the classification process does not support the contention this position performs tasks commensurate with the title, Personnel Aide I.

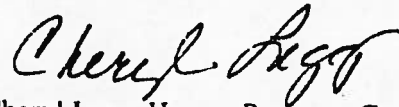
A review of the job duties and responsibilities assigned to you revealed that your position processes payroll for civilian and enlisted employees. Your position is tasked with processing supplemental pay, requesting lost or misplaced paychecks, and entering checks for employees on leave without pay into the New Jersey State Web Portal for continued health, prescription drug, and dental coverage. In addition, your position is responsible for processing leaves of absence with pay for enlisted employees and entering leaves and returns from leave into PMIS. A Principal Payroll Clerk is responsible for reviewing and processing payroll and personnel forms and records. The duties and responsibilities of your position are consistent with duties assigned to the title, Principal Payroll Clerk.

Determination:

Based upon the findings of fact cited above, it is my determination that the assigned duties and responsibilities performed by this position are consistent with the title, **Principal Payroll Clerk (14, Y13, 26994)**; therefore, your position is appropriately classified.

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 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 the appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant 5
Classification and Personnel Management

CL/SLA

Cc: Mirella Bednar