

B-43 CSC



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Melanie Miladinov,  
Department of Law and Public Safety

Classification Appeal

CSC Docket No. 2015-317

ISSUED: APR 02 2015 (HS)

Melanie Miladinov appeals the attached decision of the Division of Classification and Personnel Management (CPM),<sup>1</sup> which found that her position with the Department of Law and Public Safety is properly classified as a Principal Clerk. She seeks a Building Services Coordinator 1 job classification in this proceeding.

The appellant received a regular appointment to the title of Computer Operator Assistant on October 7, 2006. In December 2013, the appellant requested a classification review of her position located in the Facilities Management Unit, Office of the Attorney General, Department of Law and Public Safety. CPM received the request and performed a review of all information submitted and also performed a phone audit in June 2014 with the appellant and her supervisors. In its decision, CPM indicated that the appellant was not responsible for the supervision of subordinate personnel. CPM's review found that the appellant: oversaw the updates and issuance of the Continuity of Operations Plan (COOP); administered the notification dial-out system, known as "The Communicator;" coordinated VIP parking, and issued and maintained parking permits and rail passes; and collected and verified confidential employee information to create and distribute access "swipe cards." CPM noted that the primary function of the appellant's position was the collection and review of employee information and documentation in order to maintain the COOP system and the issuance of photo identifications, parking permits and rail passes. CPM further noted that the

<sup>1</sup> CPM is now the Division of Agency Services.

appellant maintained current contact information for all staff and oversaw the VIP parking log and provided this information to the parking area guards. While it was noted that the appellant was responsible for resolving parking problems and that this duty may be assigned to an individual in the title of Building Services Coordinator 1, CPM determined that the preponderance of the appellant's duties was focused on providing technical clerical support to new employees and maintaining records and automated systems with current data. As such, CPM found that the appellant's assigned duties and responsibilities were commensurate with the title of Principal Clerk, effective August 10, 2013.<sup>2</sup>

On appeal, the appellant argues that CPM's determination only listed four of her job duties in the "Findings of Fact" section while she had listed 11 job duties on her Position Classification Questionnaire (PCQ). She contends that CPM's finding that she collected and verified confidential employee information to create and distribute access "swipe cards" inaccurately combined the following two of her duties: coordinating, verifying and collecting confidential/personal employee information to create identification cards made through a high-end program to create photo identifications *and* creating and distributing access swipe cards by coordinating codes and sequences while working with the Department of the Treasury for two State buildings for Trenton and Newark employees working in various divisions in the Department of Law and Public Safety. The appellant emphasizes that her work should not be characterized as purely data input since she maintains "The Communicator," access card and identification card systems; checks credentials; and collects and maintains personal and critical information. She also emphasizes that the "The Communicator" and the COOP are critical systems and that she does not have any backup in the maintenance of these systems. The appellant contends that her position was determined to be classified by the title of Principal Clerk because the appointing authority suggested that title and that other titles should have been considered. In support, the appellant submits her December 2013 PCQ, resume and Performance Assessment Review for the rating period November 1, 2012 to October 31, 2013.

The appellant additionally states that she completed a PCQ in February 2012 at the request of the appointing authority; she completed a second PCQ in July 2013 since her duties had changed; and she completed a third PCQ in December 2013. However, none of those PCQs were sent to this agency by the appointing authority until February 2014 after her union became involved. The appellant argues that only a later PCQ completed by the appointing authority in March 2014, which she did not sign or agree with, was reviewed by CPM. She further claims that the appointing authority did not follow Civil Service rules in submitting the March 2014 PCQ in addition to the other PCQs rather than waiting for a determination on

---

<sup>2</sup> The appointing authority requested a relaxation of the provisions of *N.J.A.C. 4A:4-1.1(c)* to permit the appellant's provisional appointment to the title of Principal Clerk. In *In the Matter of Melanie Miladinov* (CSC, decided April 1, 2015), the Civil Service Commission granted that request.

her original submission. Finally, the appellant avers that her February 2012 and July 2013 PCQs should be reviewed and she be awarded back pay if it is determined that she was working out-of-title for those periods of time.

A review of the record indicates that CPM's determination was not based solely on the March 2014 PCQ. In this regard, the Division of Agency Services (Agency Services) has indicated that the appointing authority submitted the March 2014 PCQ to present its view of the appellant's duties but that the determination was based on a review of the totality of the available information, which included the other three PCQ's.

### CONCLUSION

The definition section of the job specification for Computer Operator Assistant states:

Under close supervision in an information processing production unit, receives advanced technical on-the-job training in the operation of a large-scale multiprogrammed computer and its peripheral devices; directly assigned; does related work as required.

The definition section of the job specification for Building Services Coordinator 1 states:

Under direction of a supervisory official in a State department, institution or agency, supervises and evaluates the activities of the unit and is responsible for the environmental and operational needs (office layouts, alterations, decorating, telephone facilities, telecommunications requirements and so forth) for the division or the department at all locations throughout the State; does related work as required.

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

Under direction of a supervisory official, performs varied clerical work, predominantly complex in nature, requiring knowledge of department laws, regulations, policies, and procedures, and frequent exercise of independent judgment, and may take the lead over the work of a clerical unit; does other related duties as required.

Initially, it should be noted that the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a current review of

assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission (Commission) review and judicial challenges. *See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M62780), and Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). *See also, In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992); and *In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993).

Based upon a review of the information presented in the record, the appellant's position is appropriately classified as Principal Clerk. In this regard, the appellant's duties do not have as the primary focus the duties listed in the definition section of the job specification for Building Services Coordinator 1. Although the appellant objects that the "Findings of Fact" section in CPM's determination only listed four of her duties, classification determinations typically list only those duties which are considered to be the primary focus of an appellant's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). Regardless, while the appellant supplies additional details on appeal, her duties would still be considered technical clerical support work and thus consistent with CPM's determination. Based on CPM's determination and the information provided on appeal, the primary functions of the appellant's position involve technical clerical support work and the maintenance of records and systems with current information, responsibilities that are consistent with the title of Principal Clerk. Accordingly, a review of the entire record establishes that the appellant has not presented a sufficient basis to warrant classification of her position in the title of Building Services Coordinator 1 or any other title.

With respect to the appellant's claims that the appointing authority erred by forwarding the March 2014 PCQ, that only the March 2014 PCQ was reviewed, and that CPM's determination was based on the title suggested by the appointing authority, the record indicates that CPM's determination was not based solely on the March 2014 PCQ but rather on a review of the totality of the available information. Given that CPM's determination was based on the totality of the information, which also included the results of a phone audit conducted in June 2014 at which the appellant had the opportunity to explain and clarify her duties, it is not apparent that the submission of the March 2014 PCQ led to an improper

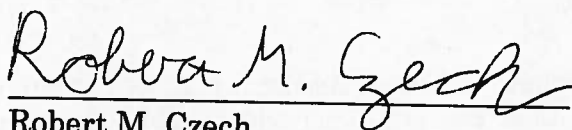
classification determination. Moreover, the Commission has independently reviewed the entire record in connection with this appeal and finds no basis to disturb CPM's determination. Finally, the appellant has not presented a sufficient basis for an award of back pay based on PCQs prepared at an earlier time since, as noted above, position classification is based on a determination of duties being performed at a given point in time as verified by this agency through an audit or other formal study and it is not possible to accurately review the duties an employee may have performed in the past. Accordingly, since the duties stated on the earlier PCQs cannot be accurately verified, the earlier PCQs cannot support an award of back pay.

### ORDER

Therefore, it is ordered that this appeal 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 ON  
THE 1<sup>ST</sup> DAY OF APRIL, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, NJ 08625-0312

#### Attachment

- c. Melanie Miladinov
- Mirella Bednar
- Kenneth Connolly
- Joseph Gambino



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
Classification and Personnel Management  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

July 15, 2014

Melanie Miladinov  
[REDACTED]  
[REDACTED]

**Re: Classification Appeal – Computer Operator Assistant, Position # 002723, EID # [REDACTED], Log # 02140369**

Dear Ms. Miladinov:

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, organization chart, and information obtained during the phone audit conducted on June 11, 2014.

**Issue:**

You are serving permanently (RAN) in the title, Computer Operator Assistant (12, A11, 53301) and contend you are performing duties and responsibilities commensurate with the title, Building Services Coordinator 1 (20, S19, 40203).

**Organization:**

Your position is currently assigned to the Facilities Management Unit, Office of the Attorney General, Department of Law and Public Safety. At the time the Position Classification Questionnaire was completed your supervisor was Jack Smith (88, Q88, 96058). Your current Supervisor is Jeff Brown (24, R24, 52576). You are not responsible for the supervision of subordinate personnel.

**Findings of Fact:**

You currently perform the following assigned duties and responsibilities:

- Oversee the updates and issuance of the Continuity of Operations Plan (COOP).
- Administer the notification dial-out system, known as "The Communicator".
- Coordinate VIP parking and issue and maintain parking permits and rail passes.
- Collect and verify confidential employee information to create and distribute access "swipe cards".

Melanie Miladinov  
July 15, 2014

Page 2

**Review and Analysis:**

Currently, your position is classified in the title, Computer Operator Assistant (12, A11, 53301). The definition section of the job specification for the title states:

*"Under close supervision in an information processing production unit, receives advanced technical on-the-job training in the operation of a large-scale multiprogrammed computer and its peripheral devices; directly assigned; does related work as required."*

An incumbent properly classified in this title is concerned with the operation of electronic and/or mechanical equipment used in computer input/output operations. She/He assists with maintaining equipment logs and records. This title does not reflect any of the current duties being performed.

You contend your position should be reclassified to the title, Building Services Coordinator 1 (20, S19, 40203). The definition section of the job specification for the title states:

*"Under direction of a supervisory official in a state department, institution, or agency, supervises and evaluates the activities of the unit and is responsible for the environmental and operational needs (office layouts, alterations, decorating, telephone facilities, telecommunications's requirements, and so forth) for the division or the department at all locations throughout the state; does related work as required."*

The class specification for the title, Building Services Coordinator 1 describes an incumbent who is responsible for the general maintenance of offices and buildings. She/He resolves all emergencies that occur. She/He supervises site inspections and is involved with office layouts, alterations, and any engineering and architectural work needed. She/He oversees and approves this work and arranges for payment of contractors. She/He may also install and maintain computer and telecommunication equipment.

The definition section of the job specification for the title, Principal Clerk (12, R11, 20044) states:

*"Under direction of a supervisory official, performs varied clerical work, predominantly complex in nature, requiring knowledge of department laws, regulations, policies, and procedures, and frequent exercise of independent judgment, and may take the lead over the work of a clerical unit; does other related duties as required."*

An incumbent in this title gathers, reviews and processes information according to established procedures. This individual compiles data and maintains current essential records and files. She/He exercises independent judgment in the preparation of statistical reports. She/He certifies applications and forms prior to entry into an automated system and has regular interaction with customers to conduct business.

The primary function of your position is the collection and review of employee information and documentation in order to maintain the COOP system and issue photo ID's, parking permits, and rail passes. You administer the emergency notification dial-out system and maintain current contact information for all staff. You oversee the VIP parking log and provide this information to the parking area guards. While you are responsible for resolving parking problems, a duty which may be assigned to the title, Building Services Coordinator 1, the preponderance of your duties is focused on providing technical clerical support to new employees and maintaining records and automated systems with current data. Such duties and responsibilities are consistent with the title, Principal Clerk.

**Determination:**

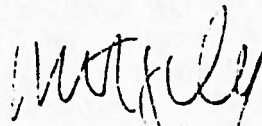
Based on these findings, it has been determined that your current duties and responsibilities are commensurate with the title, Principal Clerk (12, R11, 20044).

Within thirty days, we will initiate reclassification of this position to the title, Principal Clerk, with an effective date of August 10, 2013, unless the Appointing Authority assigns duties commensurate with your permanent title, Computer Operator Assistant.

Please note that this classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment.

According to the New Jersey Administrative Code 4A:3-3.9, you may appeal this determination within twenty (20) days of receipt of this notice. 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 appeal.

Sincerely,



Kenneth J. Connolly, Director  
Classification and Personnel Management

KC/sr

C: Mirella Bednar  
File