

B-18



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Shameese Gaines,
Department of Health

CSC Docket No. 2015-2779

Classification Appeal

ISSUED: JUN 19 2015 (RE)

Shameese Gaines appeals the attached decision of the Division of Agency Services (DAS) which found that her position is properly classified as Principal Clerk Typist. She seeks a Fiscal Analyst job classification in this proceeding.

Ms. Gaines was appointed to a Principal Clerk Typist position on July 28, 2005. The position is located in the Department of Health, Division of HIV, STD, TB Services, Fiscal/Grant Monitoring Unit, reports to a Section Supervisor, Fiscal Resources, 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. Gaines' position, her title is properly classified as Principal Clerk Typist. On appeal, the appellant argues that her duties involve either an "analysis of fiscal activities, including budget preparation, review and maintenance," or "the preparation of the program budget, the review, analysis and verification of program expenditure, and the review of these expenditures for compliance with budget policies."

As to duties pertaining to the first aspect above, the appellant states that she identifies and determines funding sources for specific accounts to ensure proper deposits and allotment of funds; reviews vouchers, spending plans and other financial documents for completeness and accuracy; participates in data gathering activities; develops and manages complex spreadsheets used to illustrate technical

and financial reports and other assignments involving the research and collection of information; and prepares reports for the Fiscal Director.

As to the second aspect listed above, the appellant states that she gathers and compiles information and data to generate the Technical Budget, Fiscal Budget, KPMG Audits, Revenue Budgets and the grant funds worksheet for the entire Division. With respect to this compilation, the appellant states, "By compiling the data I obtain to compose audits and budgets for not only the administrative aspect of our division but also salaries and wages, fringe benefits, Ryan White grants, Long Term Care Systems, Health Care Systems Analysis, Program, personnel and position data for both State and federal fiscal years this enables our division to meet fiscal deadlines to be presented and approved by the Assistant Commissioner, our Financial services department as well as the Commissioner of the Department of Health." She states that she reviews and reconciles to the general ledger in the New Jersey State Accounting System (NJCFSS), and researches and abstracts data from reports that are given to her and combines them to construct tables, charts and writing pieces for these budgets. She also drafts notice of vacancy forms as well as verifies interview disposition forms.

Additionally, in relation to the second aspect, the appellant states that she assists the Administrative Analyst 2 with purchase orders; researches the most cost effective supplies for the Division; assists in verifying the accuracy of orders; verifies lab bills and purchases by tabulating the cost; assists in preparing requests by Legal Services, grantees and other State officials by processing the necessary information to complete the request and ensures follow-up on requests; handles any issues that arise upon the absence of her supervisor including personnel, purchasing, funding, financial and building management issues; collaborates with the Department's Regulatory Officer in Legal Services as well as CEO's of agencies to write and complete Memorandum of Agreements; verifies completeness and accuracy of all mileage reports; investigates miles traveled by each employee and tabulates the total for both business and personal mileage; compiles traveled miles and enters them on a monthly mileage report which is approved and sent to Financial Services; ensures that vehicles have EZ passes and gas card access and checks with operators to ensure that State misuse vehicle stickers are adhered to each car; collects, researches, tabulates and compiles data concerning vehicles; and cites overages and/or misuse of State vehicles.

The appellant's supervisor supports her promotion to Fiscal Analyst. He states that she has obtained the appropriate amount of work experience through reassignment of duties and she has been assigned an increased work load and responsibilities which include working in MACSE, the State's automated procurement system, and NJCFSS, the State's Accounting System. She acts as the liaison between his office and the Division Program directors involving budget and procurement matters. He states that she provides support by estimating, analyzing

and verifying program expenditures, establishing and maintaining financial records and files, preparing financial reports, and being the Division's Vehicle Coordinator.

CONCLUSION

The definition section of the job specification for Fiscal Analyst states:

Under direction of a supervisor in a State department or agency, participates in analysis of fiscal activities including budget preparation, review and maintenance; does other related duties.

The definition section of the job specification for Principal Clerk Typist 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 large clerical unit; does related work as required.

A thorough review of the information presented in the record establishes that Ms. Gaines' position is properly classified as Principal Clerk Typist 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. Moreover, in *In the Matter of Titus Osuagwu* (CSC, Decided December 3, 2008), the Commission found that a recommendation by appellant's management that he be promoted did not establish that the position he encumbers would be properly classified in the higher level title. The same holds true in this case. The authority for proper classification determinations rests with the Civil Service Commission, not with supervisory personnel in various State and local jurisdictions.

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. In this 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 and 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 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 Fiscal Analyst title is professional, requiring a Bachelor's degree, and is not a "super-clerical" or paraprofessional title. The focus of the duties of a Fiscal Analyst is to perform an internal analysis of fiscal activities in order to prepare, review or maintain budgets. The appellant's position is clearly not responsible for this activity. Her duties do not involve professional-level review, analysis, and appraisal of current department administrative procedures, organization, or the analysis of fiscal activities including budget preparation. Rather, Ms. Gaines primarily insures completeness and accuracy of information and data, some of which relate to fiscal resources such as vehicles, which is consistent with a clerical classification.

Further, the fact that some of the appellant's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Accordingly, a review of the entire record supports that the appellant's duties are commensurate with the Principal Clerk Typist title. It is noted, however, that the appointing authority should refrain from assigning the appellant the work of her supervisor in his absence, as the appellant is not in a professional position.

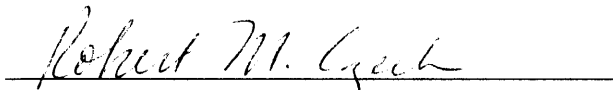
Accordingly, a thorough review of the entire record fails to establish that Ms. Gaines' position warrants a Fiscal Analyst classification.

ORDER

Therefore, the position of Shameese Gaines is properly classified as a Principal Clerk Typist.

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 17th DAY OF JUNE, 2015


Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Enclosure

c: Shameese Gaines
Loreta Sepulveda
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
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Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

March 16, 2015

Ms. Shameese Gaines
New Jersey Department of Health
Division of HIV, STD & TB Services
Fiscal/Grant Monitoring Unit
50 East State Street, 3rd Floor
Trenton, New Jersey 08625

**Re: Classification Appeal: Principal Clerk Typist (23234, R12); Position #: 067570;
CPM #: 08140439; EID #: 000344411**

Dear Ms. Gaines:

This is to inform you and the New Jersey Department of Health of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted, as well as a telephone audit conducted with you on December 17, 2014, and a follow-up interview conducted with your supervisor, David Herzfeld, Section Supervisor, Fiscal Resources (60325, V30), on December 18, 2014.

Issue:

You are appealing the current classification of your position (067570), Principal Clerk Typist (23234, R12). You allege that your duties are not appropriately classified and you are seeking to reclassify your position to that of Fiscal Analyst (50532, P18), which you feel more appropriately reflects your current duties and responsibilities.

Organization:

Your position is located in the New Jersey Department of Health, Division of HIV, STD TB Services, Fiscal/Grant Monitoring Unit. The Division of HIV, STD TB Services mission is to prevent and reduce the spread of HIV, STDs and TB and ensure that HIV-, STD- and TB-infected people and those at risk of infection have access to the care they need. Your position reports to David Herzfeld, Section Supervisor, Fiscal Resources (60325, V30). The remainder of your unit is composed of: three (3) Administrative Analyst 2 Financial Management positions; and one (1) Contract Administrator 2 (Special Services) position, which is renewed every six (6) months. Your position does not complete performance evaluations on subordinate staff, therefore you do not supervise.

Finding of Fact:

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

- As the Division of HIV, STD & TB Services vehicle coordinator, monitors the usage of ten (10) state automobiles in the Division's Motor Pool in the New Jersey Centralized Financial System (NJCFS). Ensures that all vehicles are serviced at regular intervals and that vehicle insurance, EZ Pass payments are up-to-date and that vehicle registrations are renewed in a timely fashion. Double-checks travel/mileage information from authorized users (field representatives) regarding employment-related trips and double-checks to see if mileage falls within the acceptable ranges established. Processes travel reimbursement vouchers for division employees and processes travel vouchers from federal employees.
- Tracks actual travel and mileage usage versus budgeted funding levels for sub-units within the Division. Makes informal recommendations to supervisor, who makes determinations regarding which areas should receive more/less funding for the coming year (budgeted levels). Per your supervisor, this is your only involvement with budget preparation for the Division.
- Coordinates (with the Purchasing Unit) the ordering and purchasing of office and lab supplies for the division, including two (2) Regional Offices (Trenton & Newark). Orders all supplies and forms used by the division on an as needed basis and assists in completing technical calculations on procurement matters concerning the processing of orders and the purchase of commodities. Tracks incoming expenses for the purchase of computers, fax machines, scanners, blackberries and other computer related items during the fiscal year on an excel spreadsheet. This includes keeping a yearly tally of the cost of equipment, monthly utility bills, service fees and other expenses. Submits this tally (of yearly expenses) to supervisor, who makes projections on how much they will need to spend for the new fiscal year.
- Enters transmittal deposits for Health Insurance Continuation Program (HICP) work into the New Jersey Centralized Financial System (NJCFS) and issues payment vouchers. Once payment vouchers are in place, generates a Transmittal of Revenue Deposit slip which includes the account number, object code, vendor, amount of deposit, and description of transaction. Generates deposit slips for all checks received that day and deposits (hand carries) them in the bank into the respective state account(s). Forwards receipt of deposit to the Financial Services Unit, who process the deposit information into the tracking system.
- Contacts vendors to see who offers the lowest prices for medications; forwards pricing information to an Administrative Analyst who is responsible for placing orders.
- Compiles information and assembles files/binders regarding cooperative agreements with the Center for Disease Control (CDC), Behavior Surveillance Grants, and various Spending Plans for the Supervisor's review and signature and for review by the three (3) Administrative Analysts under his supervision.
- Generates the Annual Telephone Summary Report in NJCFS. Checks the ledger for appropriate codes and to see how much money is encumbered for the year. Different units have different amounts; tracks and calculates the amount of telephone usage/money spent, broken down by the various offices within the Division and forwards this information to the Financial Services Unit, via memo format.
- Establishes and maintains essential files for financial information such as contracts, grants, and purchasing records, as well as confidential personnel records and files. Types correspondence, reports, and memos for supervisor's signature. Answers supervisor's telephone, takes messages, schedules supervisor's meetings and conferences and arranges for necessary audio visual/computer

equipment (for these meetings and conferences), as needed; and directs supervisor's calls to the appropriate person within the division. Logs-in incoming and outgoing correspondence; scans, mails, or hand carries documents to the Centralized Grant Management Unit (GMR); and coordinates interviews with prospective employees.

Review and Analysis:

You contend that your duties have expanded and that a more appropriate classification for your position is that of Fiscal Analyst (50532, P18). The definition section of the specification for Fiscal Analyst states:

"Under direction of a supervisor, in a state department or agency, participates in analysis of fiscal activities including budget preparation, review and maintenance; does other related duties."

Fiscal Analysts typically participate in the analysis of fiscal activities, including budget preparation, review and maintenance. Fiscal Analysts are responsible for participating in the preparation of the program budget, the review, analysis and verification of program expenditures, and the review of these expenditures for compliance with budget policies. Your supervisor indicated that your only involvement with the division's budget is in the tracking and comparison of expenses associated with travel and mileage for division fleet vehicles and their use. However, these duties do not rise to the level of a Fiscal Analyst, as they are lacking in the analytical aspects of budget preparation. These duties are considered elementary fiscal activities and are primarily clerical in nature.

Your position tracks financial data on spreadsheets, conducts price comparisons of medications supplied by different vendors and notifies professional staff regarding which vendors offer the lowest prices for these medications. Ultimately, an Administrative Analyst is responsible for placing these orders. You have little to no involvement in determining the allotment of funds, preparing program budgets, or fiscal and other financial reports.

Additionally, most aspects of your duties are clearly clerical/secretarial in nature, such as: maintaining essential files for financial information (such as contracts, grants, purchasing records, confidential personnel records and other files) for the unit; typing correspondence, reports and memos for your supervisor's signature; answering your supervisor's telephone, taking his messages, scheduling his meetings and conferences; and logging-in incoming and outgoing correspondence. These are all duties which are clerical in nature.

Your position is currently classified in the title Principal Clerk Typist (23234, R12). The definition section of the 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."

A Principal Clerk Typist typically performs clerical work including typing of a complex and/or technical nature requiring a knowledge of departmental laws, regulations, policies and procedures, as well as the frequent exercise of independent judgment. Most of your duties are clerical, and include such tasks, such as: processing transmittal deposits for the Health Insurance Continuation Program (HICP) into the New Jersey Centralized Financial System (NJCFIS) and issuing payment vouchers; tracking travel and mileage usage by division employees; maintaining essential files (such as contracts, grants, purchasing records, confidential personnel records and other files) for the unit; typing correspondence, reports and

Shameese Gaines
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memos for your supervisor's signature; answering your supervisor's phone and taking messages; scheduling meetings and conferences for your supervisor; and logging-in his incoming and outgoing correspondence. All of these duties are consistent with those of a Principal Clerk Typist and are consistent with the duties listed on your current Performance Assessment Agreement (PAR) form.

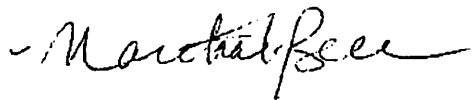
Determination

The review revealed that the position's current duties and responsibilities are commensurate with the title Principal Clerk Typist (23234, R12). By copy of this letter the Appointing authority is advised that your position is presently and properly classified as Principal Clerk Typist.

The title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

An appeal of this decision may be filed within twenty (20) days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Written Records Appeal 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,



Martha T. Bell
Human Resources Consultant 5
Division of Agency Services

MTB/rwz

Cc: Loreta Sepulveda
Ann Kopczynski