

B-21



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joyce Maldonado,
Berkeley Township

Classification Appeal

CSC Docket No. 2015-2792

ISSUED: **JUN 22 2015** (SLK)

Joyce Maldonado appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with Berkeley Township is Clerk 2. The appellant seeks a classification of Clerk 3.

The record in the present matter establishes that the appellant's permanent title is Clerk 2. She is assigned to the Tax Collector Department and reports to Marion Heintjes, Clerk 4. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Clerk 3. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs as a Clerk 2. Agency Services reviewed and analyzed the PCQ completed by the appellant. In its decision, Agency Services determined that the duties performed by Ms. Maldonado were consistent with the definition and examples of work included in the job specification for Clerk 2.

On appeal, the appellant maintains that when her position was demoted to Clerk 2 from Clerk 3, she was unable to get proper representation since her union attorney also represented her supervisors. The appellant asserts that her demotion was a personal attack as her duties have not changed since the demotion. The appellant disagrees that she does not supervise other employees as co-workers ask her for help with problems and duties. The appellant asserts that it is unfair that her position is classified in the same title as a co-worker who performs half of her duties.

The appellant also submits a memorandum from the appointing authority which outlines the various reasons that it presented to justify her demotion to Clerk 2 and she responds to each reason. Further, the appellant maintains that the charge that she was rude to a customer that led to her demotion was unjust.

CONCLUSION

The definition section of the job specification for Clerk 3 states:

Under direction, performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work; does other related duties as required.

The definition section of the job specification for Clerk 2 states:

Under limited supervision, performs clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work; may provide guidance and assistance to other staff; does other related duties as required.

In the matter at hand, it is clear that the appellant's position is properly classified as Clerk 2. The appellant performs moderately complex duties such as receiving tax and lien payments, posting payments, issuing vouchers for payments, sending out bankruptcy letters, answering customer questions, and handling the mail. However, the appellant maintains that she is a supervisor because her co-workers ask her for help with problems and duties even though she acknowledged in her PCQ that she is not responsible for performance evaluations. Even if her co-workers ask for help, the appellant is not performing supervisory duties as the one who signs the performance evaluation is ultimately the one who has the responsibility and accountability of recommending hiring, firing, and disciplining subordinate employees and therefore the signing of the performance evaluation is what makes a supervisor a supervisor. *See In the Matter of Robert E. Swanwick*, Docket No. A-1103-03T3 (App. Div. February 8, 2005) (Employee found to be properly classified as a Senior Building Maintenance Worker, not an Assistant Supervisor, Building Service, where he had no supervisory authority over contractual janitorial personnel and his completion of employee progress reports was subject to the review and signature of his immediate supervisor).

Additionally, the appellant is not a lead worker. An incumbent in a leadership role refers to persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or lower level than themselves and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of

Personnel, decided December 5, 2005). Although the appellant indicated on her PCQ that she reviews and assigns work, her supervisor confirmed that she is not responsible for these functions. Regardless, the mere fact that co-workers may ask her for help does not mean that she is required to be the leader of the group. Accordingly, her duties are consistent with a Clerk 2 classification.

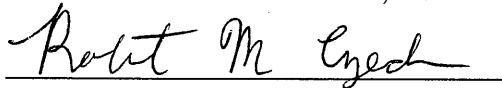
With respect to her claim that her demotion was a personal attack, unjust, and that she did not receive proper representation in her disciplinary proceedings, these arguments needed to be addressed as part of her prior disciplinary proceeding as the purpose of a classification appeal is to ensure that a 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).¹ In regard to the appellant's comments that it is unfair that there is a co-worker whose position is also classified as Clerk 2 who has half of her responsibilities or that she is performing the same duties that she performed prior to her demotion, a classification appeal cannot be based solely on a comparison to the duties of another position or the prior classification of her duties, especially if that other person's position or her duties have been misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). See also, *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998).

ORDER

Therefore, the Civil Service Commission concludes that the position of Joyce Maldonado is properly classified as a Clerk 2.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17th DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

¹ The appellant attempted to appeal her demotion to the Commission but it was dismissed as being untimely. See *In the Matter of Joyce Maldonado* (CSC, decided October 2, 2013).

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: Joyce Maldonado
Christopher Reid
Ken Connolly
Joseph Gambino



[COPY]

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

March 28, 2015

Christopher Reid, Administer
Berkeley Township
627 Pinewald Keswick Road
PO Box B
Bayville, NJ 08721-0287

Re: Classification Determination – Ms. Joyce Maldonado (000086659); Berkeley Township; Tax Collector Department; CSC Log # 09140463

Dear Mr. Reid:

This is in reference to a classification review of the position, Clerk 2, held by Joyce Maldonado. This review involved a detailed analysis of the Position Classification Questionnaire completed by Ms. Maldonado, and signed by his immediate supervisor, Clerk 4, Marion Heintjes.

ISSUE:

Ms. Maldonado requested the Civil Service Commission review her position to verify whether she is classified appropriately. Ms. Maldonado has been serving with a permanent appointment in the title, Clerk 2, since May 20, 2013.

ORGANIZATION AND STRUCTURE:

Ms. Maldonado is assigned to the Berkeley Township; Tax Collector Department. She reports directly to Clerk 4, Marion Heintjes. She has no supervisory duties.

FINDINGS OF FACT:

The duties of this position involve performing the following assignments:

- Receives tax payments and posting payments in a computerized system.
- Receives lien payments, posting the payments and issue vouchers for payment.
- Sends out bankruptcy letters to homeowners and attorneys, maintaining the files.
- Answers customer questions on the phone and in person, handling address changes.
- Handles incoming and outgoing mail, posting various payments received.

REVIEW AND ANALYSIS:

The requested title is that of Clerk 3 (02773). The Civil Service definition for the title, Clerk 3, states:

“Under direction, performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work; does other related duties as required.”

An employee serving in the title of Clerk 3 interprets and applies organizational rules, regulations, policies, and procedures. Also, takes the lead over clerical staff and provide assignment, instruction, and on-the-job training to clerical staff.

As a result, the incumbent’s duties are not commensurate with the title of Clerk 3 because the incumbent does not perform complex clerical work, interpret and apply organizational rules, or takes the lead over clerical staff.

The current permanent title of the incumbent is that of Clerk 2 (03247). The Civil Service definition for the title, Clerk 2, states:

“Under limited supervision, performs clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work; may provide guidance and assistance to other staff; does other related duties as required.”

An employee serving in the title of Clerk 2 receives, screens, reviews and verifies documents. Provides information in person and over the telephone; enters and retrieves information on a computer. Also, when assigned to a tax office, an employee serving in the title of Clerk 2 will compute and record tax payments. A clerk 2 also performs specialized clerical work involving the preparations and maintenance of assessment rolls and records.

The incumbent’s duties are commensurate with the title of Clerk 2 because the incumbent does performs moderately complex clerical work and does not take the lead over other clerical staff.

DETERMINATION:

The review revealed the current duties and responsibilities of this employee’s position are commensurate with the attached job specification for the title, Clerk 2 (03247). Ms. Maldonado considered to be serving appropriately in the title, Clerk 2.

This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

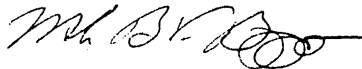
The New Jersey Administrative Code (N.J.A.C.) 4A:3-3.5(c)1 states, “within 30 days of receipt of the reclassification determination, unless extended by the Civil Service Commission in a particular case for good cause, the appointing authority shall either effect the required change in the classification 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

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position, whether promotional, demotional or lateral, shall be effected in accordance with the applicable rules.”

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the either the affected employee or the Appointing Authority may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark Van Bruggen
HR Consultant Supervisor

Attachment
Record # 091400463
MV/JS

c: Joyce Maldonado

