

B-12



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Darlene McCallum,  
Department of Environmental  
Protection

CSC Docket No. 2015-2112

Classification Appeal

ISSUED: **AUG 24 2015** (CSM)

Darlene McCallum appeals the attached decision of the former Division of Classification and Personnel Management (CPM)<sup>1</sup> that the proper classification of her position with the Department of Environmental Protection is Agency Services Representative 3. The appellant seeks an Agency Services Representative 4 classification.

The record in the present matter establishes that the appellant's permanent title is Agency Services Representative 3. She is assigned to the Division of Enforcement, Technical and Financial Support and reports to Gary Czock, Section Chief, Environmental Protection. The appellant does not supervise any employees. The appellant requested a classification review of her position asserting that she was performing out-of-title work. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs as an Agency Services Representative 3. CPM reviewed and analyzed the PCQ completed by the appellant. In its decision, CPM determined that the appellant's position was properly classified as Agency Services Representative 3.

On appeal, the appellant asserts that she has been responsible for the direct training of five different temporary employees over the last six years and was responsible for their day-to-day activities. Additionally, her office has now been assigned a permanent Senior Clerk to take the place of the temporary employees and it is her job to direct and lead this individual. The appellant also states that

<sup>1</sup> Now the Division of Agency Services.

she is considered the "go to" person in her office and that there is no requirement in the job specification that an incumbent in the subject title be required to act as a leader of a group of employees or enforce completion of assignments. Therefore, the appellant maintains that her position should be classified as Agency Services Representative 4.

### CONCLUSION

The definition section of the job specification for Agency Services Representative 3 states:

Under the general supervision of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other related work as required.

The definition section of the job specification for Agency Services Representative 4 states:

Under the direction of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.

Based on the information presented in the record, it is clear that the appellant's position is properly classified as Agency Services Representative 3. As correctly noted in CPM's determination, an incumbent in the Agency Services Representative 4 classification acts as a lead worker and is expected to handle the most complex customer issues and functions. Although the appellant argues that the job specification does not indicate that an incumbent in the title is required to "lead a group of employees," it is well established that a leadership role refers to those 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 a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the

responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014). Further, while the appellant indicated that she assigned work or reviewed the completed work of employees on the PCQ she submitted in support of her classification appeal, this is clearly not the primary focus of the position's responsibility as she indicated that only 10% of her time is spent taking the lead and training clerical employees in various functions.

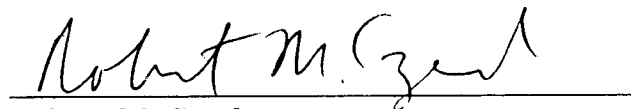
Additionally, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon 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, the appellant's position is properly classified as Agency Services Representative 3.

#### ORDER

Therefore, it is ordered that this appeal be denied.

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 19<sup>TH</sup> DAY OF AUGUST, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
PO Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Darlene McCallum  
Robin Liebeskind  
Kenneth Connolly



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

December 5, 2014

Ms. Darlene McCallum  
New Jersey Department of Environmental Protection  
Division of Enforcement, Technical and Financial Support  
Direct Billing and Cost Recovery Section  
P.O. Box 1124  
Trenton, New Jersey 08606

Re: Classification Appeal; Agency Services Representative 3; Position #083460  
CPM #01140092; Employee ID #000337007

Dear Ms. McCallum:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above. You requested that your position be audited to determine if you are performing out-of-title work for your title of Agency Services Representative 3 (56360, A14). You have indicated that you believe your current work duties are equivalent to those of an Agency Services Representative 4 (56364, A18) title. The Bureau of Human Resources Operations agreed that an audit should be conducted in order to determine the appropriate classification of your position.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); organization chart; your Performance Assessment Review (PAR) form; your statements; and the statements of your supervisor, division director, and appointing authority. A telephone audit was performed with you and Alphonse Inserra, Environmental Specialist 4, who is filling in for your supervisor, Gary Czock, Section Chief Environmental Protection who is on leave of absence.

**Organization:**

The position is located in Division of Enforcement, Technical and Financial Support, Financial Service Element, Direct Billing and Cost Recovery Section. You are currently supervised by Gary Czock, Section Chief Environmental Protection (59985, S30). You have no supervisory responsibility.

**Findings of Fact:**

- Answers questions via the telephone or written response. Explains procedures, clarifies forms, provides instructions and resolves problems involving the general public. May identify, intervene and resolve volatile phone call situations between customers and staff when staff is unable to provide resolution.
- Issues invoices from New Jersey Environmental Management System (NJEMS) database and billing systems, including Direct Billing System (DBS), Check Tracker, and Letter Tracker. Disseminates billing information for the collection, reconciliation and deposit of state funds. Investigates billing disputes and takes appropriate actions to generate timely responses to responsible parties or other customers for oversight costs disputes.
- Assists other staff members within the Direct Billing and Cost Recovery Section as needed in reviewing, processing and mailing of invoices. Duties include ensuring invoices are correct, and checking NJEMS to see if payments have been made, contact information is correct, and Area of Concern (AOC) is entered. If AOC does not match the invoice, forwards to case assignment. Enters checks in Check Tracker, ensuring amounts are correct. If the payment is not in the full amounts, checks to see if a payment plan is in effect, if so notes the partial payment.
- Makes technical/accounting determinations regarding questioned or disputed bills from Responsible Parties or other customers or DEP staff. Records, updates and verifies the records. Performs account maintenance of two billing systems, NJEMS and Direct Billing System (DBS) and corrects information or directs other staff members within the unit to assist. In NJEMS, creates assessments, generates invoices with the amount due, reviews once Treasury prints the invoices, and enters the oversight billing remarks. In DBS, researches invoice numbers. If the invoice is found, the Program Interest number is pulled from NJEMS. Pulls invoice and informs the affected parties a final notice letter was sent.
- Trains clerical employees in various office functions. The majority of those trained are temporary employees with the exception of one full time Senior Clerk, Charmaine Ware. Trains clerical staff in answering the telephones, using New Jersey Environmental Management System (NJEMS) database, processing and preparing certified mail, distributing incoming mail, taking messages, and directing calls to the appropriate individuals.
- Processes returned mail invoices by updating billing system and re-issuing the corrected bills.
- Prepares bank deposits and records the transmittal of payments (checks) to Treasury. Uses the check tracking database to insure checks are handled and deposited appropriately and logged into NJEMS.
- Prepares correspondence, documents, and forms for the supervisor's signature. Documents all correspondence between the Responsible Parties, DEP case managers, and support staff appropriately in NJEMS Oversight Billing Remark Documents.
- Coordinates the gathering of financial information as assigned by the supervisor. Performs queries of billing system and provides information or reports in Excel spreadsheet and other formats.

- Responsible for the review and collection of unpaid debts. Duties include identifying the reason for non-payment of oversight cost, contacting Responsible Parties and facilitating payments, and negotiating payment plans and settlements for financial hardship cases. Determines appropriate cost recovery actions when recovery attempt becomes futile. If after all attempts fail, refers debt to other staff members to process for collections or to create a lien.
- Utilizes eTAX Map and Lexis Nexis to search and verify the current address to make contact regarding unpaid debt.
- Uses Oversight Billing Remarks (OBR) to verify payments received. If payments are coming in, disregards invoices and tries to reach the parties by telephone to get the new mailing address.

### **Review and Analysis:**

The duties and responsibilities of the position were compared to those described within the class specification for Agency Services Representative 3, and Agency Services Representative 4.

The definition section of the specification for the title, Agency Services Representative 3 (56360, A14), states:

*“Under the general supervision of a supervisory official in a state department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other related work as required.”*

The definition section of the specification for the title, Agency Representative 4 (56364, A18), states:

*“Under the direction of a supervisory official in a state department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.”*

Incumbents holding an Agency Services Representative title spend the majority of their time responding to questions and soliciting information, orally and/or in writing, from members of the general public, co-workers, and others for the purpose of processing agency documents. An Agency Services Representative provides information to customers regarding agency programs and services and the requirements of licensure, certification, and other authorizations, and handles complex customer issues and complaints.

The Agency Services Representative 4 may function as the contact person in the absence of the supervisor. Incumbents are expected to be knowledgeable regarding all relevant programs and services under the agency's jurisdiction and have a clear understanding of how they relate to each other. Incumbents at this level are responsible for suggesting resolutions on matters where a clear precedent does not exist. The Agency Services Representative 4 performs the most complex and/or sensitive technical duties involving the review, processing,

data entry or recording, and issuance of documents in accordance with applicable laws, regulations, policies and procedures.

Incumbents provide information to customers regarding department/agency programs and services, answer questions, explain and interpret rules, regulations, policies and procedures, clarify forms, and resolve the most difficult and sensitive customer issues and problems.

In addition, the Agency Services Representative 4 must function in a lead worker capacity. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as leader of a group of employees in titles at the same or lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. The lead worker has responsibility to enforce completion of assignments or to remedy such staff's failure to meet work standards.

Your position is responsible for the answering questions via the telephone or providing written responses, explaining procedures, clarifying forms, giving instructions and resolving problems involving the general public. Your position identifies, intervenes, and resolves volatile telephone call situations between customers and staff who are unable to provide resolution. Your position issues invoices from NJEMS database and billing systems. Your position conveys billing information for the effective collection, reconciliation and deposit of state funds. Your position investigates billing disputes, takes action to respond to Responsible Parties and other customers for oversight cost disputes, and assists other staff in reviewing, processing, and mailing of invoices. Your position makes technical/accounting determinations regarding disputed bills and records, and updates and verifies the records. Your position performs account maintenance of billing systems and corrects information or requests others to assist.

Your position is responsible for training clerical employees in various office functions when necessary. Clerical staff currently includes one Senior Clerk and several temporary employees. According to your Performance Assessment Review, you are responsible for training temporary employees from Joule Staffing in various office functions.

Your position responds to returned mail invoices by updating billing systems and re-issuing corrected bills. Your position prepares bank deposits, and records transmittals of payments to Treasury. Your position ensures checks are being handled and deposits are logged into NJEMS. Your position prepares correspondence, documents, and forms for the supervisor's signature. Your position documents all correspondence between Responsible Parties, DEP case managers, and support staff in NJEMS Oversight Billing Remark Documents. Your position coordinates the gathering of financial information as assigned by the supervisor, performs queries of billing systems, and provides information or reports in Excel spreadsheets or other forms.

Your position identifies reasons for non-payment of oversight costs, contacts Responsible Parties and facilitates payments, negotiates payment plans and settlements for financial hardship cases. Your position determines appropriate cost recovery action when recovery attempts become futile and refers debt to Lisette Martinez, Program Technician to collect the debts or create liens.

Your position maintains contact with members of the Direct Billing Unit and the Cost Recovery Unit with regard to billing issues and address changes. Your position instructs these unit employees to run system updates,



gather the correct information and enter it into the appropriate database. Your position follows up by going into the database and verifies the information has been entered.

While your position provides customer and support services which include reviewing and processing documents, handling complex customer issues and complaints, and providing information to customers, your position does not function as a lead worker of a group of employees on a regular and recurring basis with responsibility to enforce completion of assignments. Therefore, Agency Services Representative 4 is an inappropriate classification for your position.

The duties you perform fall within the scope of the Agency Services Representative 3.

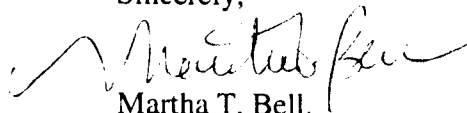
**Determination:**

By copy of this letter, the Appointing Authority is advised that your position is presently and properly classified as Agency Services Representative 3 (563640, A14).

The class specification for Agency Services Representative 3 is descriptive of the general nature and scope of the functions that 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 performance of related tasks not specifically listed.

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. The appeal should be addressed to the Written Records 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,



Martha T. Bell,

Human Resources Consultant 5

Classification and Personnel Management

MTB/db

c: Robin Liebeskind

Joseph Siracusa

