

B-16



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sadiqa Roe,
Department of Law and Public Safety

CSC Docket No. 2015-2550

Classification Appeal

ISSUED: **AUG 20 2015** (RE)

Sadiqa Roe requests a retroactive appointment date as a Supervisor, Licensing Unit, Professional Boards with the Department of Law and Public Safety based on her reclassification to that title, effective November 17, 2012.

Ms. Roe received a regular appointment to the title Customer Service Information Specialist 1 on February 5, 2005 in the Department of Law and Public Safety's Division of Consumer Affairs. She completed a Position Classification Questionnaire (PCQ) on January 31, 2012, and it was signed by her supervisor on February 8, 2012. This PCQ was not signed by the Program Manager or the appointing authority representative. The appellant inquired about the results of her desk audit in an email dated July 10, 2012, and was told that it was still in processing and she would be kept updated. Subsequently, there was a reorganization in September 2012, and Ms. Roe was reassigned from the Professional Boards Consumer Service Center (PBCSC) to Team 6 – Electrical Contractors/Fire, Alarm Locksmith/Masters Plumbers and HVAC Boards Unit. As a result, it was requested that the appellant submit a revised PCQ. She did so and the Division of Agency Services (DAS) performed the classification review and determined that the correct title for the position was Supervisor, Licensing Unit, Professional Board. A complete classification appeal was received by DAS on April 4, 2014. As the signatures were dated October 19, 2012, the effective date was determined to be November 17, 2012.

On appeal, the appellant argues that she agrees with DAS' determination as to her title, however, she filed her original paperwork in February 2012 and it was signed by her supervisor at the time. She states that she was reassigned to Team 6 in September 2012 because the PBCSC was being dismantled. She said she was told by Human Resources that she would need to resubmit a PCQ for the new department. Her duties were similar to the department she came from, and she had been supervising staff there as well. She requests an earlier appointment date to February or March 2012.

N.J.A.C. 4A:3-3.9(c) states that, in State service, a classification appeal by an employee or union representative shall be made in writing. The appeal shall include a PCQ completed by the appellant, and shall specify the title which the appellant believes is appropriate to the duties performed by the employee and explain how the duties at issue are more appropriate to the requested title than to the title in which the employee is currently serving. *N.J.A.C. 4A:3-3.9(c)3* states that the supervisor and program manager/division director shall complete their portions of the questionnaire and provide their signatures on the form in accordance with (c)1 and 2 above within 15 days of the employee's submission of the appeal to the immediate supervisor. *N.J.A.C. 4A:3-3.9(c)7* states that, in the case of an appeal not pertaining to a title level within the employee's particular job band, the agency representative shall review the appeal, affix to it an organizational chart, and ensure that the information set forth in (c)1, 2, and 3 above has been included. Within 10 days of receipt of the appeal, the agency representative shall either notify the appellant that specific additional information is required, or forward the appeal with organizational chart to the appropriate representative of the Civil Service Commission. The agency representative may in writing indicate with the submitted appeal a recommended approval or rejection of the appeal for specified reasons. The agency representative shall notify the appellant of the submission to the Commission representative. If additional information is required of the appellant, the agency representative shall forward the appeal with organizational chart and the additional information to the appropriate representative of the Civil Service Commission within 10 days of receipt of the appellant's response to the request for additional information.

CONCLUSION

In the matter at hand, DAS received the request on April 4, 2014. Ordinarily, an effective date would have been determined based on the date that the request had been received. See *N.J.A.C. 4A:3-3.9(e)3i*. However, the appellant, her immediate supervisor, and the Deputy Director signed the PCQ on October 19, 2012. The appointing authority signed the PCQ on April 2, 2014. The record is unclear why the appointing authority waited a year and a half to submit the appeal, but DAS provided an effective date based on the October 19, 2012 signatures. In the future, the appointing authority should forward signed position classification

questionnaires within 10 days in accordance with *N.J.A.C.* 4A:3-3.9(c)7, regardless of extraneous issues such as pending reorganizations or completion of performance evaluations. The appointing authority can notify DAS of such issues as they deem noteworthy but these types of concerns should not hold up the forwarding of an appeal. Failure to adhere to these regulatory time frames may subject it to fines or other action.

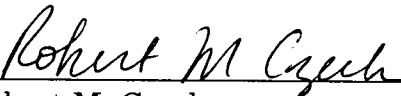
The appellant is requesting a retroactive appointment date of February or March 2012, when she originally submitted the appeal. The comparison of her first PCQ with her second PCQ shows that the duties are different. It is unknown what the classification of the position would have been if it had been originally determined in February 2012. Nevertheless, the duties of the position clearly changed with the reorganization, and were different nine months later, in October 2012. As such, a retroactive appointment date to the title Supervisor, Licensing Unit, Professional Board is not warranted. DAS already provided the appellant with a retroactive effective date for the proper classification of her position based upon the signatures of the appellant, her immediate supervisor, and the Deputy Director. As the duties of the position were different prior to the reorganization, there is no sufficient basis for a further retroactive date.

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
THE 19th DAY OF AUGUST, 2015



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and
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