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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Maryann Miller,  
Middlesex County

Request for Reconsideration

CSC Docket No. 2017-2029

ISSUED: APR 11 2017 (RE)

Maryann Miller, represented by Carlos Diaz-Cobo, Esq., requests reconsideration of the attached decision rendered on November 23, 2016 which upheld the determination of the Division of Agency Services (DAS) that her position is properly classified as Senior Account Clerk.

By way of background, Ms. Miller petitioned DAS for a review of her position, alleging that she had been performing the duties and had the responsibilities of a Principal Account Clerk. DAS conducted a detailed analysis of her Position Classification Questionnaire (PCQ) and other documents, and found that Ms. Miller's duties were those of a Senior Account Clerk. Ms. Miller appealed DAS' determination to the Civil Service Commission (Commission) which found that her position is properly classified as Senior Account Clerk.

On reconsideration, Ms. Miller lists her duties under the headings, "Difficult," "Very Difficult," and "Not Difficult." For example, she indicates that posting debits and credits, and checking postings by vendors as difficult work, which she performs 15% of the time. She indicates that very difficult work, performed 60% of her time, includes creating the monthly Revenue Report from listing debits and credits from different reports, and reconciling accounts; reconciling the County Trust Fund; and reconciling the bank balance. Ms. Miller lists not difficult work, performed 25% of her time, included verifying recorded account entries, creating an Excel spreadsheet which compares current revenue to the first month's revenue, data entry, tabulating charges, tracking postage and balances, filling out affidavits and getting them notarized, recording document

types and payment amounts, totaling and reconciling subsidiary accounts, setting up and deleting subsidiary accounts, recording and responding to queries regarding projected revenue and extra funds, scanning checks to deposit them, answering customer inquiries, calling for payments, following-up on returned checks, and maintaining Excel files. Further, Ms. Miller contends that the Commission ignored the comments made by her supervisor attesting to the fact that she performs higher level duties.

### CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which the Civil Service Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

At the outset, the petitioner has not met the reconsideration criteria. She has not shown a clear material error or presented new evidence or additional information not presented at the original proceeding which would change the outcome of the case. The petitioner has reworded her duties, but they were originally submitted on her PCQ and considered by DAS and the Commission in its review. Nevertheless, this new information does not clarify her duties, but obfuscates them, so that a comparison of these duties to her original submission is not obvious. For example, on reconsideration, Ms. Miller accounts for 100% of her time in five extensive descriptions of activities which encompass many duties. In contrast, on her PCQ, Ms. Miller listed 16 duties, most having multiple tasks as well, and there is no clear link that can be made to the two sets of tasks. Additionally, she is now claiming that she maintains journals or subsidiary ledgers of an accounting system, and debits and credits accounts. As indicated in the prior decision, duties which were not initially presented and were not reviewed by DAS cannot be considered in a classification appeal to the Commission. Moreover, a petition for reconsideration is not the forum to submit a new set of duties to be considered.

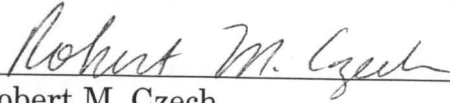
### ORDER

Therefore, it is ordered that this request 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 5<sup>th</sup> DAY OF APRIL, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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. Maryann Miller
- Dennis Cerami
- Kelly Glenn
- Records Center



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE  
ACTION OF THE  
CIVIL SERVICE COMMISSION

In the Matter of the Maryann Miller,  
Middlesex County

CSC Docket No. 2016-1318

Classification Appeal

ISSUED: NOV 29 2016

(RE)

Maryann Miller appeals the attached decision of the Division of Agency Services (DAS) which found that her position with Middlesex County is properly classified as Senior Account Clerk. Ms. Miller seeks a Principal Account Clerk title in this proceeding.

The record in the present matter establishes that the appellant received a permanent appointment as a Senior Account Clerk on October 22, 2011. She is assigned to work in the Clerk's Department in Middlesex County, reports directly to the County Clerk, and has supervisory responsibility for one Clerk 2. DAS conducted a classification review of the appellant's position at her request. A review of information regarding the appellant's position was performed along with a detailed analysis of her duties questionnaire and all related documents. As described in the attached determination, DAS found that, based on the primary duties of Ms. Miller's position, her title is properly classified as Senior Account Clerk.

On appeal, Ms. Miller indicates that the Department Head cannot know the complexity of her various duties, as she has never been to her office or received any of the appellant's balance sheets, does not supervise her, and does not know what she does or how she accomplishes the results of her reports. She implies that DAS' determination lacks detail regarding her duties and she points out three difficult or highly difficult duties, one performed twice a month, one performed once a month, and one performed yearly. She also states that she works without any supervision, and performs the work of a retired Principal Account Clerk. She explains that she



has set up several Excel files, which are very difficult and time-consuming to maintain, and has saved the County money by checking documents. She also contends that she is performing the work of a Principal Account Clerk who has been transferred out of her department.

In support of this appeal, the appellant's supervisor indicates that the appellant performs the work of a Principal Account Clerk, and lists the job definition and most of the examples of work from the job specification. Also, the Department Head responded that the appellant was repeatedly provided the opportunity to present written and verbal information regarding her duties at meetings, but demonstrated that her current title was appropriate. The Department Head met with the Chief Financial Officer whose office provides regular and ongoing oversight of her work. The Chief Financial Officer informed him that the appellant's duties were not very difficult, and were consistent with the Senior Account Clerk title.

### CONCLUSION

The definition section of the job specification for Senior Account Clerk states:

Under direction, performs a variety of responsible and difficult clerical tasks which involve computing, classifying, verifying, and recording numerical data and the reconciliation of accounts, records, and documents to keep sets of financial records complete and/or takes the lead over other employees in the maintenance of accounting records; does other related duties as required.

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

Under direction, performs a variety of clerical duties of considerable difficulty and complexity which involve computing, classifying, verifying, and recording numerical data and reconciling accounts, records, and documents to keep sets of financial records complete, and may supervise a small group of employees in the maintenance of accounting records; does other related work as required.

A thorough review of the information presented in the record establishes that the majority of Ms. Miller's assigned duties and responsibilities are commensurate with the title Senior Account Clerk. At the outset, it is noted that the classification of a position is determined based on the duties and responsibilities assigned to a position at the time the request for reclassification is received in DAS as verified by audit or other formal study. 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. How well or efficiently an employee does his or her job, length of service, and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Additionally, the volume of work performed is not a consideration as to a position's proper classification. Classification determinations are based strictly on the duties and responsibilities assigned to a position.

The appellant was required to complete a Position Classification Questionnaire (PCQ), which is used to obtain information about a position. Employees are instructed to be as clear and accurate as possible and fill out the form completely. In item 8 (Work Duties Performed), there is space on the left to list the percentage of time spent on a duty. On the right is a column for the order of difficulty of the duty. Instructions for Item 8 read, "The answer to this item requires an exact account of what you do. Describe your "whole job" or year-round duties, not just those which might be performed during rush or peak periods of activity or when you are substituting for other persons. Start with your most important duties and describe your least important duties last. Use a separate paragraph for each major duty. In the column at left indicate as best you can the percentage of time you devote to each duty. The position's supervisor will complete the information requested in the right hand column." The appellant did not use percentages of time for each of her 16 duties. Rather, she used the categories: daily, when needed, twice a month, monthly, and yearly. For three of them, she indicated that they were very difficult, and one she indicated was difficult. No further order of difficulty was provided by her or by her supervisor. The lack of percentage of time for each duty dilutes the information given, and makes it difficult to quantify the frequency of her tasks.

Most of the appellant's "daily," "twice monthly," "monthly," and "when needed" duties involve reconciliation of data, verifying and checking information for accuracy, setting up accounts, handling accounts receivable, tracking fees, bank reconciliations, writing checks or dispersing funds, ordering supplies and repairs, data entry, and maintaining files. Her yearly duties included checking line items in the budget and adding or subtracting funds, and verifying of figures on the draft report from the external auditor. She identified verification and fee tracking tasks as her most difficult work. Nevertheless, the definition for Principal Account Clerk indicates that incumbents compute, classify, verify, and record numerical data and reconcile accounts, records, and documents to keep sets of financial records complete. The appellant's duties do not include maintaining journals or subsidiary ledgers of an accounting system, debiting and crediting accounts, and preparing balance sheets or financial statements. That is, higher level bookkeeping duties are absent from her responsibilities. The majority of her tasks do not involve clerical duties of considerable difficulty and complexity. The work of the Principal Account Clerk should be very difficult, consisting of a wide variety and complexity that



would require knowledge of an extensive and complex body of guidelines, instructions, and subject matter. It is not uncommon for employees to perform some duties above or below their title. However, classification determinations are based on duties that make up the majority of duties for a position. Additionally, the appellant states in her appeal that she works without supervision, but she has a supervisor who completed her performance evaluation.

As to comparing the appellant's work to that of a transferred employee, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is 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).

Lastly, while the supervisor of the position has stated that the appellant fully performs the duties and responsibilities of the higher title, she quotes the definition and most of the examples of work without providing specific references to the actual duties performed by the appellant. For example, the appellant had not indicated that she maintained journals or subsidiary ledgers of an accounting system, and balanced and reconciled accounts. Rather, the majority of the appellant's duties involved verifications, and included bank balance reconciliations. In this regard, duties which were not initially presented and were not reviewed by DAS cannot be considered in a classification appeal to the Commission. See *In the Matter of Dolores Houghton* (Commissioner of Personnel, decided October 6, 1993). Moreover, even if these duties have been considered by DAS, there is no indication as to the frequency of these tasks. The appellant's supervisor would like the Commission to disregard the duties as listed on the appellant's PCQ in her own words, and believe that the primary focus of the position is a different set of duties which match almost perfectly the examples of work on the job specification for the announced title. This is not a clarification of job duties, but a complete revision of job duties to coincide with those of the requested title. Each employment position has one primary focus, and the duties listed by the appellant on the PCQ and as verified by DAS fall squarely within the definition for Senior Account Clerk. The duties as given by the appellant in her own words do not indicate that she performs a variety of clerical duties of considerable difficulty and complexity which involve keeping sets of financial records complete.

As the Senior Account Clerk is not a supervisory title, the appellant can continue to oversee, as a lead worker, the Clerk 2 referred to previously. However, the appointing authority should assign the responsibility for that subordinate employee's performance evaluation to a supervisor.

A thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Principal Account Clerk classification of her position.

ORDER

Therefore, the position of Maryann Miller is properly classified as Senior Account Clerk.

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            DAY OF            2016

  
\_\_\_\_\_  
Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
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Trenton, New Jersey 08625-0312

Attachment

c.     Maryann Miller  
       Dennis Cerami  
       Kelly Glenn  
       Records Center





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

September 11, 2015

Ms. Maryann Miller

~~44 Pabbie Creek Road~~  
~~Dayton, NJ 08810~~

**Subject:** Classification Determination – Maryann Miller (~~000-509-106~~); Middlesex County, Senior Account Clerk; Log #~~00150056~~

Dear Ms. Miller:

This is in response to the classification appeal received June 16, 2014 submitted to this office on your behalf by Mr. Dennis Cerami, County Department Head. The package indicates you are appealing your current title of Senior Account Clerk and you believe the appropriate classification of your position is Principal Account Clerk.

This office has conducted a thorough review of the information received. This information included the Position Classification Questionnaire you prepared and signed; a recent performance evaluation; statements from your immediate supervisor (Ms. Elaine Flynn, County Clerk); statements from the Department Head (Mr. Gerry Mackenzie); statements from your Appointing Authority and a Table of Organization.

**Organization:**

Your position is located in the Clerk's Department of Middlesex County. Your immediate supervisor is Ms. Elaine Flynn, County Clerk. The position involves the direct supervision of one employee.

**Findings of Fact:**

The primary responsibility of the position involves:

- Printing cash receipts and editing list reports from the SCT 400 system of the recording sessions from the previous day. This report includes cash, checks, deposits and charges to attorney advance accounts, municipal accounts, and transfers to checking accounts from e-filing recordings.

- Correcting any errors if the totals do not equal the amounts on the report.
- Endorsing and filling out deposit slips for each session of three checking accounts.
- Maintaining daily ledgers on all checks returned by the bank and follow up documentation.
- Printing the work queries from the SCT System for the subsidiary accounts and comparing the totals to the cash receipts, editing the list, and entering the deposits and charges for each attorney and municipal account to an excel file.
- Setting up new accounts and writing a refund check to users that wish to close their account.

**Review and Analysis:**

The current title of your position is that of Senior Account Clerk. According to the classification specification, a Senior Account Clerk is defined as follows:

Under direction, performs a variety of responsible and difficult clerical tasks which involve computing, classifying, verifying, and recording numerical data and the reconciliation of accounts, records, and documents to keep sets of financial records complete and/or takes the lead over other employees in the maintenance of accounting records; does other related duties as required.

An employee serving in the title of Senior Account Clerk is responsible for the posting items such as revenue, expense, and cash receipt amounts in records and assigns them as debits or credits to the appropriate account; reconciling accounts of moderate complexity by comparing account balances with related data; reviewing records and source documents to identify the source of discrepancies; checking reports received for duplication, mathematical accuracy, completeness, and compliance with prescribed requirements; preparing routine reports; maintaining files of accounting data and reports; and serving as the lead worker in assigning work, checking computations, and training new employees with routine problems.

The requested title of your position is that of Principal Account Clerk. According to the classification specification, a Principal Account Clerk is defined as follows:

Under direction, performs a variety of clerical duties of considerable difficulty and complexity which involve computing, classifying, verifying, and recording numerical data and reconciling accounts, records, and documents to keep sets of financial records complete, and may supervise a small group of employees in the maintenance of accounting records; does related work as required.



An employee serving in the title of Principal Account Clerk is responsible for maintaining complex journals or subsidiary ledgers of an accounting system; balancing and reconciling accounts, posting actions to journals identifying subsidiary accounts affected and debit and credit entries to be made and assigning proper codes; initiating appropriate action and making adjustments based on knowledge of requirements, experience, and judgments; and supervising the preparation of required forms to enter data into a computerized system.

The descriptions of your current duties and assignments clearly indicate the nature of your work involving accounts with general levels of supervision. However, the majority of your clerical duties are routine and not considered to be highly complex. Your supervisor states that the most important duties of your position involve bookkeeping, purchasing, and banking systems. The Department Head also indicates that the majority of your duties are not considered "very difficult" in nature. As a result, the duties of this position are deemed to be commensurate with those of an employee serving in the title of Senior Account Clerk.

**Determination:**

The review has revealed the current duties and responsibilities assigned to the position are commensurate with the enclosed job specification for your current title, Senior Account Clerk. This action shall be effective September 11, 2015. This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note, 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.

In accordance with the New Jersey Administrative Code (N.J.A.C. 4A:3-3.5), "Within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, the appointing authority shall either effect the required change in the classification of the 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 position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules".

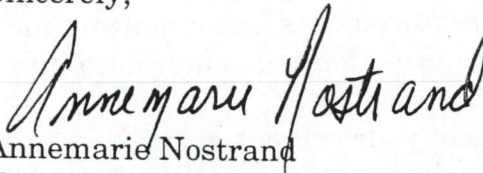
According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Appeals and Regulatory Affairs and Labor Relations, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note the

Ms. MaryEllen Miller  
September 11, 2015

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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,

  
Annemarie Nostrand  
Team Leader

Enclosure  
TRAN

C: Mr. Dennis Cerami, Appointing Authority  
File