



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carolyn Martin,
Department of the Treasury

Classification Appeal

CSC Docket No. 2017-2795

ISSUED: **SEP 26 2017**

(ABR)

Carolyn Martin appeals the attached decision of the Division of Agency Services (Agency Services), which found that her position with the Department of the Treasury (Treasury) is properly classified as Technical Assistant 3. She seeks a Technical Assistant 2, Treasury title.

The record in the present matter establishes that at the time of her request for a reclassification of her position, the appellant's permanent title was Senior Clerk. In September 2016, the appellant requested a classification review of her position located in Treasury, Division of Taxation (Taxation). In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performed. Agency Services reviewed all documentation provided by the appellant, including her PCQ. Based on its review of the information provided, Agency Services concluded that the appellant's position would be properly classified as Technical Assistant 3, effective October 24, 2016.

On appeal to the Civil Service Commission (Commission), the appellant maintains that she solicits, reviews and approves delegated purchasing authority transaction bid awards and contends that Agency Services erroneously concluded otherwise because it misinterpreted an example she provided during the telephone interview as reflecting her overall duties. Specifically, she contends that Agency Services incorrectly found that she merely selected vendors to provide a required service from "a list of pre-approved vendors" and, relying upon that finding, erroneously concluded that she was "not responsible for soliciting, granting and/or

approving any bid awards.” She asserts that during the telephone audit, she explained that she discussed a particular bidding process for national change of address processing. She emphasizes that she used a list of pre-approved vendors to determine which vendors she would solicit for bids from, rather than using the list to select a vendor would be selected to provide the service. The appellant also submits documentation from a 2017 RFP assigned to her.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for the title of Technical Assistant 3 states:

Under supervision of a supervisory official in a State department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties.

The definition section of the job specification for the title of Technical Assistant 2, Treasury states:

Under the direction of a Technical Assistant 1, Treasury or other supervisory official in the Department of the Treasury, or, in the Lien Section, Office of the Public Defender collects, reviews and verifies data from forms, claims, applicants, returns, assessments, proposals, and error listings, determines the completeness and accuracy of information, benefits, and/or liability reported or calculated; makes routine eligibility, award, and liability determinations and calculations; does related work.

Based upon a thorough review of the information presented in the record, the appellant’s position is appropriately classified as a Technical Assistant 3. In this regard, the primary focus of the appellant’s duties do not appear to match the duties listed in the definition section for the title of Technical Assistant 2, Treasury. Titles are categorized as professional, para-professional or non-professional.

A review of the job specifications for both titles reveals that, while very similar, an incumbent in the Technical Assistant 2, Treasury title performs technical work as well as para-professional duties. This title may be responsible for

examining documents to collect, review and verify data; assisting in the supervision of subordinate clerical employees; verifying computations for completeness and accuracy; calculating and authorizing payments; obtaining documents to make determinations; monitoring internal controls; reviewing account status; and monitoring payments. An incumbent in the Technical Assistant 3 title performs routine technical functions, responds to less complicated inquiries, performs research for various projects or to supply information, communicates with others to carry out the objectives of the office, verifies completeness of information, updates a tracking system, processes forms, and deals with inquiries and provides assistance.

The principal issue in this matter is whether the appellant is performing the duties of a Technical Assistant 2, Treasury. 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 correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Also, it is not uncommon for an employee to perform some duties which are above or below the level of work normally performed. A review of the duties of the appellant's position indicates that most of the tasks listed are routine technical functions which do not require a higher-level analysis of facts or application of technical knowledge. Notably, 60% of the appellant's duties listed on her PCQ include the following tasks: reviewing and printing requisitions; using software to design forms and barcodes and coordinating testing thereof; working with Taxation's web team on posting and testing documents; creating and updating weekly billing reports; maintaining an inventory of office supplies and a spreadsheet thereof; and providing administrative support. The aforementioned responsibilities are consistent with the technical functions in providing information, assistance in reviewing and verifying data of a routine nature, and related duties assigned to incumbents in the Technical Assistant 3 title. While the wording of the job specifications of the two titles may be similar, the tasks completed by the Technical Assistant 2, Treasury include application of technical knowledge in order to make routine determinations based on the data which is gathered and reviewed. At most, 40% of the appellant's duties evidence the higher-level analysis of facts or application of technical knowledge performed by incumbents in the title of Technical Assistant 2, Treasury, namely: preparing RFPs; recommending bid awards; reviewing and approving vendor-created documents; creating and updating billing reports; and authorizing payments following the review of invoices, bills and other financial statements. There is little evidence that the primary function of the appellant's position is to perform such a high-level analysis of facts or to apply technical knowledge in order to make determinations. As such, the appellant's primary functions are consistent with the Technical Assistant 3 title.

As to the appellant's contention that Agency Services did not properly characterize her duties and responsibilities, the Commission notes that its determination in this matter is based upon a thorough review of the entire record,

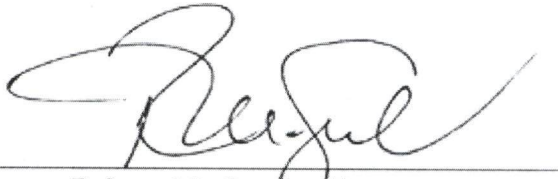
including the appellant's characterization of her duties in her PCQ and on appeal and the foregoing review fails to establish that the appellant presented a sufficient basis to warrant a Technical Assistant 2, Treasury classification of her position.

ORDER

Therefore, the position of Carolyn Martin is properly classified as Technical Assistant 3.

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 20TH DAY OF SEPTEMBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
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: Carolyn Martin
Douglas J. Ianni
Kelly Glenn
Records Center



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Chris Christie
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Robert M. Czech
Chair/Chief Executive Officer

"CORRECTED LETTER"

February 21 2017

Ms. Carolyn Martin

RE: Classification Appeal – Senior Clerk

AS Log# 10160031, Position# [REDACTED] EID# [REDACTED]

Dear Ms. Martin:

This is to inform you, and the Department of the Treasury, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted and a telephone audit telephone audit with you and your immediate supervisor, Donna Thomas.

Issue:

You are appealing your current title of Senior Clerk (A08) is not consistent your current assigned duties and responsibilities. You contend that the title Technical Assistant 2, Treasury (A15) is consistent with the duties that you currently perform.

Organization:

Your position is located in the Division of Taxation, Operations, Data Systems Activity. You report directly to Donna Thomas, Administrative Analyst 4, Information Systems (R29) and you do not possess supervisory responsibility.

Finding of Fact:

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

- Facilitating and sending Requests for Proposals (RFPs) to selected vendors, reviewing received bids for completeness, recommending award of bid, and preparing appropriate paperwork to Treasury's Fiscal Office for formal awards in accordance with current Direct Purchase Authorization's (DPA) rules and regulations as administered by the NJ Division of Purchasing and Property.
- Reviewing and preparing printing requisitions for various forms and publications.
- Utilizing various software packages such as: Quark, Live Cycle and Adobe Forms Design to create forms for various tax booklets and publications.
- Reviewing software generated forms, instructions, and vouchers submitted for approval from outside software development companies.
- Responsible for creating and maintaining weekly billing reports and various spreadsheets from offset programs.
- Acts as liaison with the Division's web team for posting all forms and/or publications.

Review and Analysis:

Your position is currently classified by the title Senior Clerk (A08-20043). The definition section of the job specification for this title states:

"Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required."

You contend that the title Technical Assistant 2, Treasury (A15-51633) is an appropriate title for your position. The definition section of the job specification for this title states:

"Under the direction of a Technical Assistant 1, Treasury or other supervisory official in the Department of the Treasury, or, in the Lien Section, Office of the Public Defender collects, reviews and verifies data from forms, claims, applicants, returns, assessments, proposals, and error listings, determines the completeness and accuracy of information, benefits, and/or liability reported or calculated; makes routine eligibility, award, and liability determinations and calculations; does related work."

The Examples of Work for this title include: reviewing and verifying reported data to determine underpayment, overpayment or eligibility to ensure that computations are

accordance with applicable State statutes and regulations; calculating and authorizing payment for liabilities, benefits, and/or awards; conferring and/or corresponding with the officials, members of the public and/or their representatives to obtain required documents to determine benefits, liabilities, claims or refunds; and reviewing account status prior to processing claims, applications, proposals or the payment of benefits; authorizing and/or initiating the processing of benefit payments, bid awards, and/or the preparation and issuance of assessments for any underpayment, penalty, or interest due.

The definition section of the job specification for the title Technical Assistant 3 (A12-51329) states:

“Under supervision of a supervisory official in a state department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties.”

An incumbent classified as a Technical Assistant 3 performs technical tasks of a routine nature, reviewing and verifying data as submitted on forms or applications, follows up with an applicant to obtain missing data, and enters data into database or tracking system. Incumbents respond to less complicated inquiries and requests for assistance, screens and refers cases that involve technical issues to a higher authority for disposition. They also assist in the preparation of requests for appropriate actions, performs research, and verifies accuracy and completeness of information before entry into automated systems and files.

A review of your primary job duties and responsibilities finds this position is primarily responsible for: Facilitating and sending Requests For Proposals (RFPs) to selected vendors, reviewing received bids for completeness, recommending award of bid, and preparing appropriate paperwork to Treasury Fiscal Office for formal awards in accordance with current Direct Purchase Authorization (DPA) rules and regulations as administered by the Division of Purchasing and Property (15%); reviewing and preparing printing requisitions for various forms and publications (20%); utilizing various software packages such as: Quark, Live Cycle and Adobe Forms Design to create forms for various tax booklets and publications (15%); and reviewing software generated forms, instructions, and vouchers submitted for approval from outside software development companies (10%).

During the telephone audit you stated that you are not responsible for soliciting, granting and/or approving any bid awards. Rather, you are provided with a list of pre-approved vendors and then select among the list for a vendor to provide a required service. The assignment of these duties and/or responsibilities is not commensurate with the title, Technical Assistant 2, Treasury.

The assigned duties and/or responsibilities of the position under review are significantly descriptive and consistent with the established standards for incumbents functioning in the title of Technical Assistant 3.

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title of Technical Assistant 3 (A12-51329) effective October 29, 2016.

The Civil Service Commission will work with the Department of the Treasury to effect this transaction.

Please be aware that an incumbent's eligibility in meeting specification requirements is not the same as properly classifying the duties of a position. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment to the title.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that "within 30 days of receipt of the reclassification determination, unless extended by the Chairperson 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 position, whether promotional, demotional or lateral, shall be effected in accordance with all application rules.

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. This appeal should be addressed to Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, PO Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader
Agency Services

JR/RMD

c: Laura Budzinski, Treasury, Human Resources
PMIS Unit, CSC