



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Monique Garrett, *et al.*, Department of Health

CSC Docket Nos. 2019-747, *et al.*

Classification Appeals

ISSUED: OCTOBER 19, 2018 (SLK)

Monique Garrett, Heather Macauley and Joanal Vendervort appeal the determinations of the Division of Agency Services (Agency Services) that the proper classification of their positions with the Department of Health is Agency Services Representative 2 (ASR2). The appellants seek a Technical Assistant 1 (TA1) classification. The appeals have been consolidated due to common issues presented.

The record in the present matter establishes that Monique Garrett’s and Heather Macauley’s permanent titles are ASR2 and Joanal Vendervort’s provisional title is ASR2.¹ The appellants sought reclassification of their positions, alleging that their duties were more closely aligned with the duties of a TA1. The appellants are assigned to the Office of the Assistant Commissioner, Office of Vital Statistics and Registry and report to Tiffany Drennon, Program Specialist 3. The appellants have no direct supervisory responsibility. In support of their requests, the appellants each submitted a Position Classification Questionnaire (PCQ) detailing the different duties that they perform. Agency Services reviewed and analyzed the PCQs completed by the appellants and all information and documentation submitted. Additionally, Agency Services conducted telephone audits with each appellant and a follow-up interview with Ms. Drennon. Agency Services found that the appellants’ primary duties were to respond to and solicit information from the public, both orally and in writing, review submitted documentation of vital records and make necessary changes/corrections, create and issue new vital records, provide information to customers regarding department/agency programs and services and

¹ Vandervort’s permanent title is Agency Services Representative 1. After her classification review, Agency Services determined that she was performing the duties of an ASR2 and her provisional service in this title was effective February 17, 2018.

the requirements of requesting and processing changes for a variety of public records, perform customer service via answering questions, explain rules, regulations, policies, procedures, clarify forms, provide instruction and direction in the completion of applications and resolve issues and problems, evaluate, authenticate and verify information and official documents presented by customers and applicants, compose personalized letters to fit each customer's circumstances and to advise customers on the need for additional information, explain the reasons for denials of issuance, and conduct information searches for vital records. In its decisions, Agency Services determined that the duties performed by the appellants were consistent with the definition and examples of work included in the job specification for ASR2.

On appeal, the appellants disagree with Agency Services' determination that their main job is to interact with the public. Instead, the appellants present that their main duty is to exercise independent judgment to process various types of modification requests for government records using applicable laws, rules, regulations, policies and procedures to match the specific needs of the request. Some examples of using independent judgment include reading and interpreting handwritten documents dating back to the 1800's from all over the world to modify records, deciding whether a court order is sufficient to add and/or remove a father to an official record based upon the terminology used in the court order, and deciding whether a woman who is divorced can resume using her maiden name as directed by a court order, which may not be the name on her birth record. The appellants also need to communicate, both orally and in writing, to individuals and businesses to explain the applicable laws, regulations and procedures concerning the modification of records. They assert that no two situations are the same and each situation requires independent judgment.

The appellants also submit letters from Ms. Drennon in support of their appeals. Ms. Drennon confirms that the appellants' main duty is to process modification requests. She disagrees with Agency Services' finding that the appellants spend the majority of their time communicating with the public and represents that they spend the majority of their time processing modifications. Ms. Drennon confirms that many times documents must be interpreted to determine if they are applicable to the changes being requested and to ensure that the submitted documents meet the requirements of any applicable laws, rules, regulations, policies and procedures. Additionally, the appellants submit a letter of support from the New Jersey State Registrar of Vital Records. Also, the appellants provide examples of the steps needed to process various types of modifications. Further, they attach an example of a policy specific to the Modification Unit and their unit's organization chart.

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 ASR2 states:

Under the limited 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 information to customers regarding department/agency programs and services; may provide guidance and assistance to clerical staff; does other related work as required.

The definition section of the job specification for TA1 states:

Under close direction of a supervisory official in a State department, institution, or agency performs technical duties and/or performs paraprofessional responsibilities for prescribed technical projects or programs requiring the independent application of the rules, regulations, policies, and procedures to varying situations within the particular area of assignment; does other related duties as required.

In this present matter, initially it is noted that incumbents in the ASR2 title are primarily focused on the processing and issuing of agency documents while the primary duty for incumbents in the TA1 title is to perform duties for technical projects or programs requiring independent application of rules, regulations, policies and procedures. Therefore, as the appellants acknowledge that their main responsibility is to modify government documents, they are not performing duties concerning technical projects or programs and the TA1 title is not applicable to their work.

Further, even if the TA1 title was applicable, a review of the appellants PCQs indicate that they spend 35 percent of their time correcting government issued documents which includes creating correction forms, stamping the forms, updating the database, scanning records, filing records and sending forms. Additionally, the appellants spend 20 percent of their time on written and oral communications with the public and third-parties concerning these forms. Also, they spend 10 percent of their time researching vital records and 10 percent of their time maintaining a weekly log of their assignments. Finally, the appellants spend 25 percent of their

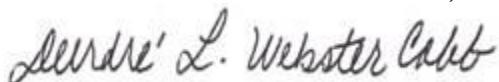
reviewing court orders to determine that the changes requested were granted by the court, the court document contains the appropriate information to make the request, checking the validity of the court document, creating and issuing new vital records and sealing the original record along with the required supporting documentation. In other words, the appellants are spending the majority of their time performing various clerical duties concerning the creating and changing vital records and not performing independent analysis of rules, regulations, policies and procedures. 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, it is clear that the appellants' positions are properly classified as ASR2.

ORDER

Therefore, it is ordered that these appeals be denied, and the positions of Monique Garrett, Heather Macauley and Joanal Vendervort are properly classified as Agency Services Representative 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 OCTOBER, 2018



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