



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Carissa Haas-Green,
Millville

CSC Docket No. 2020-451

Classification Appeal

ISSUED: October 29, 2019 (RE)

Carissa Haas-Green appeals the decision of the Division of Agency Services (Agency Services) which found that her position with Millville is properly classified as Secretarial Assistant. She seeks an Administrative Clerk classification in this proceeding.

By way of background, in *In the Matter of Carissa Haas-Green, Millville* (CSC, decided February 6, 2019), the Civil Service Commission (Commission) found that the appellant’s position would not be properly classified as either Administrative Clerk or Senior Account Clerk, and ordered Agency Services to re-review the classification of her position. Agency Services re-reviewed the classification of the appellant’s position and in its determination dated July 2, 2019 found that it would be properly classified as Secretarial Assistant, effective March 21, 2019.

Upon its review, Agency Services found that her position is assigned to the Department of Public Works, is supervised by an Assistant Municipal Engineer,¹ and has no supervisory responsibility. In this regard, the title Administrative Clerk is an “entitlement title.” That is, the classification is determined based on the level of the assigned immediate supervisor. In explaining its determination, Agency Services indicated that the position reports to the head of the Engineering Division within the Department of Public Works, of which the Mayor is the Director and administrative Department Head.

¹ At the time of the audit, the Assistant Municipal Engineer was the acting Municipal Engineer.

On appeal, the appellant argues that Millville refers to her supervisor, and other supervisors as Department Heads, and to the Commissioners in Charge as Chief Executive Officers and Directors. She reiterates that her supervisor is the Municipal Engineer who is the Public Works Manager and the Department Head for the Division of Engineering. Based on Millville's definitions of Department Heads and Chief Executive Officers and Directors, her supervisor's identification as the Department Head warrants the entitlement title. The appellant states that another individual has been appointed to the requested title. She states that she cannot find a rule or regulation stating that a municipality can only have one Administrative Clerk.

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 Secretarial Assistant states:

Under direction, acts as a personal secretary or aide to the head of an established division and performs complex and responsible clerical work of a varied nature requiring thorough knowledge of the rules and regulations of the division; in addition, may assign and supervise the work of the clerical staff of the unit; does related work as required.

The definition section of the job specification for Administrative Clerk states:

Assists an administrative official of a department or autonomous government agency at a level no lower than department head, by doing administrative clerical and related work, usually varied and involving some elements of trouble shooting; or, under the immediate direction of an administrative official at a level no lower than department head, supervises the office and other clerical and related operations of a department or autonomous agency; does related work as required.

The appellant's arguments are not related to the duties of her position, but rather to the use of the requested title as an entitlement title. In this respect, Millville is a Walsh Act city, which is composed of five Commissioners. Each Commissioner is designated to be the "director" of one of the statutorily defined departments, i.e., the Departments of Parks and Public Property, Public Affairs, Public Safety, Public Works, and Revenue and Finance. See *N.J.S.A.* 40:72-6.

Although the Walsh Act indicates that each Commissioner is a director” of one of the five departments, for purposes of position classification, it is clearly a Department Head. In this regard, the executive, administrative, legislative and judicial powers vested in a department in a Walsh Act municipality are possessed by the Commissioner designated as director of the department. *See Township of Belleville v. Fornarotto*, 228 N.J. Super. 412 (1988); *Durkin v. Ellanstein* 137 N.J.L. 55 (1941). *See also*, N.J.A.C. 4A:3-1.3(b). Within the Department of Public Works are various divisions, Engineering, Fleet Management, Recycling and Solid Waste, Streets and Roads, Sewer Utility and Water Utility. The appellant’s supervisor is not a Department Head, and therefore, an Administrative Clerk position is not warranted for the appellant’s position, regardless of Millville’s definition of a Department Head. As Millville has elected to operate under the Walsh Act, its positions must classified within its constraints.

To that end, it is noted that a promotional examination for Administrative Clerk (PM0002A), Millville was announced on January 1, 2019 with a closing date of January 22, 2019. Two applicants were admitted, and the third applicant, the appellant, was found ineligible for no being permanent in the competitive division. After this point, the appointing authority received the Commission’s determination in February 2019, which explained that Administrative Clerks primarily act in the capacity of an assistant to the Department Head performing clerical and related work. Nevertheless, it proceeded to permanently appoint one of the applicants to Administrative Clerk on the July 19, 2019. Accordingly, the Commission emphasizes to Millville that the incumbent must be supervised by a Department Head as defined in this determination.

Finally, there is no rule or regulation stating that a municipality can only have one Administrative Clerk. Rather, each administrative official of a department at no lower than a Department Head can have an Administrative Clerk. In municipalities operating under the Walsh Act form of government, the Commissioner designated as the director of the department is equivalent to a Department Head. As such, Walsh Act cities consisting of five departments are limited to five Administrative Clerks.²

Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant an Administrative Clerk classification of her position.

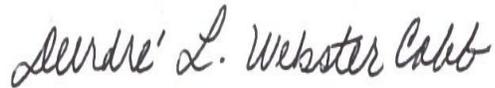
ORDER

Therefore, it is ordered that this appeal be denied.

² Some Walsh Act cities elect to have only three departments. Those municipalities would be limited to the Administrative Clerks. *See N.J.A.C. 40:72-4.*

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 23rd DAY OF OCTOBER, 2019



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