

be removed. The appellant provided an attachment that the appointing authority had provided with its reasoning for rejecting the appeal in section 16 on the PCQ. That attachment, dated March 2019, referred to a position entitled Administrative Division Coordinator in DEI. That included a brief description of Rowan, the Vision and Mission of DEI, Essential Duties and Responsibilities, Core Competencies, and Skills and Abilities. The Essential Duties and Responsibilities section had a comprehensive list of 29 duties for the title. The appellant submits the attachment and highlights 14 of these duties, claiming that they are clerical in nature, and she should not be required to perform these duties. She states that they have never observed her work, her immediate supervisor was only hired in June 2019, and the Senior Vice President has only known her since February 2019. She believes that these clerical duties are retaliation.

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 Assistant Supervisor 3, Administrative Services states:

Under the direction of a Director 3 or 4 in the Administrative Services area at a state college, supervises one or more sections of a single objective program or unit; or under the direction of a Director 1 or 2, is responsible for exercising general supervision over one or more sections of a major program or unit and staff; participates in the development and implementation of program or unit goals, policies and procedures; does related work as required.

The appellant is not arguing for a reclassification of the position to Associate Supervisor 2, Administrative Services, rather, and she requests that 14 duties listed on an attachment sent by Rowan in support of its denial not be expected of her. In this respect, the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a current review of assigned duties, not duties assigned in the past or future. The title Associate Supervisor 2, Administrative Services is clearly inappropriate, as this is a secondary-level supervisory title, and the appellant does not supervise any primary-level supervisors.

The appellant provided ten duties on her PCQ, along with a thorough description of each. A short summary of these duties include: conceiving and

developing programs and writing proposals in support, 20% of the time; managing major programs and events requiring liaison and cooperative working relationships, for 15% of the time; administering surveys, for 5% of the time; developing and recommending goals, policy changes and procedures, for 10% of the time; managing budgets, for 10% of the time; acting as representative and proxy and attending job fairs, for 5% of the time; conducting formal investigations of misconduct and discrimination, for 10% of the time; developing and managing support services, for 10% of the time; soliciting public funds, all for 5% of the time; and, performing supervisory duties, for 10% of the time. This list, provided by the appellant, does not include any clerical duties. A review of the appellant's Performance Assessment Review (PAR) reveals that the major goals of the position are to provide input and involvement in the development of programmatic policies and procedures; provide support throughout investigations; accurately collect data and report it; develop and maintain training; oversee all logistics for initiatives; contribute to strategic planning; and be a representative. Again, there are no clerical duties listed. A classification review determines the proper classification of the title in a given point in time based on actual duties performed, and is not the forum to request a title for a planned given set of duties for future assignment. An appointing authority may request assistance from Agency Services in finding an appropriate title for a given set of duties, and this does not need a formal determination from the Civil Service Commission. The appeal of this issue is moot.

In this specific case, the Commission cannot agree that the appellant's position should remain classified as Assistant Supervisor 3, Administrative Services. Specifically, the primary focus of the duties can be best classified by an existing career services competitive title. In *In the Matter of Department of Higher Education Employees (MSB, decided May 25, 1993)*, the Board indicated that the generic, non-competitive titles, such as the appellant's, were established to avoid service disruptions, due to bumping, in the event of layoffs. Appendix A, point 2 referred in the decision states:

New positions not in a direct line of supervision to the State Colleges Unit created since July 1986 and presently in generic titles below Associate Director 2 which the parties agree are more appropriately included in one of the CWA units will be included in one of the CWA units in existing classified¹ competitive titles. If there is no appropriate existing classified competitive title for an affected position, then the position will be placed in a generic classified non-competitive title created by the Department of Personnel.²

Therefore, the generic non-competitive title which classifies the position is not intended to be used where an existing career service competitive title would be

¹ Now known as "career service" titles.

² Now known as the Civil Service Commission.

appropriate. In this regard, the Commission has a statutory obligation to classify titles, and appropriate existing career services competitive titles should first be considered to ensure that this agency's mandate that appointments to public service be made on the basis of merit and fitness on a competitive basis. In this case, there are no duties that the appellant performs that appear to fall outside of the scope of existing competitive titles. Therefore, based on the duties presented, it does not appear that the appellant's position is properly classified.

Therefore, the appeal is moot, and Agency Services should re-review the classification of the appellant's position to determine if it would be more appropriately classified by a competitive title in the career service.

ORDER

Therefore, it is ordered that this appeal is moot, and that Agency Services review the classification of the position encumbered by Margaret Viggiano consistent with this decision.

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 18th DAY OF DECEMBER, 2019



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