



**STATE OF NEW JERSEY**

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

In the Matter of Darlene Nixon,  
Department of the Treasury

Classification Appeal

CSC Docket No. 2019-864

**ISSUED: APRIL 22, 2019**

**(HS)**

Darlene Nixon appeals the determination of the Division of Agency Services (Agency Services) that her position with the Department of the Treasury (Treasury) was properly classified as Data Entry Operator 2.

The record in the present matter establishes that at the time of her request for a classification review in April 2018, the appellant was permanent in the title of Data Entry Operator 2. Her position was assigned to the Division of Revenue and Enterprise Services. Agency Services received the appellant's request, performed a review of all submitted information including a Position Classification Questionnaire (PCQ) that detailed the different duties performed with associated percentages of time, and conducted a telephone audit with the appellant and her supervisor. On her PCQ, the appellant stated, among other things, that she reviewed work submitted by a Data Entry Operator 2 for accuracy and corrected and determined causes of errors when verifying (6%); distributed work in priority order, making sure all operators have work at their key stations at all times, trained operators on different jobs as needed, and answered questions on work-related jobs (7%); oversaw the quantity of work in the Dreams 5.0 software program and gave directives to a Data Entry Operator 2 to process (6%); took the lead over lower level operators consisting of entry level operators and support personnel (2%); checked the accuracy and completeness of data entry work performed by lower level operators (2%); trained new employees in methods of operating data entry machines and other equipment and in the methods used in the unit (6%); and gave clear instructions and saw that prepared data is properly routed to the proper workstation (6%). During the classification review, Agency Services was advised by

Treasury that the appellant was assigned to take the lead over one individual serving in the title of Data Entry Operator 2.

In its August 21, 2018 determination, Agency Services noted that the appellant's unit consisted of six individuals serving in the title of Data Entry Operator 2 and two individuals serving in the title of Data Entry Operator 3. Agency Services found that the primary duties and responsibilities of the appellant's position entailed, among other things: preparing and organizing all work inventory logs; reviewing work and ensuring that all completed work is logged out and ready for pickup by the specified time and location; guiding entry level operators as necessary; comparing the status of AM and PM transfers and directories to ensure that all batches that are coded for transfer are listed on the daily transfer twice a day; prioritizing incoming work and responding to questions that may arise; overseeing the quantity of work in the software program, Dreams 5.0; receiving daily assignments from vendors that require the frequent use of all or most of the special function keys to process assigned work; reviewing error messages and using the appropriate recovery procedures for document or processing failures through selection of recovery option incurring a minimum loss of data; and counting the work and the money that is collected based on various types of data. Agency Services determined that the duties and responsibilities of the appellant's position were commensurate with her then-permanent title, Data Entry Operator 2.<sup>1</sup>

In her appeal to the Civil Service Commission (Commission), the appellant maintained that she had been performing out-of-title duties in the capacity of a Data Entry Operator 3 since 2016. She stated that she assigned work to and instructed individuals serving in the titles of Data Entry Operator 1 and Data Entry Operator 2 and intermittent employees. She noted that her name appeared on the PS0919U eligible list. In support, she submitted recommendation letters.

## 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 that was not presented at the prior level of appeal shall not be considered.

*N.J.S.A.* 11A:3-1(a) and *N.J.A.C.* 4A:3-3.2(a) provide that the Commission shall establish, administer, amend and continuously review a State classification plan governing all positions in State service.

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<sup>1</sup> The appellant received a regular appointment from the eligible list for Data Entry Operator 3 (PS0919U), effective March 2, 2019.

The definition section of the job specification for Data Entry Operator 3 states:

Under general supervision, uses an alphanumeric keyboard, image scanner or other data entry input device to enter, edit and/or update data from varied source documents into a prescribed computer system for storage, processing or data management purposes; performs a variety of complicated data entering and verification assignments and projects; takes the lead over a group of operators, consisting of entry level operators and support personnel; does other related duties as required.

Distinguishing classification factors include functioning in a lead worker capacity consisting of entry level operators and support personnel. Incumbents may train lower level operators, answer questions and prepare work schedules.

The definition section of the job specification for Data Entry Operator 2 states:

Under limited supervision, uses an alphanumeric keyboard, image scanner or other data entry input device to enter, edit and/or update data from varied source documents into a prescribed computer system for storage, processing or data management purposes; compares entered data to source document to ensure the accuracy of input, and reenters or edits inaccurate data where necessary; provides guidance and direction to entry level operators; does other related duties as required.

Distinguishing classification factors include answering questions, providing instruction or direction to, and guiding lower level operators in performing the work of the unit.

In this matter, Agency Services properly found that the appellant's position could not be reclassified to Data Entry Operator 3 as a result of its classification review. Although the appellant, on appeal to the Commission, pointed to her placement on an eligible list for the subject title, an employee's 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). While the appellant also maintained that she had been performing out-of-title duties in the capacity of a Data Entry Operator 3 since 2016, 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. Classification reviews are thus based on a current review of assigned duties, and any remedy derived therefrom is

prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Commission review and judicial challenges. *See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M62780), and Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). *See also, In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992); and *In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993). The definition section of the job specification for Data Entry Operator 3 calls for the incumbent to take the lead over a *group* of operators. Assuming the appellant took the lead at the time of the classification review, it was not to a *group*, based on the information that was before Agency Services. In this regard, the appellant's unit consisted of six individuals serving in the title of Data Entry Operator 2 and two individuals serving in the title of Data Entry Operator 3. Additionally, during the classification review, Agency Services was advised by Treasury that the appellant was assigned to take the lead over one individual serving in the title of Data Entry Operator 2. At best, then, the appellant took the lead over this one individual, not a group. A review of the information presented in the record indicates that the appellant did not present a sufficient basis to establish that her position should have been reclassified to Data Entry Operator 3 in 2018.

As a final matter, the Commission finds that the job specification for Data Entry Operator 3 is inconsistent with the standard for lead work set forth in numerous prior decisions: a leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles *at the same or* a lower level than themselves and perform the same kind of work as that performed by the group being led. *See, e.g., In the Matter of Thomas McCarthy* (CSC, decided June 17, 2015). Duties and responsibilities would include training and assigning and reviewing work. However, the Data Entry Operator 3 specification states that the incumbent takes the lead over a group of operators, consisting of *entry level* operators and support personnel. Although the Commission accepts that Data Entry Operator 2 is not explicitly a lead worker title in that the incumbent provides guidance and direction as opposed to performing the full complement of lead worker duties, the specification similarly states that the incumbent provides guidance and direction to *entry level* operators. It is thus appropriate for Agency Services to review and modify the job specifications for the Data Entry Operator 3 and Data Entry Operator 2 titles to

make them consistent with this and prior Commission decisions and make any other modifications it deems necessary.

**ORDER**

Therefore, it is ordered that this appeal be denied. Additionally, the Division of Agency Services is ordered to revise the job specifications for Data Entry Operator 3 and Data Entry Operator 2, consistent with this decision.

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 17<sup>TH</sup> DAY OF APRIL, 2019



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