



**STATE OF NEW JERSEY**

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

In the Matter of Camille Porter,  
Department of Children and Families

CSC Docket No. 2019-3386

Classification Appeal

**ISSUED: MAY 22, 2020**

Camille Porter appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Children and Families (DFC) is properly classified as Senior Audit Account Clerk. She seeks a Senior Fiscal Analyst job classification in this proceeding.

The appellant received a regular appointment to Head Audit Account Clerk on September 5, 2013. In October 2018, she requested a classification review indicating that her title was not consistent with her duties and responsibilities. The position is assigned to the Division of Child Protection and Permanency, Office of Accounting, is supervised by an Administrative Analyst 4, Fiscal Management, and has supervisory responsibility over one Principal Audit Account Clerk. Agency Services conducted a review of her position including a review of her Position Classification Questionnaire, and other documents, and determined that this position was properly classified as Senior Audit Account Clerk and assigned her an effective date of May 25, 2019. Germane to the matter at hand, Agency Services determined that even though her position has supervisory responsibility, the number of subordinate employees the appellant supervises does not meet the standard of three or more. As such, since the appellant's permanent title of Head Audit Account Clerk is a first level supervising title, because she did not supervise the required number of subordinates, a more appropriate classification was the non-supervisory title Senior Audit Account Clerk.

On appeal, the appellant states that she oversees the petty cash fund, which involves approving and denying the petty cash fund replacement requests for 46 local

offices and the central office, and reconciliation of accounts at the end of the month. As part of the Administrative Payments unit, the appellant states that she approves the transfer of money when payments are released, oversees the work of her subordinate, ensures vendors follow budgetary guidelines, and reports discrepancies and recommendations. She states that other employees in the unit have the same responsibilities as she does, but are in titles with higher class codes. In support, her supervisor indicates that the appellant needs a higher-level title to accommodate her finances, and he requests that she maintain her Head Audit Account Clerk title.

## 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 Senior Audit Account Clerk states:

Under the direction of a Principal Audit Account Clerk or supervisory officer in a State department, institution, or agency, examines and checks calculations for completeness and accuracy, makes determinations and computations requiring a working knowledge of departmental rules, regulations, and policies, prepares and verifies payrolls, and/or may take the lead in a group of Audit Account Clerk s or other clerical employees; does other related work.

The definition section of the job specification for Senior Fiscal Analyst states:

Under limited supervision of a supervisory official in a State department or agency, independently performs the work involved in the analysis of fiscal activities including budget preparation, review and maintenance, analyzing budgets for grants, contracts, state funds and/or program funds, assists in analyzing fiscal impacts, maintains records; does other related duties.

A thorough review of the information presented in the record establishes that the appellant's position would not be properly classified as Senior Fiscal Analyst based on her duties and responsibilities. In this regard, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher-level degree, with or without a clause to substitute experience. Professional work is predominantly intellectual and character, as opposed to routine mental, manual,

mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires *application* of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities.

Also, how well or efficiently an employee does his or her job, length of service, volume of work and 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). An appellant's financial or personal situation is also not a factor. 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.

The Senior Fiscal Analyst title is professional, requiring a Bachelor's degree, and is not a "super-clerical" or paraprofessional title. The focus of the duties of a Senior Fiscal Analyst is to analyze fiscal activities including budget preparation, review and maintenance, analyze budgets for grants, contracts, state funds and/or program funds, assist in analyzing fiscal impacts, and maintain records. Typically, classification determinations list only those duties which are considered to be the primary focus of an employee's duties and responsibilities that are performed on a regular, recurring basis. See *In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006).

Agency Services lists the appellant's duties as maintaining and monitoring petty cash accounts; reviewing and processing purchase orders; resolving payment issues; assisting other offices or units with payments, refunds and other fiscal matters; preparing fiscal reports; assisting in developing policies and procedures; and supervising one employee. Clearly, these duties are not at a professional level, requiring the application of professional knowledge and abilities in fiscal analysis. Aside from supervisory responsibility, her duties fall squarely within the definition of the Audit Account Clerk title series. Additionally, the appellant's position stands on its own and is classified based on the duties she performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant's position.

The issue in this case is if the appellant's position should be reclassified to a lower level title in the Audit Account Clerk title series. As previously noted, the

appellant was permanently appointed as a Head Audit Account Clerk in September 2013, and prior to that time, served as a Principal Audit Account Clerk since October 2008. Moreover, the sole position that the appellant supervises, classified as Principal Account Audit Clerk, is also a first level supervisory title, and the incumbent in that position has served in the title since May 2016. It also cannot be ignored that since the appellant is permanent in the Head Audit Account Clerk title, she has acquired tenure and rights to that title. Therefore, unless the appellant agrees to a voluntary demotion to Senior Audit Account Clerk, the only two ways the appointing authority has to address the situation is either to assign her duties consistent with her permanent title of Head Audit Account Clerk, in this case, by assigning her two more subordinates to supervise, or, to affect layoff procedures in order to ensure the appellants tenure rights to her permanent title received the proper due process she is entitled to via layoff title rights determination procedures.

Agency Services advises that the appointing authority has not indicated if it has reassigned the appellant duties and responsibilities commensurate with her permanent title. *See N.J.A.C. 4A:3-3.5(c)1*. Although this would normally result in Agency Services reclassifying the position to the title it recommended, it is not possible for it to do so in this situation because, as noted earlier, the appellant has tenure rights to the higher title and the only way she could be demoted is either through a voluntary demotion or layoff. Absent the initiation of one of these options, automatic reclassification of the position by this agency is not possible. However, in this situation, for the reasons stated below, the Commission finds that it is not necessary to consider either of these options.

According to agency records, DCF employs eight Head Audit Account Clerks, two Principal Audit Account Clerks and no Senior Audit Account Clerks or Audit Account Clerks. Given the information presented in this case, it appears that DCF may not be appropriately utilizing the Head Audit Account Clerk classification. In these circumstances, it would be impossible for the appointing authority to reassign the appellant, let alone any of the other seven Head Audit Account Clerks, supervision of lower in the series incumbents. It also would be impossible for the Principal Audit Account Clerk to supervise any lower in-series incumbents. Thus, it is possible that all Audit Account Clerks employed by DCF are misclassified, and it is not likely that the appointing authority could assign supervisory duties to each incumbent. On balance, to seek a voluntary demotion and/or require the appointing authority to institute a layoff action, under these limited circumstances, would not only be unduly disruptive to the appointing authority's operation, but unfair to the long-term incumbents, the majority who have been permanent for more than ten years. Therefore, to hold harmless the appellant, as well as any other incumbent in the Head Audit Account Clerk/Principal Audit Account Clerk title at DFC, it is appropriate to permit those positions to remain classified as Head Audit Account Clerk/Principal Audit Account Clerk until vacated by the current incumbents. When these positions are vacated they should be classified at the appropriate level in the

Audit Account Clerk title series. *See In the Matter of Hortensia Arce, et al., Department of Labor* (Commissioner of Personnel, decided April 11, 1995).

### ORDER

Therefore, it is ordered that this appeal be denied, and the position held by Camille Porter remain classified as Head Audit Account Clerk. When the position is vacated by the current incumbent, it should be reclassified as Senior Audit Account Clerk. Additionally, all other existing positions at the Department of Children and Families shall remain classified as Head Audit Account Clerk or Principal Audit Account Clerk. When those positions are vacated by their current incumbents, they should be reclassified at the appropriate level in the Audit Account Clerk title series.

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  
20<sup>TH</sup> DAY OF MAY, 2020




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