



if the requested title is not applicable, consideration should be made for Office Supervisor.

## 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 if 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 Supervisor, Licensing Unit, Professional Board states:

Under the direction of the Executive Director or Executive Secretary of a Professional Board in the Division of Consumer Affairs, Department of Law and Public Safety, supervises clerical staff involved in processing licenses for one of the Division's Professional Boards; does other related work.

The definition section of the job specification for Management and Operations Analyst 1 states:

Under supervision of a supervisory official in a State department or agency, as directed reviews and analyzes departmental administration, objectives, efficiency and effectiveness, and supervises programs and activities as assigned; does other related duties as required.

A review of the duties of the appellant's position indicates that they most closely match the job description for Supervisor, Licensing Unit, Professional Board. Also, 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. Further, it is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Ancillary duties cannot define a position.

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.

The Management and Operations Analyst 1 is responsible for analyzing the administration, objectives, efficiency, and effectiveness of programs and activities, the adequacy and effectiveness of operating systems, and the operational problems revealed through budget studies, requests and hearings. This position investigates and develops solutions to problems, works toward the elimination of unnecessary or wasteful practices, and assesses new ideas and approaches. It develops organizational structure and methods of operation, installs reporting systems for assessing performance, performs non-technical analyses of reports to determine work backlogs, participates in studies, and assists in introducing new techniques and methods to improve administration. In sum, the primary focus of this position involves varied types of analysis for the purpose of improving work processes and products. This is not a super-clerical or paraprofessional title, but belongs in the professional class. Further, this title is in the "Y" Employee Relations Group. This group is defined as "Confidential", which means that duties involve responsibilities or knowledge in connection with labor relations or personnel administration which make it inappropriate to be included in a bargaining unit. Such individuals are staff employees who regularly assist or report to those in management responsible for formulating or effectuating labor relations policy. For this reason alone, the Management and Operations Analyst 1 title is not appropriate as the appellant's duties do not encompass this scope of responsibility.

Nevertheless, the supervisor of the position has indicated the most important functions of the position are administrative supervisor services for the Board of Nursing, and ensuring the approval process of nursing programs is clear and concise. The appellant also indicated on her PCQ that for 20% of the time she supervises daily operations of several areas; for 10% of the time she reviews initial applications for compliance to nursing education regulations; for 10% of the time she reviews renewal applications for compliance to nursing education regulations; for 6% of the time she prepares documents for site visits to ensure compliance to nursing education regulations; for 5% of the time she directs staff, reviews inquiries

and provides information and assistance; for 5% of the time she trains staff; for 5% of the time she reviews transcripts for students; and for 5% of the time she communicates the planning needs for a Board and committees. Each of her twelve remaining tasks were performed less than 5% of the time. A review of these duties does not establish that the primary focus is reviewing and analyzing departmental administration, objectives, efficiency and effectiveness, and supervising programs and activities as assigned. Such programs would include those needing supervision to ensure they are being carried out economically and efficiently. The appellant's duties fall squarely into the definition for Supervisor, Licensing Unit, Professional Board, as they involve supervision of clerical staff involved in the processing of licenses.

Lastly, with regard to the appellant's request for consideration of the title Office Supervisor, an appellant cannot request a different title than the one requested below. If the appellant wishes to pursue an Office Supervisor classification, she must request another classification review from Agency Services.

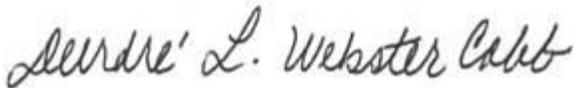
Accordingly, a thorough review of the entire record fails to establish that Diane Scott has presented a sufficient basis to warrant a Management and Operations Analyst 1 classification of her position.

### **ORDER**

Therefore, the position of Diane Scott is properly classified as a Supervisor, Licensing Unit, Professional Board.

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 19<sup>TH</sup> DAY OF AUGUST 2020



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