

supplies an amendment. She argues that these responsibilities are more involved and intricate than reviewing contract language for correctness, as indicated by Agency Services in its determination. The appellant also argues that she does not simply “schedule compliance meetings,” but is required to attend because, as she writes the agreements, she answers questions regarding the compliance and non-compliance of parties relating to the administration of the agreements to formulate proper language and provide recommendations. She states that she does not assist with the mailing of city contracts, but receives assistance in having the agreements mailed to vendors, and does not edit contracts/ documents, but writes and administers the contracts. The appellant states that she participates in the (Request for Proposal) RFP review and selection process, has assisted in developing the criteria and scope of services for RFPs, ensures contracts are administered properly, submits documents for approval, and drafts the resolution. She then develops and writes the terms of the contract or grant agreement in line with the RFP or bid specifications, negotiates the language of the contract, processes the invoices, requests or recommends amendments, and communicates with vendors throughout the process.

The appointing authority writes in support of this appeal. He provides an exemplary description of the appellant’s qualities, and states that she prepares and maintains the agreements for over 14 different City departments/bureaus, and is involved in the RFP process for a multitude of professional services contracts and the auditing and payments on said contracts.

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 Paralegal Specialist states:

Under direction, assists in the preparation of cases for legal action, conducts assigned legal research, gathers factual information, and assists in the preparation of legal documents; does other related duties.

The definition section of the job specification for Contract Administrator 2 states:

Under the general supervision of a supervisory official, administers and exercises review and/or approval authority over various contracts and/or grants; provides technical assistance in contract and/or grant

preparation, control, monitoring, amendment, and/or evaluation; as appropriate, exercises controllership and approval rights and responsibilities in the area of contract and/or grant administration; and/or processes contracts for multiple divisions, projects and/or programs, may be assigned to review the work of lower level contract administration and support staff; does other related duties.

In making classification determinations, emphasis is placed on the definition section of the job specification to distinguish one class of positions from another. The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan.¹ How well or efficiently an employee does his or her job, length of service, and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. On the other hand, the Examples of Work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). 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. 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.

Examples of work of a Contract Administrator 2 include developing and administering contracts; conducting solicitation or RFP bidding process, drafting and negotiating contract language, and developing contract evaluation criteria; participating in the development of policy and procedure manuals containing financial and administrative contract/grant application guidelines; conducting contract award meetings; initiating, reviewing and finalizing scope of work and/or specification development documents for those projects requiring architect or engineer services; and collecting and analyzing data to prepare reports. A Paralegal Specialist gathers all facts pertaining to the case in preparation for trial; conducts legal research; organizes and maintains reference files, collects and analyzes evidence, and prepares informative and explanatory material; researches and analyzes law sources; obtains documents, prepares reports, provides technical assistance, and reviews and answers correspondence, among other duties.

¹ *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005).

On her PCQ, the appellant indicated that for 53% of the time, she performed seven duties related to contracts. Under of order of difficulty, she created her own scale, 1 to 10, with 10 being the most difficult, and she assigned a number to each duty. Four of those duties received a 10. For another 10% of the time, the appellant supplied 10 more duties related to contracts. The appellant's remaining 37% of the time included 13 duties related to paralegal responsibilities. Her immediate supervisor stated that this was accurate. The appellant provided a narrative of her duties during the telephone audit which included both types of duties. One item not in dispute is that that appellant does not have final approval for contracts. Exercising final review and/or approval authority over various contracts and/or grants is the increasing responsibility which sets this title apart from the lower one in the title series. Additionally, the appellant indicated that she was not involved in the decision making with RFP Procurement, but paid the voucher and maintained a log. The appellant does not take the lead over others who perform the same work.

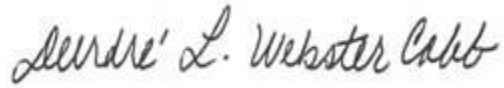
The appellant indicated on her PCQ that she performs paralegal duties 37% of the time, yet when asked, her supervisor indicated that her contract work was minimal and not her sole responsibility. Nonetheless, the appointing authority states that she prepares and maintains the agreements for over 14 different City departments/bureaus, and is involved in the RFP process for a multitude of professional services contracts and the auditing and payments on said contracts. 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 correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. In this case, the preponderance of information gathered from the classification review does not clearly establish that her position should be classified as Contract Administrator 2.

ORDER

Therefore, it is ordered that this appeal be denied.

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 1ST DAY OF DECEMBER 2021



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