



B-31

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Donna Eberle and  
Jennifer Rodriguez, Department of  
Corrections

Classification Appeals

CSC Docket Nos. 2016-1 and 2016-2

ISSUED: NOV 06 2015 (SLK)

Donna Eberle appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Corrections (Corrections) is Manager 1, Human Resources. Jennifer Rodriguez appeals the attached decision of the Agency Services that the proper classification of her position with Corrections is Personnel Assistant 1. The appellants seek a classification of Manager 2, Human Resources. These appeals have been consolidated due to common issues presented.

The record in the present matter establishes that Ms. Eberle's permanent title is Manager 1, Human Resources. She is assigned to the Office of the Chief of Staff, Office of Human Resources, Civilian Recruitment and Position Monitoring and reports to James Mulholland, Manager 3. Ms. Eberle directly supervises a Personnel Assistant 2, a Senior Management Assistant, and a Clerk Typist. The record in the present matter establishes that Ms. Rodriguez's permanent title is Personnel Assistant 1. She is assigned to the Office of the Chief of Staff, Office of Human Resources, Custody Recruitment and reports to James Mulholland, Manager 3. At the time of the review, she directly supervised a Personnel Assistant 4, a Secretarial Assistant 3, Non-Stenographic, a Personnel Aide, a Principal Clerk Typist, and a Clerk Typist. The appellants sought a reclassification of their positions, alleging that their duties are more closely aligned with the duties of a Manager 1, Human Resources. In support of their requests, each appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties they perform as a Manager 1, Human Resources or a Personnel Assistant 1. Agency Services reviewed and analyzed the PCQs completed by the appellants as well as other submitted information including organization charts. In its decisions,

Agency Services determined that the duties performed by the appellants were consistent with the definition and examples of work included in the job specifications for Manager 1, Human Resources or Personnel Assistant 1.

On appeal, Ms. Eberle presents that the job specification for Manager 2, Human Resources indicates that incumbents in this title work under the direction of a Manager 3, Human Resources, who serves as a chief personnel officer, and directs a major sub-element of the human resources program. She indicates that she reports to a Manager 3, Human Resources who serves as the chief personnel officer. Additionally, Ms. Eberle asserts that her primary responsibility is providing direction for the Civilian Recruitment and Position Monitoring Unit which she believes should be considered as a major sub-element of the overall human resources program. She describes the unit as being charged with allocating/reallocating positions and deploying civilian staffing in consideration of budgetary limitations and competing priorities to enable Corrections to fulfill its statutory and regulatory mission. Ms. Eberle states that she manages approximately 2,200 civilian positions that have salaries that total approximately \$142,000,000. She provides that her duties include reviewing, approving, and processing requests to fill vacant positions, the transfer/reassignment of positions, and the designation of positions for classification review. She further indicates that her duties require her to regularly confer with departmental/institutional leadership and internal/external budget staff while coordinating and overseeing the recruitment/position activities of regional Human Resource Managers.

Ms. Rodriguez presents that she directly reports to a Manager 3, Human Resources who serves as the chief personnel officer. She indicates that her position directs both the Custody Recruitment and Custody Promotional Units which includes having managerial control over the budget of approximately 70 percent of Corrections' workforce. Ms. Rodriguez represents that these two units have a delegation order with the Commission that permits these units to certify open competitive Correction Officer Recruit eligible lists and the custody promotional eligible lists for the Correction Sergeant, Correction Lieutenant and Correction Major titles to ensure that positions are filled in a timely fashion. She provides that her duties include reviewing, approving, and processing requests to fill vacancies, the transfer/reassignment of positions, and designation of positions for operation review. Ms. Rodriguez states that she regularly confers with departmental leadership/upper management and internal/external budget staff while directing, coordinating, and overseeing the recruitment/position activities of regional Human Resources Managers. She also indicates that her duties include supervising four subordinates, interpreting laws, policies, rules and regulations for subordinates, staff, peers, upper management, and outside agencies, monitoring the efficiency and effectiveness of two major sub-elements, training subordinates and staff on the pre-employment process for Correction Officer recruits, and recommending revisions for inter-departmental policy pertaining to custody policies for promotional, regular re-

employments, reinstatements, and other polices that may affect the Department that are required by the chief personnel officer or upper management. She also submits an updated organization chart.

In response, Agency Services presents that the Manager 2, Human Resources title is assigned to the M (Managerial) bargaining unit. It indicates that personnel in this bargaining unit consist of employees who formulate and implement policies and practices and are engaged in the management of second level supervisory staff. It provides some examples of work for this level of a managerial title include allocating and deploying staff, fiscal and other resources against competing demands without approval from others, directly supervising higher level supervisors, developing and determining the mission or objective of the organization and/or has a distinctive role in furthering the organizations' overall mission, and developing operating budgets.

In reference to Ms. Eberle, Agency Services presents that she supervises employees that are not high level supervisors. It asserts that the Civilian Recruitment and Position Monitoring Units are considered, from a classification perspective, one sub-unit of Human Resources and not a major sub-element of the human resources program consistent with a Manager 2, Human Resources classification. With regard to Ms. Rodriguez, Agency Services presents that at the time of her review, she supervised employees who are not considered high level supervisors. Additionally, the revised organization chart that she submits on appeal cannot be considered as it can only consider the one provided at the time of the audit. Further, the Custody Recruitment and Custody Promotional Units are considered one sub-unit of the human resources department and not a major sub-element of the human resources program and that the preponderance of her duties are consistent with a classification of Personnel Assistant 1.

## CONCLUSION

The definition section of the job specification Personnel Assistant 1 states:

Under general supervision of a supervisory official in a State department, institution, or agency, may supervise a major personnel program area such as personnel research, administrative services, employee counseling and personnel services, recruitment, management assistance, personnel orientation, or employee relations; as part of a personnel program, may supervise the work activities of a unit performing employee relations tasks; or under the direction of a Personnel Officer 1 or its equivalent, acts as the Assistant Personnel Officer; or in a small institution, acts as the Personnel Officer; does other related work.

The definition section of the job specification for Manager, Human Resources states:

A position in this category typically functions as a manager of an organizational unit; approves, evaluates, and compiles personnel action material; interprets applicable laws, policies, rules, and regulations; plans and designs organizational structures; provides technical advice to peers, management, and others; confers with administrators at policy making levels; mediates problems that cannot be solved through other channels.

#### UNIQUE AND DISTINGUISHING TASKS/CLASSIFICATION FACTORS

##### Level 1

Under supervision of a Manager 2, Human Resources in a State department or agency, where the chief personnel officer is classified as a Manager 2, Human Resources, directs a major sub - element of the human resource program; or under the direction of a Manager 3 or 4, Human Resources, directs the staff, supervised by personnel professionals, of two (2) or more human resource programs such as recruitment, benefits, payroll, personnel transactions, personnel orientation, employee relations, employee counseling, etc.; or serves as the chief of human resources in an institution or autonomous division employing less than 700 employees.

The definition section of the job specification for Manager 2, Human Resources states:

##### Level 2

Under general supervision, serves as the chief personnel officer for a State department or agency employing less than 700 employees; or under the direction of a Manager 3, Human Resources (who serves as chief personnel officer), directs a major sub-element of the human resources program; or in a state department or agency, where the chief personnel officer is classified as a Manager, 4 Human Resources, directs the staff, supervised by personnel professionals, of three (3) or more human resource programs such as recruitment, benefits, payroll, personnel transactions, personnel orientation, employee relations, employee counseling, etc.; or serves, as the chief of human resources in an institution or autonomous division employing more than 700 employees.

In the present matters, Ms. Eberle's position would not be properly classified as Manager 2, Human Resources. Although she argues that she directs a major sub-element of the human resources program, the PCQ and organizational chart she submitted in support of her appeal demonstrates that she is responsible for the supervision of three employees in non-supervisory titles. Thus, while the Civilian Recruitment and Position Monitoring Unit is responsible for an important function, the minimal number of non-supervisory staff assigned to the unit demonstrates that it is not a major sub-element of the human resources program consistent with a Manager 2, Human Resources classification. Rather, Ms. Eberle's position manages human resource functions and the preponderance of her duties are consistent with a Manager 1, Human Resources classification.

Regarding Ms. Rodriguez, she is responsible for the supervision of three clerical positions and one non-supervisory professional position in the Custody Promotion Unit and the Custody Recruitment Unit. Ms. Rodriguez does not primarily set policy or the budget and she is not directing a major sub-element of the human resources program. Rather, she supervises three clerical staff members and one professional staff member in the major personal program area of recruitment. Since incumbents may supervise a major personal program area such as recruitment, Ms. Rodriguez's position is properly classified as Personnel Assistant 1.

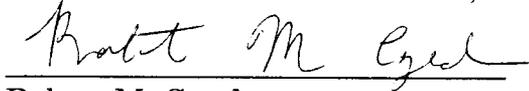
Ms. Eberle's and Ms. Rodriguez's primary duties include reviewing, approving, and processing requests to fill vacant positions, the transfer/reassignment of positions, the designation of positions for classification review, the interpretation of applicable policies, laws, and regulations, the performance of other tasks specific for their respective units and the supervising of staff that are not high level supervisors to ensure that these tasks are performed in a satisfactory manner. Additionally, the appellants regularly confer with leadership and budget teams while overseeing their respective units. Although the appellants argue that the performance of these duties warrants that their positions be classified as Manager 2, Human Resources, 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. Accordingly, Ms. Eberle's position is properly classified as Manager 1, Human Resources and Ms. Rodriguez's position is properly classified as Personnel Assistant 1.

**ORDER**

Therefore, the Civil Service Commission concludes that Donna Eberle's position is properly classified as a Manager 1, Human Resources and Jennifer Rodriguez's position is properly classified as a Personnel Assistant 1.

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 5<sup>th</sup> DAY OF NOVEMBER, 2015**



**Robert M. Czech  
Chairperson  
Civil Service Commission**

**Inquiries  
and  
Correspondence**

**Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312**

**Attachments**

**c: Donna Eberle  
Jennifer Rodriguez  
James Mulholland  
Kenneth Connolly  
Joseph Gambino**



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY DEPARTMENT OF CORRECTIONS  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P.O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

May 21, 2015

Ms. Donna Eberle  
Department of Corrections  
Stuyvesant Avenue  
PO Box 863  
Trenton, New Jersey 08625-0863

**RE: Classification Appeal – Manager 1, Human Resources  
AS# 11140402, Position# 045188, EID# 000376973**

Dear Ms. Eberle:

This is to inform you, and the Department of Corrections, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

**Issue:**

You are appealing your current permanent title of Manager 1, Human Resources (V30) is not consistent your current assigned duties and responsibilities. You contend that the title Manager 2, Human Resources (&32) is consistent with the duties that you currently perform.

**Organization:**

Your position is located in the Department of Corrections, Office of the Chief of Staff, Office of Human Resources, Civilian Recruitment and Position Monitoring. You report directly to James Mulholland, Manager 3, (M34) and at the time of this review, you have responsibility for supervising: one (1) Personnel Assistant 2; one (1) Senior Management Assistant; and one (1) Clerk Typist position.

Ms. Donna Eberle

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**Finding of Fact:**

The primary responsibilities of your position include, but are not limited to the following:

- Supervising, assigning, reviewing, and/or approving work of subordinate staff engaged in Human Resources programs and/or activities including: recruitment of candidates for civilian positions; completion of credential reviews; candidate selection and approval procedures to include design and content of interview questions and panel designations; promotion and open competitive list processing; PMIS processing; etc.
- Providing professional and/or technical guidance and/or interpretation of rules and/or regulations to the Administrator, executive staff, supervisors and/or facility employees concerning various personnel and/or payroll issues.
- Serving as the principal Human Resources Manager (in the absence of the Human Resources Director).
- Assisting the Director of Human Resources with periodic review and formulation of policies and procedures relevant to civilian hiring, promotion, and position maintenance.
- Facilitating or directing the completion of research projects on behalf of the Commissioner, Chief of Staff, Deputy Commissioner, Assistant Commissioner, and Human Resources Director.
- Compiling and/or supervising the preparation of reports, correspondence, surveys, and various other weekly, bi-weekly, and monthly reports.

**Review and Analysis:**

Your position is currently classified by the title Manager 1, Human Resources (V30-56863). The definition section of the job specification for this title states:

A position in this category typically functions as a manager of an organizational unit; approves, evaluates, and compiles personnel action material; interprets applicable laws, policies, rules, and regulations; plans and designs organizational structures; provides technical advice to peers, management, and others; confers with administrators at policy-making levels; mediates problems that cannot be solved through other channels.

***UNIQUE AND DISTINGUISHING TASKS/CLASSIFICATION FACTORS***

Level 1: Under supervision of a Manager 2, Human Resources in a state department or agency, where the chief personnel officer is

Ms. Donna Eberle  
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including: recruitment of candidates for civilian positions; completion of credential reviews; candidate selection and approval procedures to include design and content of interview questions and panel designations; promotion and open competitive list processing; PMIS processing; etc; serving as the principal Human Resources Manager (in the absence of the Human Resources Director); and assisting the Director of Human Resources with periodic review and formulation of policies and procedures relevant to civilian hiring, promotion, and position maintenance.

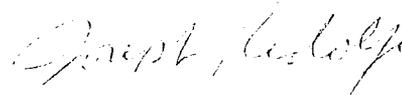
The preponderance of assigned duties and responsibilities assigned to your position are significantly descriptive to tasks assigned to the title, Manager 1, Human Resources.

**Determination:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current permanent title Manager 1, Human Resources (V30-56863).

Please be advised that in accordance with *N.J.A.C.* 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, PO Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader  
Agency Services

JR/rmd

c: Judy Lang, Chief of Staff, Department of Corrections  
John Elfo, Manager, Department of Corrections —



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P. O. Box 313  
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Lt. Governor

May 21, 2015

Ms. Jennifer Rodriguez  
Department of Corrections  
Whittlesey Road  
PO Box 863  
Trenton, New Jersey 08625-0863

**RE: Classification Appeal – Personnel Assistant 1  
AS# 11140401, Position# 063152, EID# 000344484**

Dear Ms. Rodriguez:

This is to inform you, and the Department of Corrections, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

**Issue:**

You are appealing your current permanent title of Personnel Assistant 1 (Y28) is not consistent your current assigned duties and responsibilities. You contend that the title Manager 2, Human Resources (&32) is consistent with the duties that you currently perform.

**Organization:**

Your position is located in the Department of Corrections, Office of the Chief of Staff, Office of Human Resources, Custody Recruitment Unit. You report directly to James Mulholland, Manager 3, (M34) and at the time of the review, you were assigned responsibility for supervising one (1) Personnel Assistant 4, one (1) Secretarial Assistant Non-Stenographic, one (1) Personnel Aide, one (1) Principal Clerk Typist, and one (1) Clerk Typist position.

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**Finding of Fact:**

The primary responsibilities of your position include, but are not limited to the following:

- Overseeing the operations for the Custody Recruitment and Custody Promotional sections including: supervising, assigning, reviewing and approving work of subordinate staff; processing certifications; reviewing applicant's credentials; hiring; orientation, etc.
- Coordinating all recruitment activities for Custody Recruitment and Custody Promotional sections.
- Reviewing all certifications for correctness, issue certification to fill all promotional positions and Correction Officer Recruit vacancies and making amendments when necessary for Department of Corrections (DOC) correctional facilities
- Responding to inquiries and/or interpretation of rules and/or regulations for the Administrator, executive staff, supervisors and/or facility employees concerning various personnel issues.
- As a liaison for DOC with the Civil Service Commission regarding Custody Recruitment matter and delegation program for Custody Promotional titles.
- Coordinating with the Attorney General's office in case preparation and/or representing the DOC in all legal cases in Office of Administrative Law (OAL) or superior court as an expert witness.

**Review and Analysis:**

Your position is currently classified by the title Personnel Assistant 1 (Y28-63255). The definition section of the job specification for this title states:

“Under general supervision of a supervisory official in a state department, institution, or agency, may supervise a major personnel program area such as personnel research, administrative services, employee counseling and personnel services, recruitment, management assistance, personnel orientation, or employee relations; as part of a personnel program, may supervise the work activities of a unit performing employee relations tasks; or under the direction of a Personnel Officer 1 or its equivalent, acts as the Assistant Personnel

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Officer; or in a small institution, acts as the Personnel Officer; does other related work.”

You contend that the title Manager 2, Human Resources (&32-61618) is an appropriate title for your position. The definition section of the job specification for this title states:

A position in this category typically functions as a manager of an organizational unit; approves, evaluates, and compiles personnel action material; interprets applicable laws, policies, rules, and regulations; plans and designs organizational structures; provides technical advice to peers, management, and others; confers with administrators at policy-making levels; mediates problems that cannot be solved through other channels.

UNIQUE AND DISTINGUISHING TASKS/CLASSIFICATION FACTORS

Level 2: Under general supervision, serves as the chief personnel officer for a state department or agency employing less than 700 employees; or under the direction of a Manager 3, Human Resources (who serves as chief personnel officer), directs a major sub-element of the human resources program; or in a state department or agency, where the chief personnel officer is classified as a Manager, 4 Human Resources, directs the staff, supervised by personnel professionals, of three (3) or more human resource programs such as recruitment, benefits, payroll, personnel transactions, personnel orientation, employee relations, employee counseling, etc.; or serves, as the chief of human resources in an institution or autonomous division employing more than 700 employees.

The Manager 2, Human Resources is assigned to a Managerial Bargaining Unit. Personnel in a Management group consist of those employees who formulate management policies and practices and are charged with implementing the aforesaid policies and practices. Your position has been assigned the responsibility for supervising the Custody Recruitment Unit.

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The Examples of Work for positions in Managerial titles include: allocating and deploying staff, fiscal and other resources against competing demands and have the authority to do so without case-by-case approval from others; directly supervising supervisory staff (generally higher level supervisors); developing and determining the mission or objectives of the organization and/or has a distinctive role in furthering the organizations' overall mission; and developing (formulating) operating budgets.

A review of your primary job duties and responsibilities finds that this position is primarily responsible for: overseeing the operations for the Custody Recruitment Unit including: supervising, assigning, reviewing and approving work of subordinate staff; processing certifications; reviewing applicant's credentials; hiring; orientation, etc.; coordinating all recruitment activities for Custody Recruitment and Custody Promotional sections; and reviewing all certifications for correctness, issue certification to fill all promotional positions and Correction Officer Recruit vacancies and making amendments when necessary for Department of Corrections (DOC) correctional facilities.

The preponderance of assigned duties and responsibilities that you perform are significantly descriptive with those associated with the title, Personnel Assistant 1.

**Determination:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current title of Personnel Assistant 1 (Y28-63255).

Please be advised that in accordance with *N.J.A.C. 4A:3-3.9*, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, PO Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as

Ms. Jennifer Rodriguez  
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well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Ridolfi".

Joseph Ridolfi, Team Leader  
Agency Services

JR/rmd

c: Judy Lang, Chief of Staff  
James Mulholland, Human Resources Director