

**BEFORE THE MERIT EMPLOYEE RELATIONS BOARD  
OF THE STATE OF DELAWARE**

**IN THE MATTER OF THE CLASSIFICATION REVIEW OF:**

<b>LAKEENIA ROBINSON,</b>	)	
	)	
Employee/Appellant,	)	
	)	
and	)	<b>DOCKET NO. 23-12-906C</b>
	)	
<b>DEPARTMENT OF LABOR,</b>	)	<b>DECISION AND ORDER</b>
	)	
Employer/Respondent.	)	

After due notice of time and place, this matter came to a hearing before the Merit Employee Relations Board (“Board”) at 9:42 a.m. on March 4, 2026, in the Public Service Commission Hearing Room, Silver Lake Plaza, Cannon Bldg., Suite 100, 861 Silver Lake Boulevard, Dover, DE 19904. The hearing was open to the public.

**BEFORE** Jennifer Cohan, Chairperson; Lester E. Johnson, Jr. and Curtis D. Linton, Members; a quorum of the Board under 29 *Del. C.* § 5908(a).

**APPEARANCES**

Victoria R. Sweeney, Esq.  
Deputy Attorney General  
Legal Counsel to the Board

Deborah L. Murray-Sheppard  
Board Administrator

Andrew S. Haines  
Independent Reviewer

LaKeenia Robinson  
Employee/Appellant

## PROCEDURAL BACKGROUND

On or about December 12, 2023, LaKeenia Robinson (“Appellant”) filed a Classification Appeal with the Board, asserting the Classification Maintenance Review determination issued by the Department of Human Resources, Division of Classification and Compensation (“DHR”) which reclassified her former classification of Account Specialist to Fiscal Associate II was in error. The Appellant asserted that she was performing duties that more closely aligned with the Fiscal Advisor I classification and requested the Maintenance Review determination be reviewed. Chapter 59 of Title 29 of the Delaware Code, Section 5915 establishes the process for considering the appeal of a maintenance classification determination by DHR.

In accordance with 29 *Del. C.* §5915, the Board assigned this appeal to its Independent Reviewer (“IR”) for evaluation.<sup>1</sup> After receiving the appeal, the IR - who is trained and experienced in job analysis - reviewed the appeal and accompanying documents, the documents DHR relied upon in reaching its determination, the relevant classification specifications, and also interviewed the Appellant. On or about October 19, 2025, the Independent Reviewer determined that while the Appellant had reasonable grounds on which to file her appeal in December 2023, the request for reclassification was not supported at the time of his recommendation in 2025, as she was no longer performing duties outside of her classification. In the IR Recommendation, the Independent Reviewer noted that consistently performing elevated tasks, whether temporarily or due to organizational gaps, should be recognized through reclassification or other appropriate mechanisms.<sup>2</sup>

The Board Administrator provided the IR’s Recommendation to the Appellant and the

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<sup>1</sup> The Board acknowledges there has been a significant delay between the submission of the appeal and its assignment to the Independent Reviewer which resulted from its difficulty in identifying and contracting with a qualified IR.

<sup>2</sup> IR Recommendation at 4.

DHR Secretary on October 21, 2025. The DHR Secretary accepted the IR Recommendation by email dated October 23, 2025.

The Board Administrator spoke with the Appellant by telephone on January 20, 2026, when the Appellant stated she was out of the office on medical leave but was scheduled to return to work on February 4, 2026. She also notified the Board Administrator that she did not receive the Independent Reviewer's Recommendation (which was sent to her State email address) because she was out of the office. On January 20, 2026, a copy of the IR Recommendation was provided to the Appellant at her personal email address. By email dated February 11, 2026, the Appellant accepted the IR Recommendation, but requested that she be compensated for the period of time in which the IR determined she had been performing the higher level work of a Fiscal Advisor I.

On March 4, 2026, the Board conducted a hearing, at which time it heard a summary of the Recommendation from its IR and testimony from the Appellant on why she disputed the Independent Reviewer's conclusions.

### **FINDINGS OF FACT**

Appellant works for the Department of Labor ("DOL"), and on November 16, 2023, was notified that her position of Account Specialist was reclassified to Fiscal Associate II. The Fiscal Associate II classification description provides the following:

This is experienced level fiscal associate work recording, reviewing, and processing financial transactions, records and documents in support of the State's financial operations. In addition to work performed by a Fiscal Associate I, employees independently perform the full range of Essential Functions under general supervision, including routine and complex support work. Examples of factors contributing to complexity include applying advanced technical knowledge and applicable state or federal laws, rules, and regulations to review, post, process and recommend approval of a variety of financial transactions, records and documents.

- Receives general supervision from a technical supervisor; the supervisor provides general direction on all assignments, and regular review of progress, accuracy, and quality of work. Supervisory advice or assistance is provided as

needed.

- Researches discrepancies by retrieving and examining original chronological records for miscalculations or posting errors.
- Makes standard corrections, updates or adjustments to financial records, recommends action for more complex discrepancies, and maintains an audit trail.
- Assists higher-level staff with research and analysis.
- May provide on-the-job training, guidance, and direction to staff.
- Communicates effectively with internal or external contacts to gather, clarify and provide information and resolve processing issues.

The Position Description Questionnaire (the “PDQ”), which was created as part of the Maintenance Review process and dated September 26, 2022, indicated that the Appellant performed duties outside of the Fiscal Associate II classification, including deposit approvals, grant administration, timekeeping, and travel compliance. Nevertheless, on the PDQ, DHR reclassified Appellant’s position to Fiscal Associate II.

The Appellant also asserts that she was directed to train both an intern and newly hired Senior Accountant, but at some point, declined those training duties due to the lack of compensation for what she believed was leadership-level work. The Appellant maintains that her performance of these duties outside the scope of Fiscal Associate II took about 40% of her time. Notably, on her appeal form, the Appellant’s supervisor confirmed the Appellant performed these additional duties. Appellant maintains that she performed these duties through August 2025, at which time, her grant administration and travel oversight duties were transitioned back to a Senior Accountant.<sup>3</sup>

The Fiscal Advisor I classification provides the following:

**Description of Occupational Work . . .** Work involves applying Generally Accepted Accounting Principles (GAAP) and ensuring compliance of work to applicable laws, rules, regulations, standards, policies, and procedures, as well as providing technical assistance on fiscal matters. Work ranges from performing standardized fiscal activities through to overall administration of an agency’s fiscal

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<sup>3</sup> She also performed tasks previously assigned to a Senior Accountant.

operations.

Work is distinguished from the Fiscal Associate class series by regularly applying accounting principles, practices, and standards to analyze, reconcile, summarize, and report on financial data, and maintain internal controls. Employees in the Fiscal Advisor classifications perform some processing and fiscal support work as an adjunct to higher-level primary duties.

**Levels of Work . . .** This is entry level fiscal advisor work analyzing financial transactions and records and preparing financial statements and reports to control and account for funds. Employees perform the full range of Essential Functions, completing routine and standardized assignments under close supervision.

- Receives closer supervision from a Fiscal Advisor V or higher; the supervisor provides specific instructions on all assignments, and frequent and detailed review of progress, accuracy, and quality of work. Supervisory advice or assistance is readily available.
- Seeks guidance from higher-level staff on work that is outside a range of specified, acceptable procedures, standards, alternatives, and practices.
- Participates in trend and cost analysis to make financial projections and recommendations.
- May provide on-the-job training, guidance, and direction to paraprofessional or administrative support staff.
- Communicates effectively with a variety of agency staff such as fiscal or program staff, as well as clients, vendors, or others to gather, coordinate, and provide information.

The Independent Reviewer interviewed the Appellant on October 13, 2025, and considered the following documents:

- (1) The PDQ;
- (2) Fiscal Maintenance Review Crosswalk;
- (3) Appellant’s Submitted Appeal with Supervisor Comments, dated December 12, 2023; and
- (4) Classification Specifications for Fiscal Associate II and Fiscal Advisor I.

Based on the appeal, supporting documents, and interview, the Independent Reviewer found that the Appellant was performing duties outside of the Fiscal Associate II classification that were not purely transactional in nature. He found that her responsibilities involved a level of judgment, oversight, and specialized knowledge and that there was some “blurring of role boundaries, likely influenced by factors such as staff bandwidth, the capabilities of the team at the

time, and transitional periods involving staff departures, vacancies, and the onboarding of new employees” which may have contributed to the Appellant performing tasks beyond the scope of her assigned classification.<sup>4</sup>

However, because the Appellant declined training responsibilities, and her travel oversight and grant administration duties were transferred back to a Senior Accountant in August, 2025, the IR found there was currently less consistency in performance of the additional duties. The IR also recognized that had the Appellant continued to perform those additional duties, he would have recommended that her appeal be granted. Ultimately, the Independent Reviewer determined that while the Appellant had reasonable grounds to file her appeal on December 12, 2023, the request for reclassification was not supported at the time of his 2025 review because the higher level functions had been reassigned.

### **DISCUSSION**

DHR accepted the Recommendation. Appellant accepted the recommendation, but asked that she be compensated for the work she performed through August 2025 that was outside the scope of the Fiscal Associate II classification, particularly grant administration, travel transactions, and budget reconciliation tasks.

The Appellant’s additional responsibilities (until they were reassigned to a Senior Accountant in 2025) are beyond the scope of work contemplated in the Fiscal Associate II classification and align more with the Fiscal Advisor I classification. The tasks were not solely transactional in nature and included tasks specifically defined in the Fiscal Advisor classification. That work, which the Appellant was performing from approximately April 2023 until August 2025, was verified by her supervisor. The fact that the Appellant ceased performing these

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<sup>4</sup> IR Recommendation at 4.

additional duties does not negate the fact that she did perform the higher level duties at the time her appeal was filed and for approximately nineteen months thereafter. Accordingly, the Appellant should be compensated at the higher level of Fiscal Advisor I for the period of time during which she performed that work.

### **CONCLUSIONS OF LAW**

Under 29 *Del. C.* §5915(i), in rendering a final and binding decision on the Independent Reviewer's Recommendation, the Board is required to consider:

- (1) The findings of the independent reviewer;
- (2) The Secretary's initial determination;
- (3) The Secretary's response to the independent reviewer's findings;
- (4) The employee's response to the independent reviewer's findings;
- (5) The oral argument;
- (6) The consistency with other existing classified positions of a similar nature; and
- (7) The minimization of the number of classifications.

After reviewing the record and considering the arguments of the parties, the Board supports the IR's Recommendation.


### **ORDER**

It is this 4<sup>th</sup> day of June, 2026, by a vote of 3-0, the Decision and Order of the Board to deny-in-part and grant-in-part this Maintenance Review Appeal. Although the Appellant is not currently performing duties outside of her assigned classification of Fiscal Associate II, she shall be compensated at the higher level of Fiscal Advisor I for the period of time during which she performed that work.



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JENNIFER COHAN, MERB Chairperson



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LESTER E. JOHNSON, JR., MERB Member

A handwritten signature in cursive script, appearing to read "Curtis D. Linton".

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**CURTIS D. LINTON, MERB Member**