

Employee Relations Board on February 25, 2026, dismissing her appeal as she was no longer employed by the State.

On or about April 30, 2026, the Appellant contacted the Board and asked that her appeal be reconsidered because the outcome could affect her pension. She noted the maintenance review determination was effective October 22, 2023. Her retirement date was February 1, 2025, with a period of approximately sixteen months potentially impacted. The Appellant provided her contact information, the Independent Reviewer was able to contact her, and to conduct his analysis and reach a recommendation.

In her appeal, Ms. Rivera asserted her job duties meet the criteria of a Training and Education Specialist IV and requested the Maintenance Review determination that her position was properly classified as a Training and Education Specialist III be reviewed. The appeal also included input from and the signatures of Appellant's supervisor, division director, and personnel representative.

Chapter 59 of Title 29 of the Delaware Code, Merit System of Personnel Administration, Section 5915, Classification; uniformity; appeal of classification, establishes the process for considering the appeal of a maintenance classification determination issued by the Department of Human Resources ("DHR), Division of Classification and Compensation.

This appeal was assigned to the Independent Reviewer ("IR") hired by the Board for evaluation.² Upon receiving the appeal, the Independent Reviewer (who is trained and experienced in job analysis) reviewed the appeal (including documentation provided

² The Board acknowledges the 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.

therewith), documents provided by the Division of Classification and Compensation on which it relied to reach its determination, the relevant classification specifications, and also interviewed the Appellant.

The Independent Reviewer issued his Recommendation, finding:

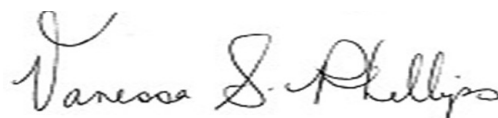
The preponderance of the evidence presented by the Employee, and corroborated by the immediate supervisor, supports the requested classification. This reviewer does not agree that the perceived absence of department level responsibilities should serve as a primary basis for denying the appeal. Based on the record, the Employee's duties demonstrate broad programmatic impact, significant independent responsibility, and meaningful representation of the department through educational initiatives and public engagement.

The IR's Recommendation was forwarded to the parties on June 22, 2026. By email dated June 25, 2026, the Appellant accepted the IR's Recommendation. By email dated July 10, 2026, the Secretary of the Department of Human Resources accepted the Independent Reviewer's determination that Training and Education Specialist IV was the proper classification for Ms. Rivera's position.

Section 5915(f) states, "If the findings of the independent reviewer are accepted by the employee and the Secretary, the Board shall also accept the findings."

WHEREFORE, the Recommendation of the Independent Reviewer to reclassify this position to Training and Education Specialist IV is hereby accepted. This decision supersedes and replaces the decision issued on February 25, 2026.

SO ORDERED, THIS 16TH DAY OF JULY, 2026.

A handwritten signature in cursive script, reading "Vanessa S. Phillips".

VANESSA S. PHILLIPS, CHAIR