



STATE OF NEW JERSEY

In the Matter of Lori Potpinka,  
Department of the Treasury

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-1027

Classification Appeal

ISSUED: AUG 01 2014 (CAG)

Lori Potpinka appeals the attached determination of the Division of Classification and Personnel Management (CPM) that her position with the Department of the Treasury was properly classified as a Claims Investigator. The appellant seeks an Investigator 2 or Senior Claims Investigator classification.

The record in the present matter establishes that the appellant is permanent in the title of Claims Investigator, and is assigned to work in the Division of Taxation, Unclaimed Property. She reports directly to Linda Henderson, a Principal Claims Investigator. The appellant sought a reclassification of her position to Investigator 2. CPM performed a detailed analysis of the appellant's Position Classification Questionnaire (PCQ) and gathered information during a telephone audit conducted on September 5, 2013.

As a result, CPM found that the appellant's position was properly classified as a Claims Investigator. Specifically, CPM found that the appellant's primary duties and responsibilities entail, among other things, investigating and locating owners of Unclaimed Property, obtaining required documentation in order to process Unclaimed Property claims; initiating, investigating, and processing Unclaimed Property claims resulting from Outreach projects performed by the Outreach Section; educating the public regarding Unclaimed property through speaking engagements and Unclaimed Property events; assisting in the management of Outreach events by researching, vendor brochures, trade journals, promotional items for show booth displays, and other technical materials; bi-

annually editing, verifying, and authorizing payment for Unclaimed Property legal advertisement in 21 county newspapers.

In contrast, CPM noted that an Investigator 2 is responsible for conducting complex investigations that involve alleged noncompliance with state statutes and regulatory requirements. Incumbents of the Investigator 2 title typically investigate cases involving alleged fraud, negligence, misrepresentation, misconduct; participate in joint investigations and/or surveillance with other agencies, or other law enforcement agencies; and review criminal history records. CPM determined that the main function of Ms. Potpinka's position is to locate owners of Unclaimed Property, and to process subsequent claims that arise from outreach efforts. The investigations conducted by her position do not involve alleged noncompliance with state statutes; but rather her position conducts investigations arising from claims for ownership of abandoned real and personal property. The assigned duties and responsibilities of her position are descriptive of the tasks assigned to a Claims Investigator. Thus, CPM maintained that the appellant's duties and responsibilities were performed by a Claims Investigator.

On appeal to the Civil Service Commission (Commission), the appellant submits copies of the job specification for Senior Claims Investigator and her PAR, and an organizational chart for review. She states that CPM's determination letter indicates that various titles were examined in relation to the overall duties being performed by her position to determine the appropriate classification for the tasks described. She states that, since the title of Investigator 2 was not justified, she requests that the title of Senior Claims Investigator be considered. She argues that this title represents the overall duties she performs in the Unclaimed Property Outreach Section. She states that she has over nine years of investigative research experience in the processing of case files. She argues that the additional job duties in the outreach unit are not the same as a Claims Investigator in the claims section and she lists some of the duties she performs. Specifically, she lists these duties as attending formal and informal speaking engagements to educate the public regarding the New Jersey Unclaimed Property Statute; and being an Unclaimed Property liaison in the planning, organizing and case investigation for constituents of Unclaimed Property and other special duties such as the bi-annual legal advertisement which requires her to correspond with the newspaper legal staff, edit the publication, approve the proof for publication as well as approve the New Jersey Unclaimed Property Legal advertisement for payment.

In response, CPM states that the Senior Claims Investigator title was one of the titles considered at the time of her classification appeal with CPM and was not found to be an appropriate title for her position. Specifically, CPM notes that her position is not responsible for recommending settlements or payments of claims. Rather, it has a primary responsibility of attending Outreach Projects and processing claims that come about from those events. It also notes that the main

function of her position is to process claims that arise through the promotion of Unclaimed Property. In addition, it notes that her position attends various events as required to promote Unclaimed Property, obtains complete information from claimants, and posts names from databases in legal advertisements on a biannual basis. CPM asserts that these duties are encompassed within the title of Claims Investigator, and do not elevate her position to Senior Claims Investigator.

Ms. Potpinka supplements her appeal and argues that, in addition to her Outreach duties, she is also responsible for processing claims that are generated from the Claims Section in Unclaimed Property. Specifically, she states that she processes claims daily when she is not in the field and, in order to process and approve these claims for settlement, she must review, verify and approve all paperwork that a claimant has submitted. She also states that she uses her claim approval level for both Outreach and Claims department claims. She submits a letter of support from Linda Henderson, Principal Claims Investigator, who indicates that appellant's duties include the responsibility of approving claims for settlement.

### CONCLUSION

The definition section of the job specification for the title Claims Investigator states:

Under the direction of a supervisory official in a State department or agency, conducts office and/or field investigations of claims arising from State employee employment-related injuries and disease; accidents resulting in damage to state owned property; and/or third party claims for bodily injury and/or property damage arising from the use or operation of State owned properties and/or the activities of state employees; or assigned to an office location, investigates, evaluates and processes claims arising out of workers compensation, negligence, tort and/or claims for ownership of abandoned real and personal property accrued to the state, other claims involving state employees and/or State owned property; as well as other types of negligence or tort claims made against the state; does related work as required.

The definition section of the job specification for the title Investigator 2 states:

Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with state statutes and regulatory requirements; does other related duties.

The definition section of the job specification for the title Senior Claims Investigator states:

Under direction of a supervisory official in a State or local government department or agency, conducts investigations, evaluations and recommends settlements or payment of claims arising out of workers compensation, negligence, tort and/or claims for ownership of abandoned real and personal property accrued to the state, other claims involving State/local employees and/or State/local owned property, as well as other types of negligence or tort claims made against the State; does other related duties.

In the instant matter, the appellant's position is properly classified as a Claims Investigator. The primary focus of her duties and responsibilities entail, among other things, investigating and locating owners of Unclaimed Property, obtaining required documentation in order to process Unclaimed Property claims; initiating, investigating, and processing Unclaimed Property claims resulting from Outreach projects performed by the Outreach Section; educating the public regarding Unclaimed property through speaking engagements and Unclaimed Property events; assisting in the management of outreach events by researching, vendor brochures, trade journals, promotional items for show booth displays, and other technical materials; bi-annually editing, verifying, and authorizing payment for Unclaimed Property legal advertisement in 21 county newspapers.

With respect to her argument that her duties include the responsibility of approving claims for settlement, the appellant indicated on her PCQ that only 10% of her time is spent verifying billed amounts of legal advertisements and approving payouts. Conversely, she indicated that 15% of her time is spent educating the public regarding Unclaimed Property through speaking engagements and Outreach events, 15% of her time is spent coordinating investigative activities and managing special projects, 15% of her time is spent conducting sensitive and complex investigations, 15% of her time is spent ensuring timely progression of investigative cases relative to Outreach, 10% of her time is spent serving as Unclaimed Property Legislative liaison, 10% of her time is spent researching materials for promotional items as well as trade show booth displays, and 10% of her time is spent providing assistance and instruction to staff. A Senior Claims Investigator primarily recommends settlements or payments for various types of claims. Thus, while she indicates on appeal that her duties include approving settlements and payouts of claims, it is clear that this is not the primary focus of her position. In this regard, classification determinations are made based on those duties which are considered to be the primary focus of a position that are performed on a regular, recurring basis. Additionally, the fact that some of the appellant'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 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 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 a job specification is appropriately utilized. In reviewing the examples of work listed by the appellant, they are consistent with an employee in the title of Claims Investigator. The appellant has not shown that the duties she performs are not properly performed by an incumbent in the Claims Investigator title.

Accordingly, based on the foregoing, the record amply supports a Claims Investigator classification for the appellant's position.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 30<sup>TH</sup> DAY OF JULY 2014



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

Attachment

c: Lori Potpinka  
Douglas Ianni  
Kenneth Connolly  
Joseph Gambino



Chris Christie  
*Governor*  
Kim Guadagno  
*Lt. Governor*

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
*Chair/Chief Executive Officer*

September 19, 2013

Ms. Lori Potpinka  
Department of the Treasury  
Unclaimed Property  
50 Barrack Street  
P.O. Box 269  
Trenton, New Jersey 08010-0269

**RE: Classification Appeal, Claims Investigator,  
Position # 956598, CPM Log # 04130275, EID # 000346747**

Dear Ms. Potpinka:

This is to inform you, and the Department of the Treasury, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted and a telephone audit conducted with you, and your immediate supervisor, Linda Henderson, Principal Claims Investigator, on September 5, 2013.

**Issue:**

You are appealing that your current permanent title of Claims Investigator (P16) is not consistent with your current assigned duties and responsibilities. You contend that a title of Investigator 2 (I22) is an appropriate title for your position.

**Organization:**

Your position is located in The Department of the Treasury, Division of Taxation, Unclaimed Property and you report directly to Linda Henderson, Principal Claims Investigator (R23). You do not possess supervisory responsibility.

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**Finding of Fact:**

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

- Investigating and locating owners of Unclaimed Property. Obtaining required documentation in order to process Unclaimed Property claims.
- Initiating, investigating, and processing Unclaimed Property claims resulting from Outreach projects performed by the Outreach Section.
- Educating the public regarding Unclaimed Property through speaking engagements and Unclaimed Property events.
- Assisting in the management of Outreach events by researching vendor brochures, trade journals, promotional items for show booth displays, and other technical materials.
- Bi-annually editing, verifying, and authorizing payment for Unclaimed Property legal advertisement in 21 county newspapers.

**Review and Analysis:**

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title, Claims Investigator (56372-P16). The definition section of the job specification for this title states:

“Under the direction of a supervisory official in a state department or agency, conducts office and/or field investigations of claims arising from State employee employment-related injuries and disease; accidents resulting in damage to state owned property; and/or third party claims for bodily injury and/or property damage arising from the use or operation of state owned properties and/or the activities of state employees; or assigned to an office location, investigates, evaluates and

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processes claims arising out of workers compensation, negligence, tort and/or claims for ownership of abandoned real and personal property accrued to the state, other claims involving state employees and/or state owned property; as well as other types of negligence or tort claims made against the state; does related work as required”.

A Claims Investigator is responsible for investigating and processing claims relative to the unit in which the position is located, in this case, Unclaimed Property. Incumbents typically perform duties of investigating and obtaining complete information in connection with claims arising from abandoned, real, and personal property that has accrued to the state; contacting representatives of claimants such as attorneys, administrators, executors, guardians, in order to resolve claims; and attending informal hearings, meetings, and conferences as required.

The definition section of the job specification for the title, Investigator 2 (56783-I22) states:

“Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with state statutes and regulatory requirements; does other related duties”.

An Investigator 2 is responsible for conducting complex investigations that involve alleged noncompliance with state statutes and regulatory requirements. Incumbents of the Investigator 2 title typically investigate cases involving alleged fraud, negligence, misrepresentation, misconduct; participate in joint investigations and or surveillance with other agencies, or other law enforcement agencies; and review criminal history records.

A review of your job duties and responsibilities finds that the main function of your position is to locate owners of Unclaimed Property, and to process subsequent claims that arise from Outreach efforts. The investigations conducted by your position do not involve alleged noncompliance with state statutes; but rather your position conducts investigations arising from claims for ownership of abandoned real and personal property. The assigned duties and responsibilities of your position are descriptive of the tasks assigned to a Claims Investigator.



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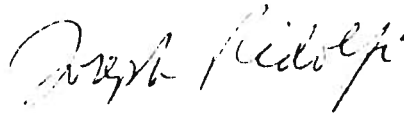
A thorough review of all of the information received with this submission concludes that your position is properly classified as a Claims Investigator (P16).

**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 the title Claims Investigator (56372-P16).

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, P.O. 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  
Classification and Personnel Management

JR/tc

c: Ms. Joanne Pascucci

