

B-23



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Brie Harris,
Department of the Treasury

CSC Docket No. 2014-1057

Classification Appeal

ISSUED: JUL 21 2014 (WR)

Brie Harris appeals the attached decision of the Division of Classification and Personnel Management (CPM) that her position with the Department of the Treasury is properly classified as a Claims Investigator. Ms. Harris seeks a Senior Claims Investigator classification in this proceeding.

The record in the present matter establishes that, at the time of her classification review, Ms. Harris was a Claims Investigator in the Department of the Treasury, Division of Administration. Ms. Harris reported to Linda Henderson, Principal Claims Investigator, and she did not perform any supervisory duties. Ms. Harris requested a reclassification of her position, alleging that her assigned duties and responsibilities were at the level of an Investigator 2. As described in the attached determination, CPM found that based on the primary duties of Ms. Harris' position, her title was properly classified as a Claims Investigator. Specifically, it found that Ms. Harris investigated and located owners of unclaimed property; initiated, investigated, and processed unclaimed property claims; educated the public regarding unclaimed property; assisted in the management of outreach events; and biannually edited, verified, and authorized payment for unclaimed property legal advertisements in newspapers. Moreover, as it found that Ms. Harris' investigations did not involve alleged noncompliance with State statutes, it concluded that an Investigator 2 classification would not be appropriate. Rather, CPM found that Ms. Harris' position was properly classified as a Claims Investigator.

On appeal, Ms. Harris contends that she is performing the duties of a Senior Claims Investigator. In this regard, she states that she has over 10 years of investigative research experience; "attend[s] formal and informal speaking engagements" to educate the public about unclaimed property; functions as "an unclaimed property liaison in the planning, organizing and case investigation for constituents of unclaimed property;" approves claims for settlement; and is responsible for biannual legal advertisement, which requires her to correspond with newspaper staff, edit the advertisement and authorize payment for the advertisement. In support of her appeal, Ms. Harris submits a letter of support from her supervisor indicating that she processes claims and recommends settlements, an organizational chart, and a copy of her Performance Assessment Review (PAR).

In response, CPM contends that Ms. Harris' 10 years of experience is not a factor when classifying a position. It asserts that "the main function of Ms. Harris' position is to process claims that arise through the promotion of unclaimed property," which is consistent with the duties of a Claims Investigator. CPM also states that the additional duties Ms. Harris performs, *e.g.* attending various events to promote unclaimed property and preparing legal advertisements, "are encompassed within the title of Claims Investigator and [do not] elevate her position to Senior Claims Investigator. It notes that during its classification review, it considered the title of Senior Claims Investigator, but dismissed it because her position was not responsible for recommending settlements or payments of claims. Accordingly, CPM maintains that Ms. Harris's position is properly classified as a Claims Investigator.

CONCLUSION

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

Under the 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 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.

Based on a thorough review of the entire record, it is clear that the position of Ms. Harris is properly classified as a Claims Investigator. As described above and in CPM's determination, the position of Investigator 2 requires an individual to conduct complex investigations that involve noncompliance with State statutes and regulatory requirements. Additionally, the position of Senior Claims Investigator requires, in part, an individual to recommend settlements or payments of claims. The record does not establish that Ms. Harris performs any of these duties. Rather, the record reflects that Ms. Harris performs the duties of a Claims Investigator. She conducts investigations regarding unclaimed property, attends various events to educate the public about unclaimed property and is responsible for the biannual legal advertisements regarding unclaimed property. Although Ms. Harris' supervisor claims that she is responsible for recommending settlements, there is no mention in either her PAR or Position Classification Questionnaire that she performs this duty. It is noted that Ms. Harris' supervisor did not indicate the percentage of time Ms. Harris recommends settlements and therefore it cannot be accepted. *See, e.g., In the Matter of Laurin Stahl and Ronald Stock* (MSB, decided January 12, 2005) (Tangential responsibilities appellant delineated on appeal, assuming they were applicable, could not be considered since appellant did not provide a percentage amount of time she spent performing these duties in relation to the voluminous other duties she indicated that she performed in her various positions). Additionally, while Ms. Harris compares her duties to those of a Senior Claims Investigator, 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 overall job specification purposes, the definition portion of the job specification is appropriately utilized.

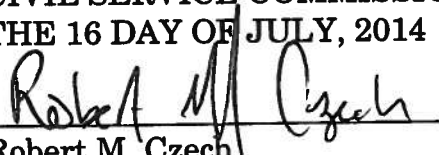
Accordingly, a thorough review of the information presented in the record establishes that Ms. Harris' position is properly classified as a Claims Investigator, and she has not presented a sufficient basis to establish that her position is improperly classified.

ORDER

Therefore, the position of Brie Harris is properly classified as a Claims Investigator.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16 DAY OF JULY, 2014


Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Attachment

c: Brie Harris
Douglas J. 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
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Robert M. Czech
Chair/Chief Executive Officer

September 19, 2013

Ms. Brie Harris
Department of the Treasury
Unclaimed Property
50 Barrack Street
P.O. Box 269
Trenton, NJ 08010-0269

**RE: Classification Appeal, Claims Investigator,
Position # 951808, CPM Log # 04130276, EID # 000366122**

Dear Ms. Harris:

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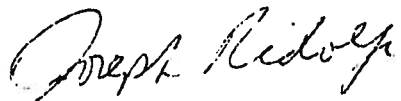
A thorough review of all of the information received with this submission concludes that your position is properly classified as a Claims Investigator (P16).

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 ✓