B-46

STATE OF NEW JERSEY

In the Matter of Milly Bottrel and Peter Martin, Department of Labor and Workforce Development	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket Nos. 2014-3181 and 2014- 3180	:	Classification Appeals

ISSUED: FEB 0 9 2015 (CAG)

Milly Bottrel and Peter Martin appeal the attached determinations of the Division of Classification and Personnel Management (CPM) that their positions with the Department of Labor and Workforce Development are properly classified as Unemployment Insurance Technician 2. The appellants seek Unemployment Insurance Technician 3 classifications in this proceeding. These appeals have been consolidated due to common issues presented.

The record in the present matter establishes that the appellants are permanent in the title of Unemployment Insurance Technician 2, and are assigned to work in the Program Services and Quality Assurance Unit, Division of Temporary Disability Insurance. They report directly to Audrey Weinhofer, an Unemployment Insurance Technician 4. The appellants sought a reclassification of their positions to Unemployment Insurance Technician 3. CPM performed a detailed analysis of the appellants' Position Classification Questionnaires (PCQ) and gathered information during telephone audits conducted on May 14 and May 16, 2014, respectively.

As a result, CPM found that the appellants' positions were properly classified as Unemployment Insurance Technician 2. Specifically, CPM found that the appellants' assigned duties and responsibilities, as detailed in CPM's attached decisions dated June 2 and May 29, 2014, respectively, were commensurate with the title of Unemployment Insurance Technician 2. It found that incumbents in the title of Unemployment Insurance Technician 3 function as a lead worker over lower level technicians and other staff within a unit, appellants do not function as lead

workers over lower level technicians, and therefore, Unemployment Insurance Technician 3 reclassifications were not warranted.

On appeal, Bottrel states that CPM's determination letter indicated that the audit was conducted on May 2, 2014 and argues that her interview was conducted on May 14, 2014. She argues that CPM's determination appears to hinge on the interpretation that the PCQ and audit interview did not clearly indicate that she functions as a lead worker and she provides definitions for a lead worker. She also argues that, due to the hiring and promotion freeze, she has had to assume the role of the higher level technician in the completion of projects. She claims that the interviewer did not consider the information conveyed in the interview process. She provides arguments for the assigned duties and responsibilities listed in CPM's determination letter. She contends that assignment and control of LOOPS/DABS access is not the responsibility of her unit and denial of her reclassification on that basis is unfounded. She also contends that CPM's statement that she does not function as a lead worker over other lower level technicians is invalid since there are no Unemployment Insurance Technician 1 positions in the Division of Temporary Disability Insurance. In addition, she contends that she acts as a lead worker of Senior Claims Examiners and Claims Examiners in regard to Division policy and procedure and adherence to UI/DI Law and UI/DI Administrative Code in the processing of Disability Claims. Additionally, she argues that her job duties require her to oversee many different aspects of the Division of Temporary Disability Insurance while insuring uniform interpretation of law, maximum efficiency, and timely claims processing.

On appeal, Martin states that CPM's determination letter indicated that the audit was conducted on May 2, 2014 and argues that his interview was conducted on May 16, 2014. He provides definitions of the Unemployment Insurance Technician 3 title and also provides several examples of how he functions as a lead worker within the organization for projects and assignments. He argues that he provided some of these examples during the phone interview and argues that the examples were omitted from the findings of fact in CPM's determination letter. He also argues that he leads and has led various projects by giving assignments, conducting meetings, coordinating and documenting input received from the team member assignments, developing and editing procedures based on that input, responding to questions and concerns from team members and ensuring deadlines are met. He further describes his duties and argues that he provides general and technical support to staff of all levels throughout the Division from supervisory staff to new employees. The appellant also argues that there are no Unemployment Insurance Technician 1s in his unit or the Division and he functions as the lead worker for developing procedures, training and other projects for the whole Division.

Additionally, Martin contends the statement that his duties are performed independently is incorrect and the process for establishing new workflow and procedures has traditionally and continues to be a team approach for the Division of Temporary Disability Insurance. He argues that he specifically mentioned during his interview that, although some of the writing is done independently, he is also the lead worker and writer for the ongoing project that he referred to above. He provides additional examples of his job duties for training new and/or existing employees. Further, Marin refers to the hiring and promotion freeze and argues that he has assumed the duties of the Unemployment Insurance Technician 3 and functions as a lead worker for the Division of Temporary Disability Insurance over staff from all areas of the Division.

In response, CPM states that its determinations were based on a thorough review and analysis of appellants' PCQs submitted and the information and documentation obtained during and subsequent to the audits conducted on May 14 and May 16, 2014, respectively, as well as the information provided by their immediate supervisor, Weinhofer. CPM also states that incumbents in the Unemployment Insurance Technician 3 title function as a lead worker over lower level technicians and this function is not optional. Specifically, it states that an incumbent in this title, as a lead worker, takes the lead by guiding and imparting knowledge of the Unemployment Insurance Technician function to lower level technicians on their team. In addition, CPM states that, as appellants stated in their appeals, they do not function as lead workers over lower level Unemployment Insurance Technicians. Further, appellants' unit is comprised of a total of five employees: Weinhofer, Unemployment Insurance Technician 4; Leonard Tripode, Unemployment Insurance Technician 3; Bottrel, Unemployment Insurance Technician 2; Martin, Unemployment Insurance Technician 2; and Jessica Volkmann, Senior Claims Examiner. CPM argues that it would be organizationally inappropriate to have three employees in the Unemployment Insurance Technician 3 title in this unit since there would be no lower level technicians for them to lead. Accordingly, the duties and responsibilities assigned to appellants compare most favorably with an Unemployment Insurance Technician 2 classification.

CONCLUSION

The definition section of the job specification for the title Unemployment Insurance Technician 3 states:

> Under direction of a Supervisory official in the Department of Labor and Workforce Development, takes the lead within an organizational unit; develops methods and procedures for implementing and maintaining new programs, the Local Office On-Line Payment system (LOOPS); and the Disability Automated Benefit System (DABS); monitors, analyzes, and evaluates progress and efficiency of office

> operations; provides general and technical information to the public; functions as a lead worker of lower level technicians; does related work as required.

The definition section of the job specification for the title Unemployment Insurance Technician 2 states:

> Under the direction of a Supervisory official in the Department of Labor and Workforce Development, provides assistance and training to offices in the maintenance of Local Office On-Line Payment system (LOOPS), Disability Automated Benefit System (DABS), and special programs to improve the quality and effectiveness of operation; identifies weaknesses and provides corrective action for all payment systems; assists in the development, implementation and analysis of new programs, and operating procedures; does related duties.

In the instant matter, the appellants' positions are properly classified as Unemployment Insurance Technician 2. As indicated above, incumbents in the Unemployment Insurance Technician 3 title are required to function as a lead worker over lower level technicians. On their PCQs, the appellants did not indicate that they perform the duties of a lead worker, such as assign work or review completed work of lower level technicians. Moreover, the fact that the unit does not include Unemployment Insurance Technicians 1 is not a basis to reclassify the appellants' position. In this regard, it would be organizationally inappropriate to have three employees in the Unemployment Insurance Technician 3 title in this unit since there would be no lower level technicians for them to lead. 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 appellants' 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 appellants, they are consistent with an employee in the title of Unemployment Insurance Technician 2. Accordingly, the appellants' positions are properly classified as Unemployment Insurance Technician 2.

ORDER

Therefore, it is ordered that these appeals 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 4TH DAY OF FEBRUARY 2015

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Henry Maurer
Director
Division of Appeals
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P.O. Box 312
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Attachments

c: Milly Bottrel
Peter Martin
Mary Fitzgerald
Kenneth Connolly
Joseph Gambino

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
State and Local Operations
P. O. Box 313
Trenton, New Jersey 08625-0313

CHRIS CHRISTIE
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

June 2, 2014

Ms. Milly Bottrel
New Jersey Department of Labor and Workforce Development
Division of Temporary Disability Insurance
John Fitch Plaza, 11th Floor
P.O. Box 387
Trenton, NJ 08625

Re: Classification Appeal – Unemployment Insurance Technician 2 (56103, P22), Position # 048283, CPM Log# 11130202, [redacted]

Dear Ms. Bottrel:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire submitted and the information and documentation obtained during and subsequent to the audit conducted May 2, 2014, as well as the information provided by your immediate supervisor, Audrey Weinhofer, Unemployment Insurance Technician 4 (56105, R28).

Issue:

You are serving permanently (RAP) in the title, Unemployment Insurance Technician 2 (56103, P22), Department of Labor and Workforce Development. You contend you are performing duties and responsibilities commensurate with the title Unemployment Insurance Technician 3 (56104, P25).

Organization:

Your position is assigned to the Program Services and Quality Assurance Unit, Division of Temporary Disability Insurance, New Jersey Department of Labor and

Workforce Development. You report directly to Audrey Weinhofer, Unemployment Insurance Technician 4 (56105, R28). You have no supervisory duties.

Findings of Fact:

The primary functions of your position are to write Temporary Disability Insurance claims processing procedures, and to create and provide training pertaining to the Temporary Disability/Family Leave Benefits Programs (State Plan, Private Plan and Disability/Family Leave During Unemployment Programs).

You perform the following assigned duties and responsibilities:

- Write new procedures and edit existing procedures for Temporary Disability Insurance law changes and upon the implementation of new programs/processes.
- Update and maintain procedure manuals to ensure that Temporary Disability Insurance staff have the most current processing guidelines.
- Evaluate the quality of claims processing and analyze data to identify trends and training needs.
- Recommend remedial action or improvements to automated systems or manual processing.
- Create training materials and manuals pertaining to the Temporary Disability/Family Leave Benefits Programs (State Plan, Private Plan and Disability/Family Leave During Unemployment Programs).
- Provide training to new and current employees pertaining to the Temporary Disability/Family Leave Benefits Programs (State Plan, Private Plan and Disability/Family Leave During Unemployment Programs) including initial and continued claims processing, customer service, and claims intake.
- Review and analyze existing system reports. Notify appropriate personnel of any discrepancies which require further action or recommend changes in procedures to ensure optimal claim processing timeframes are met.

- Compile division level statistical reports based on data generated by the automated systems (Disability Automated Benefit System (DABS), Local Office-On-Line Payment System (LOOPS), and WEB applications) and from various sections in the division. Report any trends discovered and recommend action for the efficiency of operations.

- Review existing workflow processes, prepare reports and charts, and recommend changes and improvements.

- Provide training and technical assistance to staff for the implementation of new program initiatives and operating procedures.

- Update DTDI internal and external Family Leave websites with current information regarding new procedures and information for public consumption (i.e. customer service hours, rate changes, etc.).

- Resolve complex claim processing problems or complaints from the public and prepares correspondence when needed.

Review and Analysis:

Currently, your position is classified in the title, Unemployment Insurance Technician 2 (56103, P22). The definition section of the job specification for the title states:

> "Under the direction of a Supervisory official in the Department of Labor and Workforce Development, provides assistance and training to offices in the maintenance of Local Office On-Line Payment system (LOOPS), Disability Automated Benefit System (DABS), and special programs to improve the quality and effectiveness of operation; identifies weaknesses and provides corrective action for all payment systems; assists in the development, implementation and analysis of new programs, and operating procedures; does related work as required."

Incumbents in this title provide technical assistance to offices in the maintenance of LOOPS and DABS, provide staff training on newly developed program material and on all unemployment and disability insurance procedures and assist in the development or review of proposed agency procedures.

You contend your position should be classified in the title, Unemployment Insurance Technician 3 (56104, P25). The definition section of the class specification for this title states:

> "Under the direction of a Supervisory official in the Department of Labor and Workforce Development, takes the lead within an organizational unit; develops methods and procedures for implementing and maintaining new programs, the Local Office On-Line Payment system(LOOPS), and the Disability Automated Benefit System (DABS); monitors, analyzes, and evaluates progress and efficiency of office operations; provides general and technical information to the public; functions as a lead worker of lower level technicians; does related work as required."

Incumbents in this title function as a lead worker over lower level technicians and other staff within a unit, assigns and controls computer access levels to the Local Office-On-Line Payment System (LOOPS) and the Disability Automated Benefit System (DABS) for the Division, and develops procedures and materials used in processing unemployment and disability insurance claims. You do not function as a lead worker over lower level technicians.

The audit revealed you perform workflow studies of current claims processing procedures, recommend improvements and write new streamlined procedures. You develop training modules for Family Leave Insurance claims processing, Disability During Unemployment claims processing, and for new legislation, with which you train staff. Although these duties are performed independently by you, you do not take the lead over lower level technicians and thus your job duties do not rise to the lead worker level of the title, Unemployment Insurance Technician 3 (56104, P25). The duties and responsibilities assigned to you compare most favorably with the definition section and the examples of work of the class specification for the title, Unemployment Insurance Technician 2 (56103, P22).

Determination:

It is our determination that the appropriate classification of your position is the title, Unemployment Insurance Technician 2 (56103, P22). By copy of this letter the Appointing Authority is advised that your position is presently and properly classified.

An appeal of this decision may be filed within twenty (20) days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments

that you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Written Records Appeal 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,

Cheryl Legg

Cheryl Legg, Human Resource Consultant 5
Classification and Personnel Management

CL:kk
c. Mary Fitzgerald
File

CHRIS CHRISTIE
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
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Robert M. Czech
Chair/Chief Executive Officer

May 29, 2014

Mr. Peter Martin
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Division of Temporary Disability Insurance
John Fitch Plaza, 11th Floor
P.O. Box 387
Trenton, NJ 08625

Re: Classification Appeal – Unemployment Insurance Technician 2 (56103, P22), Position # 048236, CPM Log# 11130201, [redacted]

Dear Mr. Martin:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire submitted and the information and documentation obtained during and subsequent to the audit conducted May 2, 2014, as well as the information provided by your immediate supervisor, Audrey Weinhofer, Unemployment Insurance Technician 4 (56105, R28).

Issue:

You are serving permanently (RAP) in the title, Unemployment Insurance Technician 2 (56103, P22), Department of Labor and Workforce Development. You contend you are performing duties and responsibilities commensurate with the title, Unemployment Insurance Technician 3 (56104, P25).

Organization:

Your position is assigned to the Program Services and Quality Assurance Unit, Division of Temporary Disability Insurance, New Jersey Department of Labor and

Workforce Development. You report directly to Audrey Weinhofer, Unemployment Insurance Technician 4 (56105, R28). You have no supervisory responsibilities.

Findings of Fact:

The primary functions of your position are to write Temporary Disability Insurance claims processing procedures and to create and provide training pertaining to Temporary Disability Insurance programs.

You perform the following assigned duties and responsibilities:

- 1. Write new procedures and edit existing procedures in response to Temporary Disability Insurance law changes and the implementation of new programs/processes.
- 2. Update and maintain procedure manuals to ensure Temporary Disability Insurance staff has the most current processing guidelines.
- 3. Evaluate the quality of claims processing and analyze data to identify trends and training needs.
- 4. Recommend remedial action or improvements to automated systems or manual processing.
- 5. Create training materials and manuals pertaining to the Temporary Disability/Family Leave Benefits Programs.
- 5. Provide training to new and current employees pertaining to the Temporary Disability/Family Leave Benefits Programs including initial and continued claims processing, customer service, and claims intake.
- 4. Review and analyze existing system reports. Notify appropriate personnel of any discrepancies which require further action or recommend changes in procedures to ensure optimal claim processing time.
- 4. Compile division level statistical reports based on data generated by the automated systems (Disability Automated Benefit System (DABS), Local Office-On-Line Payment System (LOOPS), and WEB applications) and from various sections in the division. Report any

trends discovered and recommend action for the efficiency of operations.

- 4. Review existing workflow processes, prepare reports and charts, and recommend changes and improvements.
- 5. Provide training and technical assistance to staff for the implementation of new program initiatives and operating procedures.
- 6. Update Division of Temporary Disability Insurance internal and external Temporary Disability Insurance websites with current information regarding new procedures and information for public consumption (i.e. customer service hours, rate changes, etc.).
- 7. Resolve complex claim processing problems or complaints from the public and prepare correspondence when needed.

Review and Analysis:

Currently, your position is classified in the title, Unemployment Insurance Technician 2 (56103, P22). The definition section of the job specification for the title states:

> "Under the direction of a Supervisory official in the Department of Labor and Workforce Development, provides assistance and training to offices in the maintenance of Local Office On-Line Payment system (LOOPS), Disability Automated Benefit System (DABS), and special programs to improve the quality and effectiveness of operation; identifies weaknesses and provides corrective action for all payment systems; assists in the development, implementation and analysis of new programs, and operating procedures; does related work as required.

Incumbents in this title provide technical assistance to offices in the maintenance of LOOPS and DABS, provide staff training on newly developed program material and on all unemployment and disability insurance procedures and assists in the development or review of proposed agency procedures.

You contend your position should be classified in the title, Unemployment Insurance Technician 3 (56104, P25). The definition section of the class specification for this title states:

> "Under the direction of a Supervisory official in the Department of Labor and Workforce Development, takes the lead within an organizational unit; develops methods and procedures for implementing and maintaining new programs, the Local Office On-Line Payment system(LOOPS), and the Disability Automated Benefit System (DABS); monitors, analyzes, and evaluates progress and efficiency of office operations; provides general and technical information to the public; functions as a lead worker of lower level technicians; does related work as required.

Incumbents in this title function as a lead worker over lower level technicians and other staff within a unit, assign and control computer access levels to the Local Office-On-Line Payment System (LOOPS) and the Disability Automated Benefit System (DABS) for the Division, and develop procedures and methods used in processing unemployment and disability insurance claims. You do not function as a lead worker in your unit.

The audit revealed you perform workflow studies of current Temporary Disability Insurance claims processing procedures, recommend improvements and write new procedures. You identify training needs and develop training modules for Temporary Disability Insurance claims processing, and customer service, with which you train new and current employees. Although these duties are performed independently by you, you do not take the lead over lower level technicians and thus your job duties do not rise to the lead worker level of the title, Unemployment Insurance Technician 3 (56104, P25). The duties and responsibilities assigned to you compare most favorably with the definition section and the examples of work of the class specification for the title, Unemployment Insurance Technician 2 (56103, P22).

Determination:

It is our determination that the appropriate classification of your position is Unemployment Insurance Technician 2 (56103, P22). By copy of this letter the Appointing Authority is advised that your position is presently and properly classified as Unemployment Insurance Technician 2 (56103, P22).

An appeal of this decision may be filed within twenty (20) days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Written Records Appeal 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,

Cheryl Legg

Cheryl Legg, Human Resource Consultant 5
Classification and Personnel Management

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