

B-52



STATE OF NEW JERSEY

In the Matter of Kevin Onderdonk,  
Department of the Treasury

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2103

Classification Appeal

ISSUED: FEB 11 2015 (JET)

Kevin Onderdonk appeals the attached decision of the former Division of Classification and Personnel Management (CPM)<sup>1</sup> that the proper classification of his position with the Department of the Treasury is Investment Technician. The appellant seeks an Administrative Analyst 2 classification.

The record in the present matter establishes that the appellant is currently serving permanently in the title of Investment Technician. The appellant pursued the matter of the reclassification of his position with CPM. CPM reviewed all documentation supplied by the appellant, including a Position Classification Questionnaire (PCQ). It found that the position is located in the Department of the Treasury, Division of Investment, Compliance Unit. CPM noted that the appellant does not have any supervisory duties. CPM reviewed and analyzed the PCQ and other documentation submitted by the appellant. Based upon this information, CPM concluded that the appellant's position was properly classified as an Investment Technician.

On appeal, the appellant maintains that he is performing the duties of an Administrative Analyst 2. Specifically, the appellant explains that his duties include conducting compliance reviews to ensure consistency with regulatory requirements; examining operational transactions; ensuring an accurate reporting system for financial transactions; maintaining compliance schedules; designing document procedures; assisting with the implementation of regulations; reporting

<sup>1</sup> Now the Division of Agency Services.

non-compliant issues to management; maintaining internal controls; limiting staff operations; maintaining integrity of internal operating system; testing compliance methodology; and identifying third party software for operational efficiency. In addition, the appellant avers that he prepares reports for the Division's State Council. The appellant adds that he completes reports that are forwarded to the Securities and Exchange Commission and the Federal Reserve. The appellant also provides directives to staff when he finds violations of regulations and maintains that such duties are examples of work that are also performed by Auditors and Accountants.

Additionally, the appellant contends that CPM's determination is a misinterpretation of the information he provided during the classification review process. The appellant explains that the duties conducted by an Investment Technician are in a support staff role which is contrary to the majority of the tasks that he performs. Further, the appellant avers that the main function of his position as described by CPM, *i.e.*, ensuring that financial transactions are made in accordance with regulations and statutes, is not defined in the job specification for Investment Technician. The appellant states there are no "technical experts" staffed in his unit, and CPM's conclusion that he "provides recommendations for financial transactions" is ambiguous. Moreover, the appellant asserts that CPM misunderstood the information he provided during the phone interview and on his PCQ.

In response, CPM asserts that the appellant's job duties include applying technical standards to assignments involving investment research and analysis and/or securities transactions. Further, his duties include providing support for the second level of compliance review and ensuring that professional level investors have not violated established policies and procedures. The appellant's policy review includes, but is not limited to, individual purchasing limits by Portfolio Managers; individual limits on owning a percentage of a particular investment; percentages of different types of investments; ensuring that purchases meet stock or securities ratings; and monitoring cash management fund allocation. In short, the appellant is responsible for generating statistical reports, corresponding with Portfolio Managers, informing them of violations, and performing technical studies into investments. Moreover, CPM explains that such duties are not consistent with those performed by an Administrative Analyst 2.

## CONCLUSION

The definition section of the job specification for Administrative Analyst 2 states:

Under general supervision of an Administrative Analyst 1 or other supervisor in a State department, institution, or agency,

performs the review, analysis, and appraisal of current department administrative procedures, organization, and performance and helps to prepare recommendations for changes and/or revisions; does other related duties.

The definition section of the job specification for Investment Technician states:

Under general direction of a supervisory officer in the Division of Investment, Department of the Treasury, independently applies established technical standards to work involving investment research and analysis, accounting, and/or securities transactions which includes preparing, reviewing and processing investment related actions; may supervise lower level employees within the section; does other related work.

A review of the record demonstrates that the appellant's position is properly classified as Investment Technician. As noted by CPM, the record demonstrates that the appellant's position primarily applies established technical standards to work involving investment research and analysis, accounting, and/or securities transactions which include preparing, reviewing and processing investment related actions. These duties are clearly consistent with an Investment Technician classification. Although the appellant's position may make some recommendations based on policies and procedures, it clearly does not perform the overall review, analysis or appraisal of current department administrative procedures, organization, and performance required of an Administrative Analyst 2 classification. Additionally, the appellant provides no substantive documentation in support of his claims that a higher classification is justified based on the work he performs.

Regarding the appellant's arguments that CPM misinterpreted the information provided on his PCQ and during the telephone audit, classification reviews are typically conducted either by paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). The appellant was provided with the opportunity to outline all of his duties on the PCQ and it was his responsibility to provide correct information during the audit. Additionally, 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

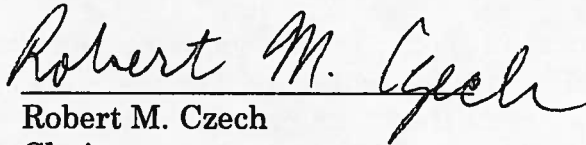
appropriate level with a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Accordingly, there is no basis to disturb the determination of CPM that the appellant's position was properly classified as an Investment Technician.

**ORDER**

Therefore, it is ordered that this appeal be denied.

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 4<sup>th</sup> DAY OF FEBRUARY, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

**Attachment**

c: Kevin Onderdonk  
Douglas J. Ianni  
Kenneth Connolly  
Joseph Gambino



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

Robert M. Czech  
Chair/Chief Executive Officer

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

February 10, 2014

Mr. Kevin Onderdonk

**RE: Classification Appeal – Investment Technician**  
Position # 959168, CPM Log # 09130090, EID # 000363767

Dear Mr. Onderdonk:

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 Susan Sarnowski on January 29, 2014.

**Issue:**

You are appealing that your current permanent title of Investment Technician (R19) is not consistent your current assigned duties and responsibilities. You contend that the title Administrative Analyst 2 (P26) is consistent with the duties that you currently perform.

**Organization:**

Your position is located in the Department of the Treasury, Division of Investment, Compliance Unit; and you report directly to Susan Sarnowski, Government Representative 2 (X98). Your position does not possess supervisory responsibility.

**Finding of Fact:**

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

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- Monitoring and conducting compliance reviews of investment transactions ensuring that investment procedures comply with the regulations of the New Jersey State Investment Council and New Jersey State Statutes.
- Preparing quarterly regulatory reports with the Securities and Exchange Commission giving an accurate accounting of the Division of Investment's (DOI) inventory.
- Assisting in the evaluation and maintenance of the internal Order Maintenance System (OMS). Establishing restrictions and alerts to prevent errors and inappropriate investments.
- Performing monthly reconciliations of DOI transactions between the DOI custodian bank, internal accounting system, and expense data tracking system.
- Monitoring DOI class action cases and tracking global securities for a variety of funds to identify which class action cases DOI is eligible to participate in.
- Monitoring DOI Approved Issuers List. Adding and removing issuers based on regulation requirements such as credit ratings.

**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 classification appeal submission indicates that you believe the title Administrative Analyst 2 (50075-P26) is an appropriate title for your position. The definition section for this title states:

“Under general supervision of an Administrative Analyst 1 or other supervisor in a state department, institution, or agency, performs the review, analysis, and appraisal of current department administrative procedures, organization, and performance and helps to prepare

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recommendations for changes and/or revisions; does other related duties.”

An Administrative Analyst 2 performs the review, analysis, and appraisal of administrative procedures, organization, and performance of the department to ensure that programs are carried on economically and efficiently.

Your position is currently classified by the title, Investment Technician (50050-R19). The definition section of the job specification for this title states:

“Under general direction of a supervisory officer in the Division of Investment, Department of the Treasury, independently applies established technical standards to work involving investment research and analysis, accounting, and/or securities transactions which includes preparing, reviewing and processing investment related actions; may supervise lower level employees within the section; does other related work.”

An Investment Technician independently performs investment research and analysis, accounting, or processes securities transactions. An Investment Technician typically accesses internal computer systems to run reports and verify securities holdings and transactions; obtains and analyzes financial information from various sources, condensing into statistical charts tables, reports, records and memoranda; confers with professionals and technical experts to obtain information and provide recommendations on financial transactions; prepares the Division's annual and semiannual total commission reports; and performs special studies in technical areas and makes recommendations regarding appropriate action.

A review of your job duties and responsibilities finds that the main function of your position is to ensure that financial transactions are made in accordance with New Jersey State Investment Council regulations and applicable New Jersey State Statutes. Your position accesses the internal OMS computer system to run reports and verify security holdings and transactions; analyzes financial information for statistical charts and reports; confers with professional and technical experts to provide recommendations on financial transactions; prepares and files the DOI's quarterly and monthly reports; and makes recommendations regarding appropriate investment action.

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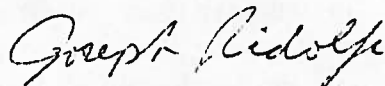
The preponderance of the assigned duties and responsibilities of this position are significantly descriptive and encompassed by the title Investment Technician (50050-R19).

**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 Investment Technician (50050-R19).

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, Treasury Human Resources