



B-7

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Nancy Finsterbusch,
Department of Military and Veterans
Affairs

Classification Appeal

CSC Docket No. 2015-529

ISSUED: **APR 20 2015**

(RE)

Nancy Finsterbusch appeals the attached decision of the Division of State and Local Operations¹ (SLO) which found that her position with the Department of Military and Veterans Affairs is properly classified as Buyer. She seeks a Senior Buyer job classification in this proceeding.

The appellant requested a review of her position as a Buyer, the title to which she was regularly appointed on September 9, 2002. Her position, located at the Department of Military and Veterans Affairs, Fiscal Division, Purchasing, reports to a Contract Administrator 3, and supervises a Senior Audit Account Clerk. The appellant's position is located within the unit that is responsible for ensuring that all purchasing laws and policies are followed and that State contracts are followed by component units of the Department, maintaining accountability of State active duty accounts and dedicated funding programs, and instructing personnel in bidding procedures, monitoring compliance, and preparing/submitting requests for proposals and waivers of advertising.

SLO performed a classification review including an analysis of the submitted Position Classification Questionnaire (PCQ) and a telephone interview with the appellant and her supervisor. As described in the attached determination, SLO found that, based on the primary duties of this position, Ms. Finsterbusch's title is properly classified as Buyer.

¹ Currently the Division of Agency Services.

On appeal, Ms. Finsterbusch argues that she performs duties outside of the scope of responsibilities for Buyer. Specifically she states that she takes the lead and provides direct instructions to account managers on all major purchases on behalf of the Department; performs the technical work involved in preparing proposals, purchase orders, and reports; makes arrangements for the purchase of equipment, materials and supplies to be used by various units/divisions within the Department; consults and works with the Division of Purchase and Property on term contracts; handles and completes special projects as needed for the Department; prepares complete packages for Grant Order Contracts to the provider/service agencies; returns contracts to the Director for final signature; prepares "GOs" on NJCFS (New Jersey Comprehensive Financial System); reviews all expenditure/disbursement reports; provides direction to the Senior Audit Account Clerk to verify prices as requested; and requires verification that the Payment Voucher and Purchase Order are in compliance with all State regulations and that the accounting information and commodities codes are correct.

CONCLUSION

The definition section of the job specification for Buyer states:

Under supervision, selects, prepares orders for, and arranges for purchase of one or more types of equipment, materials, and supplies used by various departments or agencies; does other related duties as required.

The definition section of the job specification for Senior Buyer states:

Under supervision, takes the lead over assigned employees and performs technical work involved in preparing proposals, orders, and reports, arranges for the purchase of equipment, materials, and supplies used by various departments, and may perform the work involved in term contracts; does other related duties as required.

It is noted that classification determinations list only those duties which are considered to be the primary focus of appellant's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position.

There is no dispute that the appellant's duties involve performing technical work in the preparation of proposals, orders, and reports, and arrangement for the

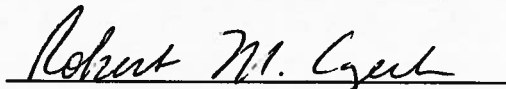
purchase of equipment, materials, and supplies. As such, the majority of these duties specifically match the job definition for Senior Buyer, and this position was classified as a Buyer on the basis that the appellant does not take the lead over assigned employees. The Senior Buyer title is a first level supervisory title used across all Departments: however, supervision and supervisory review are not issues which would preclude the classification of this position as Senior Buyer. In this regard, so long as an incumbent functions as a lead worker and meets the other criteria found in the job definition, a Senior Buyer classification is permitted. In this case, the organizational chart indicates that the appellant and the Senior Audit Account Clerk who she supervises are the sole subordinates of the Supervising Contract Administrator. There are no other individuals for whom the appellant could take the lead. Regardless, since the appellant supervises this individual, she exceeds the requirement that she take the lead over assigned employees. Moreover, while the definition states that the Senior Buyer takes the lead over assigned *employees*, it is not required that an individual take the lead over more than one employee, especially where, as here, there is only one employee to be supervised.² Accordingly, the record establishes that the proper classification of the appellant's title is Senior Buyer, effective April 19, 2014.

ORDER

Therefore, the position of the Nancy Finsterbusch is properly classified as a Senior Buyer, effective April 19, 2014.

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 15th DAY OF APRIL, 2015


Robert M. Czech
Chairperson
Civil Service Commission

² It is noted that, on appeal, the appellant indicates that she has been assigned a second subordinate to supervise subsequent to the classification review.

**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**

Enclosure

**c: Nancy Finsterbusch
Robert Hoyd
Kenneth Connolly
Joseph Gambino**



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF STATE AND LOCAL GOVERNMENT OPERATIONS
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

July 31, 2014

Ms. Nancy Finsterbusch
Department of Military and Veterans Affairs
101 Eggert Crossing Road
P.O. Box 340
Trenton, New Jersey 08625-0340

**RE: Classification Appeal- Buyer,
CPM Log # 04140085, EID # 000377670, Position #008853**

Dear Ms. Finsterbusch:

This is to inform you and the Department of Military and Veterans Affairs of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information submitted and a telephone audit conducted on July 17, 2014 with you and July 18, 2014 your immediate supervisor, Mr. Juan Lopez, Contract Administrator 3 (R29).

Issue:

You contend that the duties of your position are inconsistent with your current title of Buyer (P21) and the title Senior Buyer (R24) is an appropriate title for the position.

Organization:

Your position is located in the Department of Military and Veterans Affairs, Fiscal Division, Purchasing; you report to Mr. Juan Lopez, Contract Administrator 3 (R29). Your position supervises one (1) Senior Audit Account Clerk.

The Department of Military and Veterans Affairs New Jersey Veterans, Fiscal Division, Purchasing, ensures that all purchasing laws and policies are followed and that state contracts are followed by component units of the Department.

Ms. Nancy Finsterbusch

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Findings of Fact:

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

- Verifying, issuing, monitoring and reviewing transactions for the state p-card system; ensuring that DMAVA cardholders understand procurement policies and procedures; reviewing complete monthly reconciliation.
- Assisting veteran homes with purchases and requisitions; communicating with state purchase bureau supervisors concerning state contracts, requisitions, and orders issued by the State Purchase Bureau; providing assistance to account managers with acquiring information for purchases.
- Providing training on MACS-E, NJCFS, and NJ E-catalog for department; verifying information on vendor identification numbers and contract status; coordinating information between MACS-E (Treasury section) and Fiscal division; preparing bid proposal documents and reviewing complex purchasing documents.
- Verifying contract purchases with current state notices of awards; verifying contracts were sent from providers; preparing proposals and run reports.
- Supervising a Senior Audit Account Clerk; trains subordinate employee in job functions and as backup support when necessary; overseeing "Waiver of Advertisement" and agency complaint documents.

Review and Analysis:

Your position is currently classified by the title Buyer (P21-52663). The definition section of the job specification for this title states:

"Under supervision, selects, prepares orders for, and arranges for purchase of one or more types of equipment, materials, and supplies used by various departments or agencies; does other related duties as required."

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You contend that the title Senior Buyer (R24-52664) is an appropriate title for your position. The definition section of the job specification states:

"Under supervision, takes the lead over assigned employees and performs technical work involved in preparing proposals, orders, and reports, arranges for the purchase of equipment, materials, and supplies used by various departments, and may perform the work involved in term contracts; does other related duties as required."

A review of the duties and responsibilities finds that this position reviews and approves purchase transactions; handles problems in accordance with state rules and regulations; assists the department's Veterans Homes with purchases, requisitions, and any other purchase matters; communicates with bureau supervisors regarding state contracts, requisitions, and orders issued by the State Purchase Bureau; oversees the P-card program; completes monthly reconciliation; trains and supports staff on MACSE, NJCFS, and NJ E-Catalog; coordinates information between MACS-E Treasury and Fiscal Division personnel; analyzes bid proposals; provides direct supervision for a Senior Audit Account Clerk; and resolves problems related to purchase orders.

A significant portion of the duties and responsibilities of the title performs technical work involved in preparing proposals, orders, arranges for the purchase of materials and supplies for the department, however the position does not take the lead over assigned employees.

The preponderance of assigned duties and responsibilities of this position are significantly descriptive of the tasks assigned to the title, Buyer (P21-52663).

Determination:

Based on the findings of fact cited above, it is my determination that the assigned duties and responsibilities performed by the position are best classified by the title Buyer (P21-52663). Therefore, the classification of your position will remain unchanged.

Ms. Nancy Finsterbusch

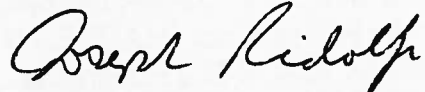
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Further, please be advised that the assignment of supervisory responsibility should be removed immediately from this position. That is, this position should not continue to supervise subordinate staff.

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/ts

c: Robert Hoyd, Director, Human Resource Division