



when absent. The appellant maintains that she is very knowledgeable in every area of the Health Benefits Bureau and that she interprets various laws, rules, and regulations for the Bureau. The appellant also indicates that she has worked in the capacity as a Supervisor for over a year. Moreover, the appellant submits a letter from Joyce Decker, Assistant Chief, Division of Pensions, which supports her appeal. Specifically, Ms. Decker asserts that the appellant has highly specialized skills which allows her to stand in Ms. Decker's place and interact with all levels of Division management. Ms. Decker provides that the appellant interprets laws based on requests that are escalated from a variety of offices throughout State government and that her responses are critical to the Division's mission. Ms. Decker maintains that the appellant has been acting as floor and unit supervisor for over a year and that these duties were not accurately reflected in her PAR that was prepared by her former supervisor. Ms. Decker represents that the appellant develops the PARs for the staff she oversees, but due to her title as a Pension Benefits Specialist 2, she is unable to sign off on them. Ms. Decker states that the appellant is a subject matter expert and takes the lead in training new hires. Ms. Decker argues that it would be an injustice to block the appellant's career path.

In response, Agency Services presents that a Pensions Benefits Specialist 1 functions as a primary or first level supervisor and that the essential component of supervision is the responsibility for the administration of formal performance evaluations for subordinate staff. Agency Services provides that the telephone audit revealed that although the appellant oversees four Pensions Benefits Specialist 3s, she is not responsible for preparing and/or signing their PARs. As such, Agency Services asserts that the appellant is properly classified as a Pensions Benefits Specialist 2.

## CONCLUSION

The definition section of the job specification Pensions Benefits Specialist 2 states:

Under the supervision of a Chief of an administrative bureau or other supervisory officer in the Division of Pensions and Benefits, Department of the Treasury acts as lead worker in a retirement, health benefits, or other employee benefit program of the Division; or conducts field instructional seminars on retirement health benefits or other employee benefit programs of the Division or, reviews, processes and/or responds to retirement, health benefits or other employee benefit requests and inquiries involving complicated eligibility determinations and/or performs complex computations; does other related duties.

The definition section of the job specification Pensions Benefits Specialist 1 states:

Under the supervision of an Assistant Director, a chief of an administrative bureau or other supervisor in the Division of Pensions and Benefits, Department of the Treasury, assists in supervising subordinate Pension Benefits Specialists and other technical staff of the Division or, conducts and designs field instructional seminars on retirement, health benefits programs or other employee benefit programs or, independently performs duties of significant difficulty and complexity involving retirement, health benefits or other employee benefit program development, administration and compliance; or review, interpretation and revision of regulatory procedures and statutes; and/or analysis and implementation of new legislation; does other related duties.

The Commission agrees with Agency Services' determination that the appellant's position is properly classified as Pensions Benefits Specialist 2. The appellant argues that she acts in place of the Assistant Director when absent and that she independently performs highly complex work in every area of the Health Benefits Bureau. However, the appellant's PCQ does not evidence that she primarily performs duties of significant difficulty or complexity required for a Pensions Benefits Specialist 1 classification. Additionally, classification reviews are based on a current review of duties being performed at the time of the classification study. Therefore, the fact that she assumed additional duties after the classification review which her supervisor referenced cannot be considered in the appeal. Regardless, 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 for overall job specification purposes, the definition portion of the job specification is appropriately utilized. As revealed in the telephone audit and confirmed on appeal, the appellant is not responsible for the signing off on performance evaluations and therefore she is not considered a supervisor for classification purposes. Further, the Commission notes that the appellant's PCQ indicates that she spends less than 50 percent of her time overseeing other employees. In order for the appellant to be considered a supervisor, she must be responsible for the administration of formal performance assessment reviews of subordinate staff.

The appellant also argues that she does everything a supervisor does, including assigning work, training subordinate staff and preparing performance

evaluations for subordinate staff except that she is not allowed to sign off on the performance evaluations due to her title as a Pensions Benefits Specialist 2. However, even if this is the case, the one who signs the performance evaluation is ultimately the one who has the responsibility and accountability of recommending hiring, firing, and disciplining subordinate employees and therefore, as stated above, the signing of the performance evaluation is what makes a supervisor a supervisor. *See In the Matter of Robert E. Swanwick*, Docket No. A-1103-03T3 (App. Div. February 8, 2005) (Employee found to be properly classified as a Senior Building Maintenance Worker, *not* an Assistant Supervisor, Building Service, where he had no supervisory authority over contractual janitorial personnel and his completion of employee progress reports was subject to the review and signature of his immediate supervisor). Instead, what the appellant describes are lead worker responsibilities. An incumbent in a leadership role refers to persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or lower level than themselves and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005).

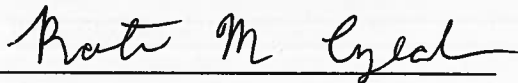
With respect to Ms. Decker's comment that to deny the appellant the title of Pensions Benefits Specialist 1 would be an injustice and only serve to block her career path, the outcome of position classification is not to provide a career path to the incumbent, but rather to ensure the position was classified in the most appropriate title available within the State's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). However, if Ms. Brown subsequently gains the right to sign performance evaluations after the audit of her position was completed, she may file another classification appeal.

### ORDER

Therefore, the Civil Service Commission concludes that the position of Mildred Brown is properly classified as a Pensions Benefits Specialist 2.

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

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 3<sup>rd</sup> DAY OF JUNE, 2015



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: Mildred Brown  
Douglas Ianni  
Kenneth Connolly  
Joseph Gambino**



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P. O. Box 313  
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(609) 292-8189

Robert M. Czech  
Chair/Chief Executive Officer

January 15, 2015

Ms. Mildred Brown  
Department of the Treasury  
Division of Pensions and Benefits  
50 West State Street, 3<sup>rd</sup> Floor  
P.O. Box 295  
Trenton, New Jersey 08625-0295

**RE: Classification Appeal - Pensions Benefits Specialist 2  
AS Log #09140314, Position #958995, EID #000348557**

Dear Ms. Brown:

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 Kathleen Laflin, on September 24, 2014.

**Issue:**

You are appealing your current permanent title of Pensions Benefit Specialist 2 (P21) is not consistent for your current assigned duties and/or responsibilities. You contend that the title Pensions Benefits Specialist 1 (R24) is consistent with the duties that you currently perform.

**Organization:**

According to the organizational chart that was submitted, your position is located in the Division of Pensions and Benefits' Health Benefits/Policy & Planning Unit. You report directly to Kathleen Laflin, Supervising Pensions Benefits Specialist (S27) and are responsible for overseeing four (4) Pensions Benefits Specialist 3 (P18)

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positions. You are not responsible for conducting and/or signing Performance Assessment Reviews (PAR's).

**Finding of Fact:**

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

- Overseeing the operation of the Retired and COBRA components within the Bureau of Health Benefits which includes four (4) Pension Benefits 3 positions.
- Providing advice and/or assistance to members, employers, beneficiaries, etc. in the administration of the State Health Benefits' program.
- Responding to written correspondence from members, employers, attorneys and/or other interested parties.
- Reviewing and/or auditing members' accounts and/or processing corrected transactions.
- Processing Board of Trustees' approved determinations for: Teachers Pension and Annuity Fund (TPAF), Public Employees Retirement System (PERS), Police and Firemen Retirement System (PFRS) and State Police Retirement System (SPRS).
- Assessing training needs of the group and/or suggesting which areas of training will improve their skill set by enrolling subordinates in various training courses with partnering health care vendors.

**Review and Analysis:**

Your position is currently classified by the title Pensions Benefit Specialist 2 (P21-56353). The definition section of the job specification for this title states:

"Under the supervision of a Chief of an administrative bureau or other supervisory officer in the Division of Pensions and Benefits, Department of the Treasury acts as lead worker in a retirement, health benefits, or other employee benefit program of the Division; or conducts field instructional seminars on retirement health benefits or other employee benefit programs of the Division or, reviews, processes and/or responds to retirement, health benefits or other employee benefit requests and inquiries involving complicated eligibility

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determinations and/or performs complex computations; does other related duties.”

You contend that the title Pensions Benefit Specialist 1 (R24-53654) is an appropriate title for your position. The definition section of the job specification for Pensions Benefit Specialist 1 (R24-53654) states:

“Under the supervision of an Assistant Director, a Chief of an administrative bureau or other supervisor in the Division of Pensions and Benefits, Department of the Treasury, assists in supervising subordinate Pension Benefits Specialists and other technical staff of the Division or, conducts and designs field instructional seminars on retirement, health benefits programs or other employee benefit programs or, independently performs duties of significant difficulty and complexity involving retirement, health benefits or other employee benefit program development, administration and compliance; or review, interpretation and revision of regulatory procedures and statutes; and/or analysis and implementation of new legislation; does other related duties.’

Positions at this level are expected to, in addition to performing various other tasks, be able to perform duties and resolve problems of significant difficulty or complexity.

Incumbents classified as a Pensions Benefits Specialist 1 could require supervision of subordinates if assigned or in the absence of the supervisor, but if not, would perform very high level or specialized work.

Acting as a lead worker is not considered a supervisory responsibility. Incumbents in a leadership role are required to act as a leader of a group of employees in titles at the same or lower than themselves and perform the same kind of work as that performed by the group being led.

During the telephone audit, you stated that you are not responsible for conducting and/or signing Performance Assessment Reviews (PAR's). Further, your PAR does not include the assignment of supervisory duties in the “Individual Job Responsibility” section.



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A review of your job duties and responsibilities finds that this position is primarily responsible for: overseeing the operation for the Retired and COBRA components within the Bureau of Health Benefits; providing advice and assistance to members, employers, beneficiaries, etc. in the administration of the State Health Benefits program; and processing Board of Trustees' approved determinations for the Teacher's Pension and Annuity Fund (TPAF), Public Employees Retirement System (PERS), Police and Firemen Retirement System (PFRS) and State Police Retirement System (SPRS).

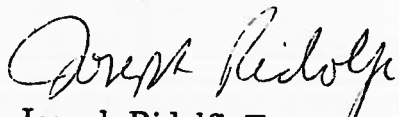
The preponderance of assigned duties and responsibilities of your position are significantly descriptive of the tasks assigned to the title Pensions Benefits Specialist 2 (P21).

**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 your current permanent title Pensions Benefit Specialist 2 (P21-56353).

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 Merit System Practices and Labor Relations, PO 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  
Agency Services

JR/rmd

c: Ms. Joanne Pascucci, Treasury, Human Resources

**Attachment**

**c: Mildred Brown  
Douglas Ianni  
Kenneth Connolly  
Joseph Gambino**