

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Andrea Stumpf, Department of Human Services

CSC Docket Nos. 2015-1444
2015-2658 and
2015-2872

Request for Reconsideration and Classification Appeal

ISSUED: JL 16 2015 (WR)

The Department of Human Services (DHS) and Andrea Stumpf, represented by Nicole Sharpe, Director, Public Affairs, and Staff Representative, CWA Local 1039, request reconsideration of the attached decision of the Civil Service Commission (Commission), rendered May 21, 2014, which ordered repayment of a salary overpayment. Additionally, Ms. Stumpf appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position is Administrative Analyst 4 with an effective date of December 13, 2014. The appellant seeks an October 8, 2011 effective date of the reclassification. Since these appeals involve similar issues, they have been consolidated herein.

The long history of this matter is fully explained in the attached decisions. The petitioner was provisionally appointed, pending promotional examination procedures, as an Administrative Analyst 4, effective February 19, 2005. In *In the Matter of Andrea Stumpf* (CSC, decided December 16, 2009), the Commission upheld the former Division of State and Local Operation's (SLO)¹ determination that the appropriate classification for the petitioner's position was Technical Assistant 3, effective May 9, 2009. However, the petitioner's title was not changed and she continued to serve in the title of Administrative Analyst 4. Thereafter, on October 16, 2013, the appellant appealed her ineligibly for the Administrative Analyst 4 (PS3423K) examination. In *In the Matter of Andrea Stumpf* (CSC, decided December 4, 2013), the Commission ordered a classification review of her position and found that the petitioner had been overpaid for the duties she performed since December 19, 2009, the date she and the appointing authority were

¹ This function is now part of Agency Services.

on notice that her position was not properly classified. Subsequently, the petitioner requested a waiver of the salary overpayment. In *In the Matter of Andrea Stumpf* (CSC, decided May 21, 2014), the Commission denied the petitioner's request. Specifically, the Commission found that the petitioner failed to establish that the overpayment occurred as a result of an administrative error or that the terms of the repayment schedule would result in economic hardship. Thereafter, in an April 2, 2015 determination, Agency Services which had reviewed the petitioner's November 28, 2014 classification request, determined that her position was properly classified as an Administrative Analyst 4, effective December 13, 2014.

In her December 18, 2014 request for reconsideration, the petitioner states that she was unable to provide proof of her economic hardship during her initial request for a salary overpayment waiver because she did not know "the full economic effect of [her] demotion until she was actually demoted on November 29, 2014." She states that it was only at this time, when she first became aware of the amount of the overpayment and was able to gauge the amount of her salary overpayment. Nevertheless, the petitioner asserts that she will suffer extreme hardship if required to pay the salary overpayment amount. In this regard, she states that she is married with two children and her monthly household expenses are \$400 more than her monthly household income. In support of her request, the petitioner submits a spreadsheet of her budget for December 2014, and various bills for December 2014. Her budget for December 2014 indicates that she had \$6,398 in total income that month and spent \$2,685 on home expenses, \$1,535 on daily living expenses, \$955 on transportation expenses, \$415 on entertainment expenses, \$230 on health expenses, \$108 on recreation expenses, \$28.50 on dues and subscription totals, \$455 on personal expenses, and \$405 on miscellaneous expenses. particular note, the Commission observes that the petitioner spent \$450 on home/cell phone expenses, cable and internet expenses, \$200 in housecleaning expenses, and \$450 in dining out expenses in addition to the \$650 for groceries.

The petitioner also argues that her salary overpayment be waived since the appointing authority never submitted her Position Classification Questionnaire (PCQ) from October 8, 2011 to this agency. She claims that she completed this PCQ when she began working in her current position in the Financial Reporting Unit in the Division of Medical Assistance and Health Services (DMAHS) and the duties it described her performing are the same duties Agency Services reviewed during her January 28, 2014 classification review and determined that those were of an Administrative Analyst 4. The petitioner contends that there was no salary overpayment from October 8, 2011 through November 29, 2014, the date when she was classified as a Technical Assistant 3.

Additionally, DHS requests a relaxation of N.J.A.C. 4A:3-4.21. In this regard, DHS states that DMAHS failed to timely request reconsideration of the petitioner's waiver for a salary overpayment. DHS further states that DMAHS also

erred in failing to submit to this agency the petitioner's October 8, 2011 PCQ and delaying the petitioner's classification to Technical Assistant 3. DHS states that it is unclear why DMAHS failed to supply this agency with the PCQ. Nevertheless, DHS contends that because the petitioner accepted her promotion to Administrative Analyst 4 in good faith and performed the duties that were assigned to her, she should not have to suffer a financial hardship due to DMAHS's mistakes. Therefore, the petitioner should be granted a waiver of her salary overpayment.

Regarding her classification review, the petitioner asserts that the effective date of her reclassification should be October 8, 2011, the date she began working in DMAHS. As noted above, the petitioner claims that the appointing authority failed to provide this agency with the October 08, 2011 PCQ, which "undoubtedly resulted in the denial of a number of examination appeals" that she filed with this agency. The petitioner states that she did not realize that the PCQ was not submitted to this agency until June 2014. In support of her request, she submits an unsigned and undated copy of the PCQ. It is noted that the appellant's supervisor did not indicate whether she agreed or disagreed with the petitioner's description of her job duties, percentage of time, and order of difficulty; the program manager or division director did not indicate his or her support for the supervisor's statements and did not sign it; and although the appointing authority signed the PCQ, it did not date it.

CONCLUSION

With regard to the parties' request for reconsideration of the Commission's denial of a waiver of the salary overpayment requirement, N.J.A.C. 4A:2-1.6 provides that a request for reconsideration must be filed within 45 days of receipt of a decision. Although the petitioner presents a substantive challenge regarding the Commission's May 21, 2014 decision, the controlling issue in this matter is whether the petitioner's request for reconsideration of the waiver of the salary overpayment denial was timely filed. However, the record reveals that the appellant's request was not filed until December 18, 2014, seven months after the Commission's May 21, 2014 decision and DHS's request was not filed until November 12, 2014, nearly six months after the decision. The purpose of time limits is not to eliminate or curtail the rights of petitioner's, but to establish a threshold of finality. In the instant case, the petitioner's delay in filing her claim unreasonably exceeds that threshold of finality. Thus it is clear that petitioner's request for reconsideration is untimely.

Nevertheless, since the time limits are not statutory, the Commission may relax the time for filing a request for reconsideration if presented a compelling reason. See In the Matter of Larry Hanks (MSB, decided February 23, 2005). See also, In the Matter of William Love (MSB, decided March 23, 1999) (Appointing authority's request for reconsideration was untimely and it did not rebut employee's claim that it had notice of the initial decision in a timely manner). However, there

is no basis in this particular case to extend or relax the time for appeal. N.J.A.C. 4A:1-1.2(c) (the Commission has the discretionary authority to relax rules for good cause). In this regard, it is appropriate to consider whether the petitioner's delay in asserting her right to appeal was reasonable and excusable. Appeal of Syby, 66 N.J. Super. 460, 464 (App. Div. 1961) (construing "good cause" in appellate court rules governing the time for appeal); Atlantic City v. Civil Service Com'n, 3 N.J. Super. 57, 60 (App. Div. 1949) (describing the circumstances under which delay in asserting rights may be excusable). Among the factors to be considered are the length of delay and the reasons for the delay. Lavin v. Hackensack Bd. of Educ., 90 N.J. 145 (1982). See e.g., Matter of Allen, 262 N.J. Super. 438 (App. Div. 1993) (allowing relaxation of the Board's appeal rules where police officer repeatedly, but unsuccessfully, sought clarification of his employment status). In this case, the petitioner claims that her request for reconsideration is timely because it was not until December 2014 that she was classified as a Technical Assistant 3 and therefore learned the actual amount of the salary overpayment. However, in its December 4, 2013 determination, the Commission found that there was a salary overpayment and advised the petitioner that she could request a waiver of the overpayment, but would have to show all of the factors in N.J.A.C. 4A:3-4.21 to be successful. Thereafter, the petitioner requested a waiver of the overpayment, which the Commission denied in the determination currently being reconsidered. Therefore, the petitioner's argument that her request for reconsideration is timely is not convincing. Regarding DHS's request for a relaxation of N.J.A.C. 4A:3-4.21, that rule already provides procedures for a waiver of a salary overpayment, which the Commission addressed in the decision currently being reconsidered. DHS's request appears to be a request for reconsideration and is therefore also untimely.

Despite the untimely requests of the petitioner and DHS, the Commission will address the merits in the instant matter. N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. However, the petitioner has not presented any additional information which would change the outcome of her case. First, she claims that DMAHS failed to provide this agency with her October 8, 2011 PCQ. As noted above, the PCQ is incomplete and therefore cannot provide a basis to grant reconsideration. Moreover, neither the petitioner nor DHS have sufficiently explained why DMAHS was unable to provide the PCQ in 2011 nor why it was not realized until June 2014 that the PCQ was never submitted, especially considering the petitioner's multiple interactions with this agency since 2011. The petitioner also claims that she would suffer financial hardship if required to repay the salary overpayment. However, the petitioner has not shown in the present matter that she would suffer economic hardship from a deduction from her paycheck, especially

considering that her current salary as an Administrative Analyst 4 is above her prior salary as a Technical Assistant 3. Moreover, while the petitioner indicates that her household ran a \$400 deficit for December 2014, she also indicates expenditures for non-essential items, such as \$415 for entertainment expenses, \$108 for recreation expenses, and \$28.50 for dues and subscription totals. Therefore, the petitioner has not demonstrated that a clear material error has occurred in her case nor has she presented new evidence or additional information that would change the outcome of the case. Accordingly, the Commission finds no grounds on which to grant reconsideration of its prior decision.

Regarding the petitioner's request for an earlier effective date for the classification of her position as an Administrative Analyst 4, the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past Given the evolving nature of duties and cannot be reviewed or verified. assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission review and judicial challenges. See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M6278O), and Code Enforcement Officer (M0041O), Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). See also, In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation, Docket No. A-277-90T1 (App. Div. January 22, 1992). See also, In the Matter of Theresa Cortina (Commissioner of Personnel, decided May 19, 1993). Thus, as noted above, the petitioner's incomplete PCQ from October 8, 2011 is insufficient to establish that the effective date of her classification was incorrect. In this regard, N.J.A.C. 4A:3-3.9(e)3(i) states that the effective date of a position reclassification shall be the pay period immediately after 14 days from the date this agency received the appeal or reclassification request, or at such earlier date as directed by the Commission. Accordingly, the effective date was appropriately set to December 13, 2014.

ORDER

Therefore, it is ordered that the parties' request for reconsideration be denied. It is also ordered that the date of the petitioner's classification was correct, and her request for an earlier date is 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 15th DAY OF JULY, 2015

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries

Henry Maurer

and

Director

Correspondence

Division of Appeals and Regulatory Affairs Civil Service Commission Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

Attachments

c:

Andrea Stumpf Nicole Sharpe Christina Mongon Kenneth Connolly Joseph Gambino

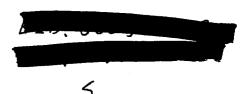


Chris Christie Governor Kım Guadagno Lt. Governor

STATE OF NEW JERSEY CIVIL SERVICE COMMISSION DIVISION OF AGENCY SERVICES

P.O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech Chair/Chief Executive Officer



April 2, 2015

Ms. Andrea Stumpf
NJ Department of Human Services
Division of Medical Assistance and Health Services
Quakerbridge Plaza; Bldg. #7; 3rd Floor
PO Box 712
Trenton, New Jersey 08625-0712

Subject: Classification Determination – Andrea Stumpf (000366503); New Jersey Department of Human Services; Division of Medical Assistance and Health Services; CPM Log #02140044

Dear Ms. Stumpf:

This is in response to the classification appeal received November 28, 2014 submitted to this office on your behalf by Ms. Antoinette Sargent, Manager, Human Resources. The need for a classification review came about as the result of two decisions by the Civil Service Commission in regard to your eligibility for a promotional examination (CSC Docket Nos. 2013-2526 and 2014-322).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (Ms. Karen Hammett, Section Supervisor Fiscal Resources); statements from the Coordinator Health Care Facilities Analysis (Mr. Robert Durborow) and a Table of Organization provided by the Appointing Authority. In addition, an onsite review was conducted on March 18, 2015.

Organization:

Your position is located in the Department of Human Services; Division of Medical Assistance and Health Services. Your immediate supervisor is Ms. Karen Hammett, Section Supervisor Fiscal Resources. The position does not involve the direct supervision of other employees.

Findings of Fact:

The primary duties of the position are:

- Receive and Record Recoveries: Utilizing computer systems, receive returned overpayments from numerous Medicaid-funded sources (e.g. Medicaid Fraud Decisions; Hospitals; Nursing Homes; Estates; etc...) and allocate as appropriate into State and Federal accounts.
- Analysis and Review of Processes: Assist in the analysis and review of other unit business practices
 throughout the division. Identify, modify and/or create improved processes for receipt and recording
 of recoveries across unit lines. Meet with staff across unit lines to analyze each unit's recovery
 processes to improve recovery procedures, efficiency and accuracy.
- Generate Recovery Reports: Produce monthly and ad-hoc reports of recovery monies. Reports are
 used to reconcile financial records; evaluate accuracy; and play a critical in State budget planning and
 projection.

 Reconcile Recovery Monies: Verify daily balances to the General Ledger and reconcile reported recovery payments to other media. Prepare and send correspondence accompanying return checks.

Review and Analysis:

The current title of your position is that of Technical Assistant 3 (51329/A12). According to the classification specification, a Technical Assistant 3 is defined as follows:

Under supervision of a supervisory official in a state department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties.

An employee serving in the title of Technical Assistant 3 is responsible for providing technical assistance of a routine nature. A Technical Assistant 3 provides responses to inquiries and/or information of a routine nature. The duties of your current position involve assisting in the evaluation of the processes of reconciling recovery monies by reviewing current processes and ensuring the allocation of monies to appropriate accounts. Although technical assistance is a major part of the duties and responsibilities of the position, the complexity of this work is higher than that which would be expected of an employee serving in the title of Technical Assistant 3. This, and the additional responsibilities of assisting in the analysis and review of business practices and the reconciliation of recoveries, makes the title of Technical Assistant 3 incommensurate with the duties performed.

During this review, several other Civil Service titles were considered. Higher level Technical Assistant titles were considered, but each were of a specialized nature (e.g. Technical Assistant 2, Personnel; Technical Assistant 2, Insurance; Technical Assistant 2, Labor; etc...). The specializations of these titles resulted in an inability to provide a reasonable match for the work being performed. Other titles considered included those of Fiscal Analyst and Accounting Assistant. These titles were also found to be inadequate.

The title of Administrative Analyst 4 (50072/P19) was considered. According to the classification specification, an Administrative Analyst 4 is defined as follows:

Under close supervision of an Administrative Analyst 1 or other supervisor in a state department, institution, or agency, assists as part of a team or task force in the review, analysis, and appraisal of current department administrative procedures, organization, and performance, and helps prepare recommendations for changes and/or revisions; does other related duties as required.

An employee serving in the title of Administrative Analyst 4 is responsible for assisting in the review, analysis and evaluation of budget, organization, administrative practices, operational methods, management operations or data processing applications, which include responsibility for the recommendation, planning and/or implementation of improvements in a business or government agency.

In direct discussion with management, including the supervisor of your position and the Coordinator of Health Care Facilities, it became clear the position's responsibility of assisting in the analysis and review of other unit business practices throughout the Division plays a significant role. Your position is to be reporting to a position intended to be occupied by an Administrative Analyst 1, Fiscal Management. Although this supervisory position is vacant at the time of this analysis, the objective of this supervisory position is to supervise the operations of the Financial Transactions Unit. These responsibilities of the supervisory position include the review of work processes and performance to provide recommendations toward improved efficiency and effectiveness of the unit. Clearly, therefore, a significant function of

your position is to assist in this role. As a result the duties and responsibilities of your position are commensurate with the title of Administrative Analyst 4.

Determination:

The review has revealed the current duties and responsibilities assigned to the position are commensurate with the enclosed job specification for the title of Administrative Analyst 4 (50072/P19). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, the appropriate classification of your position is the title of Administrative Analyst 4 (50072/P19). This action shall be effective December 13, 2014. This classification determination does not imply the employee will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

In accordance with the New Jersey Administrative Code (N.J.A.C. 4A:3-3.5), Within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, the appointing authority shall either effect the required change in the classification of the employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules.

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,

Mark B. Van Bruggen Supervising HR Consultant

Enclosure MVB

C: Ms. Antoinette Sargent, Appointing Authority File

ADDRESSES:

Ms. Antoinette Sargent,
Manager, Human Resources
NJ Department of Human Services
Division of Medical Assistance and Health Services
PO Box 712
Trenton, New Jersey 08625-0712



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Andrea Stumpf, Department of Human Services

CSC Docket Nos. 2014-1602 and 2014-1603

Request for Reconsideration and Request for Waiver of Salary Overpayment

ISSUED: MAY 2 7 2014

(WR)

Andrea Stumpf, represented by William O'Brien, Director, Public Affairs and Staff Representative, CWA Local 1039, petitions the Civil Service Commission (Commission) for reconsideration of its attached final decision, rendered on December 4, 2013, which found her ineligible for the Administrative Analyst 4 (S0236R) examination. The petitioner also requests a waiver of repayment of a salary overpayment.

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By way of background, the petitioner has served as an Administrative Analyst 4 provisionally pending promotional examination procedures since February 19, 2005. On December 16, 2009, the Commission upheld the determination of the former Division of State and Local Operations (SLO)¹ that the petitioner's position was properly classified as a Technical Assistant 3, effective May 9, 2009. See In the Matter of Andrea Stumpf (CSC, decided December 16, 2009). Despite this determination, the petitioner remained as a provisional Administrative Analyst 4 at that time. Thereafter, the petitioner applied, but was found ineligible for the Administrative Analyst 4 (PS3423K) examination, which had a closing date of October 22, 2012. In upholding the determination of the petitioner's ineligibility, the Commission ordered a classification review of her position. See In the Matter of Andrea Stumpf (CSC, decided October 16, 2013).² It is

SLO is currently known as the Division of Classification and Personnel Management (CPM).

² The Commission also found the petitioner ineligible for a prior Administrate Analyst 4 (PS1925K) promotional examination, which had a closing date of January 21, 2009. See In the Matter of Andrea Stumpf (CSC, decided March 16, 2011).

noted that the classification review is still pending. The petitioner's request for reconsideration in the present matter results from the Commission's determination on December 4, 2013 that she was ineligible for the Administrative Analyst 4 (S0236R) examination, which had a closing date of March 26, 2013. See In the Matter of Andrea Stumpf (CSC, decided December 4, 2013). In that determination, the Commission further held that the petitioner had been overpaid for the duties she performed since December 19, 2009, the date she and the appointing authority were on notice that her position was not properly classified. Current personnel records do not indicate that the petitioner's position has been reclassified to Technical Assistant 3.

In her request for reconsideration, the petitioner argues that no salary overpayment has occurred because the salary she has received since December 19, 2009 "was appropriate to her then-current [title] of Administrative Analyst 4." In this regard, she asserts that under these circumstances there is no statute or regulation that authorizes the Commission to deduct her wages. Alternatively, she contends that if a salary overpayment did occur, she should not be held responsible for any repayment because the appointing authority was at fault. She argues that the appointing authority and the Commission "have complete control over establishing and assigning job titles, assigning job duties consistent with those titles, and with adjusting titles and duties as needed." Moreover, the petitioner states that any repayment ordered would "result in devastating financial, psychological, and economic effects and hardships" on her and her family. Finally, she maintains that "there appear to be certain factual errors" related to her duties which are set forth below in the appointing authority's submission.

In support of the petitioner's request for reconsideration, the appointing authority claims that the petitioner was not serving in the position number referenced in the 2009 classification determination at the time the classification determination was issued. She had been reassigned to another position effective August 16, 2008. Therefore, the appointing authority asserts that a clear material error has occurred which adversely impacted the petitioner. The appointing authority also notes that the petitioner was reassigned from the Drug Rebate Unit to the Financial Reporting Unit, effective October 8, 2011. Accordingly, it contends that the petitioner should not have to repay the salary overpayment "since such was mandated based on a specific administrative error related to incorrect position number." Finally, the appointing authority requests a stay of the petitioner's reclassification to Technical Assistant 3, effective December 19, 2009, pending the final decision in this matter.

³ To lessen the financial impact, the Commission set the effective date of the reclassification of Technical Assistant 3 to December 19, 2009.

⁴ It is noted that the petitioner does not provide any arguments on reconsideration regarding her ineligibility for the Administrative Analyst 4 (S0236R) examination.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

Initially, the appointing authority argues that there is a material error because the petitioner's 2009 classification review was based on a position number the petitioner was no longer using. This argument is unpersuasive because position numbers have no bearing on the duties one performs; they are used for budgetary and organizational purposes. The appointing authority provides absolutely no evidence that the petitioner was assigned duties appropriate to an Administrative Analyst 4 at that time. In that regard, the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a current review of assigned duties and the appointing authority has failed to demonstrate that the petitioner's then-current duties were not properly reviewed at the time of her audit. Moreover, the Commission notes the alleged error at issue results from a 2009 classification review and neither the petitioner nor the appointing authority raised this issue during the petitioner's appeal of her classification review in 2009, despite the opportunity to do so. Further, a review of the history of that classification review reveals that an onsite audit of the petitioner's position was conducted on July 10, 2008, before the petitioner's reassignment on August 16, 2008. subsequent review of the petitioner's position was then conducted as a result of the petitioner's contention that she was in fact performing the duties consistent with the subject title. However, the petitioner's claims were unsubstantiated and a second determination was issued by SLO on July 17, 2009, after the petitioner's claimed reassignment, which upheld her position reclassification effective May 9, Regarding the Therefore, the appointing authority's argument fails. petitioner's assignment to the Financial Reporting Unit on October 8, 2011, as noted above, the appointing authority has failed to demonstrate that the petitioner was performing the duties of an Administrative Analyst 4 at that time.

As to the salary overpayment, the petitioner asserts that there was no salary overpayment because she was performing the duties of an Administrative Analyst 4 during the relevant period. However, the Commission determined in 2009 that the petitioner was performing the duties of a Technical Assistant 3 and the petitioner offers no evidence that demonstrates she has performed the duties of an Administrative Analyst 4 at any time since that determination. Moreover, based on a review of the duties the petitioner listed on her application for the Administrative Analyst 4 examinations (PS1925K, PS3423K, and S0236R) in 2009, 2012 and 2013,

respectively, the Division of Selection Services determined that she was not performing the duties of an Administrative Analyst 4. Accordingly, a salary overpayment occurred because the petitioner was not performing Administrative Analyst 4 duties.

Regarding the petitioner's claim that there is no statute or regulation that authorizes the Commission to deduct her wages, statutory authority for repayment of salary overpayment is given in N.J.S.A. 11A:3-7. Also, N.J.S.A. 11A:3-7(c) allows the Commission to waive repayment of salary overpayment based on a review of the case. The regulations under the New Jersey Administrative Code regarding salary overpayments establish procedures to implement these provisions. N.J.A.C. 4A:3-4.21 Salary overpayments: State service, provides as follows:

- (a) The [Commission] may waive, in whole or in part, the repayment of an erroneous salary overpayment, or may adjust the repayment schedule based on consideration of the following factors:
- 1. The circumstances and amount of the overpayment were such that an employee could reasonably have been unaware of the error;
- 2. The overpayment resulted from a specific administrative error, and was not due to mere delay in processing a change in pay status;
- 3. The terms of the repayment schedule would result in economic hardship to the employee.

It is well settled that all of the factors outlined in N.J.A.C. 4A:3-4.21 must be satisfied to successfully obtain a waiver of the repayment obligation. In In the Matter of Thomas Micai v. Commissioner of Department of Personnel, State of New Jersey, Docket No. A-5053-91T5 (App. Div., July 15, 1993), the Superior Court of New Jersey, Appellate Division, affirmed the Commissioner of Personnel's decision to deny a request for waiver of repayment of salary overpayment, finding that, although the appellant had established that the overpayment was the result of an administrative error, he failed to show that enforcement of the repayment would create economic hardship.

With respect to the aforementioned factors, the petitioner merely states that any repayment ordered would "result in devastating financial, psychological, and economic effects and hardships" on the petitioner and her family. However, the petitioner remains employed and she has not provided any substantive documentation in support of her financial situation which would indicate that repayment would result in financial hardship. See In the Matter of Ruth Samonski (Commissioner of Personnel, decided July 5, 2005) (Waiver of repayment of the salary overpayment in the amount of \$20,568.40 for improperly receiving sick leave

injury benefits denied, where the appellant failed to provide any information to establish that the repayment would cause an economic hardship). Although the request can be denied on this basis alone, the present record also does not establish that there had been an administrative error with respect to her position classification as of 2009. As addressed above, the petitioner was aware of her misclassification on December 19, 2009, the date the Commission set the effective date of her reclassification to Technical Assistant 3. Applying the salary overpayment criteria to the instant matter, a sufficient basis does not exist to grant a waiver of the repayment at issue pursuant to N.J.A.C. 4A:3-4.21. However, if the repayment schedule is unreasonable, the petitioner should contact the appointing authority to negotiate more suitable terms.

As discussed in the petitioner's initial appeal, the Commission ordered a classification review of the petitioner's position on October 16, 2013, which is currently pending. Nonetheless, the petitioner's position should immediately be reclassified to Technical Assistant 3, effective December 19, 2009, as previously If CPM determines that the petitioner began ordered by the Commission. performing the duties of an Administrative Analyst 4 on a given date, the period of the salary overpayment will be from December 19, 2009 to that date. Should CPM determine that the petitioner is not performing the duties of an Administrative Analyst 4, the end date of the salary overpayment will be the date the appointing authority actually reclassifies the petitioner's position. Moreover, since the petitioner's requests for reconsideration and waiver of salary overpayment have been denied, the appointing authority's request for a stay is moot. However, the Commission orders that the appointing authority immediately reclassify the petitioner's position to Technical Assistant 3, effective December 9, 2009, pending the outcome of the current classification review.

ORDER

Therefore, it is ordered that these requests be denied. It is further ordered that the appointing authority reclassify the petitioner's position in accordance with this determination. In the event that the appointing authority fails to comply with within 10 days of receipt of this decision, the Commission orders a fine of \$100 per day on the 11th day, for each day of continued noncompliance, up to a maximum of \$10,000.

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 21st DAY OF MAY, 2014

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: Andrea Stumpf
William O'Brien
Antoinette Sargent
Christina Mongon
Dan Hill
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Andrea Stumpf Administrative Analyst 4 (S0236R)

Examination Appeal

CSC Docket No. 2014-322

ISSUED:

DEC 0 4 2013

(WR)

Andrea Stumpf appeals the determination of the Division of Selection Services (Selection Services) which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Administrative Analyst 4 (S0236R).

The subject examination was announced with the following experience requirements, which had to be met as of the announced closing date of March 26, 2013. Specifically, applicants were required to possess a Bachelor's degree and one year of experience involving the review, analysis, and evaluation of budget, organization, administrative practices, operations methods, management operations, or data processing applications, or any combination thereof, which shall have included responsibility for recommendation, planning, and/or implementation of improvements in a business or government agency. Applicants not in possession of the required education were permitted to substitute experience on a year-for-year basis with 30 semester hour credits being equal to one year of experience.

On her application, the appellant indicated that she possessed 83 college credits, but not a Bachelor's degree. She further indicated that she had worked as an Administrative Analyst 4 (Class Code 19) from February 2005 to the closing date; a Technician, Management Information Systems from October 2004 to February 2005; a Principal Clerk Typist from February 2003 to October 2004; and

¹ Selection Services appears to have only considered the appellant's 64 credits from Mercer County Community College obtained from 1996 to 1998. However, the appellant also listed 19 credits earned from 1992 to 1993.

an Administrative Processor from November 1999 to February 2003.² Selection Services did not give the appellant credit for her experience in any of her titles. It also determined that her primary duty as a provisional Administrative Analyst 4 was financial technical support. Therefore, it determined that the appellant was ineligible for the subject examination since she lacked the required education and experience.

On appeal, the appellant asserts that her experience as an Administrative Analyst 4 and 83 college credits satisfy the experience and education requirements for the subject examination. The appellant also reiterates her duties as an Administrative Analyst 4 and adds that she "serve[s] as back up for Accounts Receivable tasks and Financial Activity Form processing tasks" and is proficient in various computer programs. Finally, the appellant notes that she was found eligible for the Administrative Analyst 4 (S6803G) examination in 2006. In support of her appeal, the appellant submits a Notification of Eligibility for the Administrative Analyst 4 (S6803G) examination and three Notifications of Certification, her resume, and her college transcripts.

Personnel records indicate that the eligible list for Administrative Analyst 4 (S6803G) promulgated on March 9, 2006 and expired on March 8, 2009. The appellant was ranked 42nd and her name was certified three times from that list. On the certification issued to the Department of Human Services on March 13, 2006 (OS060162), the appellant appeared as the 39th listed eligible and was bypassed. On the certification issued to the Department of Children and Families on January 4, 2008 (OS080013), the appellant was listed as the 31th eligible and was not reachable for appointment. Finally, on the certification issued to the Department of Human Services on February 29, 2008 (OS080172), the appellant appeared as the fifth listed eligible, but the certification was cancelled.

Additionally, the definition section of the job specification for Administrative Analyst 4 states:

Under close supervision of an Administrative Analyst 1 or other supervisor in a state department, institution, or agency, assists as part of a team or task force in the review, analysis, and appraisal of current department administrative procedures, organization, and performance, and helps prepare recommendations for changes and/or revisions; does other related duties as required.

² Personnel records indicate that the appellant has served in the subject title provisionally pending promotional examination procedures with the Department of Human Services since February 19, 2005. Her permanent title is Principal Clerk Typist (Class Code 13).

CONCLUSION

Initially, it is noted that applicants must demonstrate on their applications that the duties they perform provide them with the experience required for eligibility. See In the Matter of Charles Klingberg (MSB, decided August 28, 2001). It is further noted that, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. See In the Matter of Bashkim Vlashi (MSB, decided June 9, 2004).

A thorough review of the appellant's application and related material clearly demonstrates that she does not meet the requirements listed on the examination announcement. It is emphasized that applicants for Administrative Analyst titles must have primary experience being involved in the overall operational analysis of a specialized area in the organization with the direct responsibility for the recommendation, planning, or implementation of improvements for the agency as a result of such analysis. See In the Matter of Maria Jacobi (MSB, decided June 8, 2005). Regarding the appellant's provisional experience in the subject position, Selection Services determined that the primary focus of her position was financial technical support. On appeal, the appellant offers no evidence which indicates that financial technical support is not her primary focus. Accordingly, because the appellant lacks the required experience, it is not necessary to address whether she has 64 college credits, as Selection Services determined, or the 83 that she contends she possesses.

The Commission observes that it is immaterial to this appeal that the appellant was accepted for a previous examination for the subject title. See In the Matter of Anthony Lombardy, Docket No. A-3616-96T5 (App. Div. July 6, 1998) (The fact that appellant was accepted for a prior examination with the same requirements did not estop this agency from performing its function of evaluating an applicant's experience for a subsequent examination and to do otherwise might give an undeserved preference, possibly ousting a fully-qualified applicant from consideration for the position).

Therefore, a thorough review of all material presented indicates that the determination of Selection Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is supported by the record. Accordingly, the appellant has failed to support her burden of proof in this matter.

Turning to the proper classification of the appellant's provisional position, it does not appear that she is currently performing the duties of an Administrative Analyst 4. In this regard, it is noted that the Commission recently denied the appellant's appeal of the determination that she was ineligible for the Administrative Analyst 4 (PS3423K), Department of Human Services, promotional

examination. See In the Matter of Andrea Stumpf (CSC, decided October 16, 2013). In that decision, the Commission referred the matter to the Division of Classification and Personnel Management (CPM) for a classification review of her position. Accordingly, because the matter of the appellant's position classification was recently referred to CPM, it is unnecessary to refer this matter again to CPM. Nonetheless, the Commission previously found in 2009 that the appellant's position was properly classified as a Technical Assistant 3 (Class Code 13). Thus, the appointing authority must comply and immediately place the appellant in the Technical Assistant 3 (Class Code 13) title pending the outcome of the current classification review.

Consequently, there is a salary overpayment issue. In this regard, the appellant has been overpaid for the duties she performed since February 19, 2005, the date she was provisionally appointed to Administrative Analyst 4. However, the prior classification determination was not issued until 2009 and no further review of the appellant's position occurred until the Commission ordered her position be reviewed in In the Matter of Andrea Stumpf (CSC, decided October 16, 2013). In light of the foregoing circumstances, it is equitable to lessen the monetary impact of the reclassification on the appellant. In the prior classification determination, it was found that "a retroactive effective date . . . would cause financial hardship," and thus the effective date of reclassification was set to May 9, 2009. To further lessen this financial impact, the effective date of reclassification to Technical Assistant 3 (Class Code 13) shall be set to December 19, 2009, the starting date of the next pay period following the Commission's decision on December 16, 2009. From that point on, the appointing authority and the appellant were on notice that the appellant's position was not properly classified. Accordingly, December 19, 2009 is an appropriate effective date. It is noted that this decision shall not be used as a precedent in any other matter, since the decision is based on these particular circumstances. Nonetheless, there remains a salary overpayment issue beginning December 19, 2009. The appellant may petition the Commission for a waiver of repayment of the salary overpayment beginning December 19, 2009 pursuant to N.J.A.C. 4A:3-4.21. It must be emphasized that all of the factors outlined in N.J.A.C. 4A:3-4.21 must be satisfied to successfully obtain a waiver of the repayment obligation.

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that upon receipt of this decision, the appointing authority shall reclassify the

³ The Commission notes that it previously determined that the proper classification of the appellant's position is Technical Assistant 3 (Class Code 13). See In the Matter of Andrea Stumpf (CSC, decided December 16, 2009). The Commission also found the appellant ineligible for another prior Administrative Analyst 4 promotional examination. See In the Matter Paula J. Kamrad and Andrea Stumpf (PS1925K), Department of Human Services (CSC, decided March 16, 2011).

appellant's position to Technical Assistant 3, effective December 19, 2009, pending the outcome of the current classification review. In the event that the appointing authority fails to comply with this decision, the Commission orders a fine of \$100 per day, for each day of continued noncompliance, up to a maximum of \$10,000. The appointing authority shall submit to CPM the appropriate documents to support its action.

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 4th DAY OF DECEMBER, 2013

Robert M. Czech Chairperson

Civil Service Commission

Inquiries and

Correspondence

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

c: Andrea Stumpf
Antoinette Sargent
Christina Mongon
Dan Hill
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Andrea Stumpf, Department of Human Services

CSC Docket No. 2010-555

Classification Appeal

ISSUED: **DEC** 1 7 2009

(KAG)

Andrea Stumpf appeals the attached determinations of the Division of State and Local Operations (SLO)¹ that her position is properly classified as a Technical Assistant 3 with the Department of Human Services. The appellant seeks an Administrative Analyst 4 classification in this proceeding.

The record in the present matter establishes that the appellant is presently serving provisionally in the title of Administrative Analyst 4. The Administrative Analyst 4 (PS3873K), Department of Human Services, promotional examination was announced with a closing date of May 21, 2007. The appellant was deemed ineligible for this examination, and the Division of Selection Services referred the matter of the classification of the appellant's position to SLO for review. SLO reviewed all documentation supplied by the appellant. As a result, it found that the appellant is assigned to the Department of Human Services, Division of Medical Assistance and Health Services, Office of Provider Services (Pharmacy), Drug Rebate Unit. She reports to Rebecca Joslin, an Administrative Analyst 1 (Fiscal Management), and she assigns work to one Senior Clerk Typist. SLO determined that the appellant's primary duties entailed providing technical information and assistance regarding the drug rebate program to pharmaceutical companies, bank representatives, and State agencies, assisting with the verification of data, reconciliation of invoices, and investigation of discrepancies, entering record receipts into a database, supervising the preparation of mass mailings, updating

¹ It is noted that the Division of State and Local Operations was formerly called the Division of State Human Resource Management.

her supervisor regarding any changes in policies and regulations, updating a procedures manual, preparing dispute reconciliation reports, and maintaining the records and files of the unit. Thus, SLO concluded that the appellant's duties compared favorably with the title of Technical Assistant 3. It noted that the job specification for Technical Assistant 3 reflects that incumbents perform technical functions in providing information and assistance in reviewing and verifying data of a routine nature. SLO noted that incumbents in the title of Administrative Analyst 4 are responsible for assisting in the review, analysis, and appraisal of current administrative procedures, organization, and performance, and helping to prepare recommendations for changes. SLO emphasized that the appellant did not describe any duties related to evaluating the function of her unit to determine if it is meeting the needs of its customers; thus, she was not performing duties consistent with the title of Administrative Analyst 4.

The appellant responded to SLO's determination, contending that SLO's findings "did not present a clear depiction of [her] job responsibilities." appellant argued that her position required her to analyze claims, pharmaceutical products, units of measure and the claims payment system. She also noted that she is responsible for uncovering errors and promptly acting to correct them. Further, the appellant emphasized that she must read monthly publications regarding changes in the law governing the drug rebate program to determine the impact such changes have on unit operations. Finally, the appellant asserted that she only oversaw the maintenance of records and files by a Senior Clerk Typist, and every employee in the unit was required to participate in the preparation of mass mailings. In affirming its prior determination, SLO underscored that, on her Performance Evaluation System (PES) report, the "major goal" of the appellant's position was listed as "accurately and effectively provide technical assistance to manufacturers, bank representatives [and State agencies] regarding payments, receipts, and outstanding balances for drug rebates." SLO also noted that the job duties, according to the appellant's PES report, were consistent with the title of Technical Assistant 3.2

In the instant appeal, the appellant contends that her PES report does not identify all of the functions of her position. The appellant asserts that she is often contacted directly by drug manufacturers to provide detailed reports of invoices, which requires her to "utilize various software to prepare such reports." She is then contacted with follow-up questions, which she must answer in accordance with State and federal guidelines. The appellant also emphasizes that "the professional analyses of the information" demonstrates that she is an Administrative Analyst 4.

² It is noted that SLO originally ordered the reclassification of the appellant's position, effective May 24, 2008. In its subsequent determination, in recognition of the fact that the reclassification would cause "financial hardship," SLO ordered that the reclassification of her position be May 9, 2009.

Finally, the appellant submits a statement from her supervisor in support of her appeal.

It is noted that the appellant was serving provisionally as an Administrative Analyst 4. Her permanent title is Principal Clerk Typist. The titles of Principal Clerk Typist and Technical Assistant 3 are both assigned to class code 13.

CONCLUSION

In the instant matter, SLO determined that the appellant's position was appropriately classified as a Technical Assistant 3. A review of the appellant's Position Classification Questionnaire, PES report, and letters of appeal reflects that her position chiefly entails activities such as reviewing and verifying information received from drug manufacturers, supervising the preparation of mass mailings, providing technical information and assistance to customers, preparing dispute resolution reconciliations and financial reports, assisting with the audit, verification, and reconciliation of rebate invoices, updating the procedures manual, and reviewing applicable laws, regulations and policies for changes. A review of the job specifications for the titles of Administrative Analyst 4 and Technical Assistant 3 verifies that the appellant's position is appropriately classified as the latter. The duties described by the appellant are technical in nature and primarily entail providing technical information to customers and reviewing and verifying data, which is consistent with the definition of the title of Technical Assistant 3:

Under supervision of a supervisory official in a [S]tate department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying date of routine nature; does other related duties.

In contrast, the definition of the title of Administrative Analyst 4 is:

Under close supervision of an Administrative Analyst 1 or other supervisor in a [S]tate department, institution, or agency, assists as part of a team or task force in the review, analysis, and appraisal of current department administrative procedures, organization, and performance, and helps prepare recommendations for changes and revisions; does other related duties as required.

Although the appellant may, on occasion, make recommendations for improvements to the work methods of her unit, this function is clearly secondary to her responsibilities in providing technical assistance and information to various customers, inputting and verifying data, and preparing reports. In short, the appellant's responsibilities deal more with the technical, substantive work

performed by the unit, as opposed to reviewing the administrative operation of the unit.

Accordingly, the appellant's position is properly classified as a Technical Assistant 3. Since the appellant's permanent title is assigned the same class code as a Technical Assistant 3, this movement represents a lateral title change.

ORDER

Therefore, it is ordered that this appeal be denied and Andrea Stumpf's position be reclassified to the title of Technical Assistant 3.

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 16th DAY OF DECEMBER, 2009

Hope L. Cooper

Chairperson

Civil Service Commission

Inquiries

Henry Maurer

and

Director

Correspondence

Merit System Practices and Labor Relations Civil Service Commission Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

Attachments

c: Andrea Stumpf
Christina Mongon
Kim Burnett
Kenneth Connolly
Elizabeth Van Marter
Joseph Gambino



JON S. CORZINE GOVERNOR

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

HOPE L. COOPER

Chair/Chief Executive Officer

July 17, 2009

Andrea Stumpf
P.O. Box 715, Mailcode 54
Division of Medical Assistance and Health Services
Department of Human Services
Trenton, NJ 08625

Dear Ms. Stumpf:

I am writing in response to your first level classification appeal submitted after the classification review of your position conducted July 10, 2008. The findings of that review resulted in the reclassification of your position to the title, Technical Assistant 3.

In appealing the determination of the Division of State Human Resource Management, you state you are currently performing duties consistent with the title, Administrative Analyst 4, and list the following information in support of your contention:

- (1.) In providing technical information, you must possess "the ability to analyze claims, pharmaceutical products, units of measure and the claims payment system." You further state you "review and analyze the data, discuss irregularities with Administration Analyst 2's and Administrative Analyst 1's in an effort to determine if further analyses are required. The process involves the ability to analyze and interpret; NJMMIS claims payment files, the drug reference file, excel spreadsheets and the Reconciliation of State Invoice (ROSI) submitted by the manufacturer."
- (2.) You enter correction data into the system after resolving disputes.

 You verify the accuracy of checks received before the information is uploaded in the system in the absence of the employee who is assigned these duties.
- (3.) You "read the monthly CMS Drug Releases published on the web-site to determine if any changes in procedures are required." You further state: "If there are changes that affect our operation it is my responsibility to analyze the changes and determine the best way to address the changes. Such determinations are discussed with superiors prior to said changes."
- (4.) You perform analyses of invoices received from manufacturers and prepare a spreadsheet to determine the corrected amount that is owed. You make recommendations to resolve disputes.

Andrea Stumpf July 17, 2009 Page 2

- (5.) You do not maintain records and files. You perform this task only in backlog situations.
- (6.) You participate in quarterly mailings. You review the mailing process and determine areas that can be improved. You identify methods of operation that will improve effectiveness and expediency of mailings.

The "major goal" of the ratee, as stated on the Performance Evaluation System report (enclosed) provided by the Department of Human Services, in a description of your responsibilities, is to "accurately and effectively provide technical assistance to manufacturers, bank representatives, DMAHS, DOHSS and Treasury staff regarding payments, receipts and outstanding balances for drug rebates. Additionally she will accurately record and transmit (upload & edit file) rebate information between the bank and the mainframe (DRUG)."

The job duties assigned this position, according to the Performance Evaluation System report are as follows:

- "1. Will examine payment information received from drug manufacturers. Verify information and data enter lockbox and incoming payments.
- 2. Prepare and data enter all documentation to record receipts to the State Treasury System (HUBTORY).
- 3. Supervises the preparation of cover letters, diskette mailing labels for the quarterly mailings, opening and distributing mail daily.
- 4. Provides information and assistance to manufacturers, DMAHS and DOHSS, staff relevant to rebates. Obtains and interprets monthly CMS Drug Releases, informs Analyst1's of any changes.
- 5. Prepare dispute resolution reconciliations and financial reports on same. Assist analyst with other financial information as specified.
- 6. Reconciles the data entry on disputed units.
- 7. Maintains the storage records for the Drug Rebate Unit."

The duties, described above in the Performance Evaluation System report, are consistent with the findings obtained during the audit process and described in the classification determination under the heading; Findings of Fact (see enclosure).

The definition section of the job specification for the title, Technical Assistant 3, states:

"Under supervision of a supervisory official in a state department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature: does other related duties."

The duties you perform are technical in nature and are consistent with examples of work described in the job description of the title, Technical Assistant 3. The following examples of

Andrea Stumpf July 17, 2009 Page 3

work, taken from the job description for this title, are some of those consistent with your current duties:

"Responds to less technical inquiries and provide technical information/assistance in uncomplicated cases pertinent to the unit/office."

"Performs research and/or receives guidance from technical personnel to supply the information required."

"Reviews inquiries received by telephone or personal visit, and responds with the necessary technical information and assistance in a prompt manner."

"May assist in preparation of requests for appropriate actions, prepare/process related forms, and initiate follow-up action if necessary."

"Verifies completeness of information in any of the following: applications, reports, files, returns, claims proposals, forms, and/or listings, and their accuracy before entry into automated systems and files."

The definition section of the job specification for the title, Administrative Analyst 4, states:

"Under close supervision of an Administrative Analyst 1 or other supervisor in a state department, institution, or agency, assists as part of a team or task force in the review, analysis, and appraisal of current department administrative procedures, organization, and performance, and helps prepare recommendations for changes and/or revisions; does other related duties as required."

An incumbent in the title, Administrative Analyst 4, is performing functions that are professional, in nature. Employees assigned this title are assigned the primary responsibility of improving the functioning of the administrative unit. In doing so, the incumbent is to assist in analyzing and evaluating the organization, it's procedures and performance, in order to increase efficiency and effectiveness. Your position is not assigned this responsibility.

The primary function of your position is technical in nature. You are responding to requests for technical information regarding the drug rebate program. You are verifying and reconciling discrepancies in the data, before entering it into various systems. You review the monthly drug release information and inform your supervisor, Rebecca Joslin, Administrative Analyst 1, of any changes affecting unit operating procedures. You prepare reports, supervise mailings, and maintain files.

Andrea Stumpf July 17, 2009 Page 4

It is the opinion of the Civil Service Commission that your claim that you are performing the duties assigned the title, Administrative Analyst 4, is not substantiated. The audit findings and subsequent position classification determination are upheld. Your appeal is denied.

Because a retroactive effective date of May 24, 2008, would cause financial hardship, classification procedures will take effect May 9, 2009.

If you wish to appeal this decision, you may do so within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all argument that you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Written Appeals Unit, Division of Merit System Practices and Labor Relations, Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

If you have any questions regarding this matter, please contact me at (609) 984-4318 or at Kenneth.Connolly@csc.state.nj.us.

Sincerely,

Acting Director

NK/MR/CL Enclosures cc. Christina Mongon Kim Burnett Antoinette Sergeant



JON S. CORZINE GOVERNOR

STATE OF NEW JERSEY DEPARTMENT OF PERSONNEL Division of Human Resource Management P. O. Box 313 Trenton, New Jersey 08625-0313

HOPE L. COOPER ACTING COMMISSIONER

January 28, 2009

Christina Mongon
Confidential Assistant
Division of Human Resources
Department of Human Services
P.O. Box 700
Trenton, NJ 08625-0700

Re: Classification Review - Administrative Analyst 4 (P19), Position # 916930, HRM Log # 05080116

Dear Ms. Mongon:

This is to inform you of our determination concerning the classification review referenced above. The determination is based upon the results of an onsite audit conducted July 10, 2008 and a thorough review of all documentation submitted.

Issue:

Ms. Andrea Stumpf is serving provisionally (PAP) in the title, Administrative Analyst 4. The Division of Selection Services, New Jersey Department of Personnel, requested a classification review of her position upon receiving an application for the promotional examination for the title, Administrative Analyst 4 (PS3873K). The description of current job duties provided in that application was not consistent with the definition of the job specification for the title.

Organization:

Ms. Stumpf is assigned to Drug Rebate Unit, Office of Provider Services, Pharmacy, Division of Medical Assistance & Health Services, Department of Human Services. She reports to Ms. Rebecca Joslin, Administrative Analyst 1, Fiscal Management.(R29). Ms. Stumpf assigns work to David Williams, Senior Clerk Typist (A08).

Christina Mongon January 28, 2009 Page 2

Findings of Fact:

The incumbent is assigned the following duties and responsibilities:

- Provides technical information and assistance regarding the drug rebate program (payments, receipts, discrepancies, outstanding balances) to pharmaceutical companies, the Department of Treasury, the Division of Medical Assistance and Health Services, the Division of Health and Senior Services, and bank representatives. Conducts research into claim level detail, as needed.
- Assists with the verification of data, reconciliation of invoices, and the investigation into discrepancies.
- Corrects discrepancies and re-enters into the database. Returns verified spreadsheets to the initiating analyst and files the copy.
- Enters all record receipts into State Treasury System (HUBTORY) and the backup system (NCFS).
- Supervises the preparation of the diskette, letters, and labels for the quarterly mailing. Assists in the preparation of the newsletter, informing pharmacies or drug rebate participants of any changes in rebate policies and procedures.
- Accessing the Centers for Medicare & Medicaid Services website, updates supervisor regarding any changes in policies and / or regulations that affect the unit's compliance with Federal Pharmaceutical Manufacturers Drug Rebate Programs. Documents and researches any changes to public laws and contracts, as well as information released from the drug manufacturers.
- Updates procedures manual.
- Reviews monthly drug release report and informs those in the title, Administrative Analyst 1, of any changes.
- Prepares dispute reconciliation reports.
- Maintains the records and files of the unit.

Review and Analysis:

The definition section of the class specification for the title, Administrative Analyst 4 (P19), states:

"Under close supervision of an Administrative Analyst 1 or other supervisor in a state department, institution, or agency, assists as part of a team or task force in the review, analysis, and appraisal of current department administrative procedures, organization, and

Christina Mongon January 28, 2009 Page 3

performance, and helps prepare recommendations for changes and/or revisions; does other related duties as required."

The primary function of Ms. Stumpf's position is not to assist in the analysis and review of the drug rebate unit's administrative practices and procedures to identify problems and make recommendations to increases effectiveness and efficiency. She does not evaluate the function of the unit to determine if it is meeting the needs of the customers and the state, nor does she assess the performance of the unit and its members.

The definition section of the class specification for the title, Technical Assistant 3 (A12), states:

"Under supervision of a supervisory official in a state department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties."

This position is responsible for providing technical information and assistance in response to requests, conducting research when necessary. It also verifies the accuracy of information before recording and transmitting, reconciling the less complex discrepancies.

Determination:

By copy of this letter, the Appointing Authority is advised that we will initiate procedures to reclassify Ms. Stumpf's position to the title, Technical Assistant 3 (A12), effective May 24, 2008, unless duties commensurate with her permanent title, Principal Clerk Typist (R12) are assigned. Within thirty days of receipt of the determination letter, please advise of the action to be taken. If duties are to be reassigned reflective of the employee's permanent title, Principal Clerk Typist, please submit a current Position Classification Questionnaire and organization chart documenting the change.

Should the employee believe she is performing out-of title work duties in the title, Technical Assistant 3, and wishes to appeal on that basis, she may file a first level classification appeal by submitting such argument to Amy Laird, Acting Director, Division of State Human Resource Management, P.O. Box 313, Trenton, NJ 08625-0313.

For encumbered positions, please advise the employee that this classification determination does not imply that s/he will meet the eligibility requirements of the title. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment.

Sincerely,
More Cach

Nora Koch Manager

MR: CLL Amy Laird Jane Bando