



STATE OF NEW JERSEY

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

In the Matter of Ashley McCormick,
Department of the Treasury

CSC Docket No. 2022-857

Classification Appeal

ISSUED: FEBRUARY 7, 2022 (RE)

Ashley McCormick appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of the Treasury is Pensions Benefits Specialist 1 (PBS1). She seeks a classification of Pensions Benefits Specialist 2 (PBS2).

The appellant requested a classification review of her position as a PBS1. The position is located in the Department of the Treasury, Division of Pensions and Benefits, Retirement and Beneficiary Services Bureau. The position reports to a Supervising Pensions Benefits Specialist and has no assigned supervisory responsibility. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) and all other documentation. Based on its review of the information provided, and a telephone desk audit, Agency Services concluded that the appellant's position was properly classified as PBS1. Specifically, Agency Services stated that the PBS2 title is a lead worker title, and the position has no lead worker responsibilities. It also stated that the position was supervised by a PBS2, and it would be an inappropriate reporting relationship for a supervisor and subordinate to hold a title with the same range and class code.

On appeal, the appellant states that her direct supervisor's title is PBS2, but she is serving in an acting capacity as a PBS3. The appellant highlights the duties that she performs, indicating that she is responsible for all the training in her area, overseeing the work performed by the other PBS1 in the unit, and she makes corrections to work. She also notes that she reviews member accounts, a task not performed by a PBS1. The appellant explains that when new legislation is passed,

she is responsible for training and ensuring that everyone understands new policies and procedures. Further, in addition to payroll duties, she calculates all disability calculations before they move to payroll and processing and is solely responsible for reviewing, processing, and responding to retirement benefits requests and inquiries involving complicated determinations and computations. The appellant emphasizes that she takes the lead and assists in reviewing the work of PBS staff in determining member benefits. In this regard, all pension accounts are reviewed by her before moving to payroll to ensure correctness. Additionally, she states that she prepares and processes all retired receivables, prepares letters of explanation, and sets up payroll adjustments.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for PBS1 states:

Under the close supervision of a Pensions Benefits Specialist 3 or other supervisory official in the Division of Pensions and Benefits, Department of the Treasury, processes retirement and/or health benefits for members involving basic eligibility determinations and computation; conducts reviews of member contribution reports; counsels employees on retirement and health benefits; does other related duties as required.

The definition section of the job specification for PBS2 states:

Under the limited supervision of a Pensions Benefits Specialist 3 or other supervisory official 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; conducts field instructional seminars on retirement, health benefits, or other employee benefit programs of the Division; reviews, processes, and/or responds to retirement, health benefits, or other employee benefit requests and inquiries involving complicated eligibility determinations; performs complex computations; does other related duties as required

It is long-standing policy that upon review of a request for position classification, when it is found that the primary focus of the position most closely

matches the job definition, and a majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Further, how well or efficiently an employee does his or her job, length of service, and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified.

There is no dispute that the appellant's duties involve reviewing, processing, and/or responding to retirement, health benefits, or other employee benefit requests and inquiries involving complicated eligibility determinations; and performing complex computations. In this case, the determination that the position is correctly classified as PBS1 was based a finding that the appellant does not take the lead over assigned employees, and, on an inappropriate reporting relationship. However, as long as an incumbent performs the duties of a lead worker and meets the other criteria found in the job definition, a PBS2 classification would be appropriate. It has been well established in prior cases that a leadership role refers to those 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 a 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). Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position, mentoring others in work of the title series. Training higher level employees, contractors, individuals in other units or agencies, or being a subject matter expert, does not constitute a lead worker. Also, one cannot be a lead worker over a vacant position.

In this case, the Supervising Pensions Benefits Specialist technically supervises the appellant's position as it is responsible for administering and signing her formal performance evaluation. Although the organizational chart submitted with the appellant's request for classification review reveals that she and the other PBS1 in the unit report to a PBS2, a non-supervisory title, the PBS2 is not responsible for conducting and signing their performance evaluations. Moreover, if the PBS2 is supervising employees rather than the workload, that position may be misclassified. Further, if the PBS2 is a lead worker, then the organizational chart is incorrect. In any case, the appellant reports to and her performance evaluation is signed by a Supervising Pensions Benefits Specialist. Therefore, there is no inappropriate reporting relationship.

The appellant's position includes duties providing leadership over the other PBS1 in the unit. She indicated that she provides assistance, guidance and training and reviews his work. On the PCQ, her supervisor commented, "She is always available for her staff and provides positive motivation in the unit." Additionally,

the appellant's performance evaluation contains the duty, "Training of other employees within the Bureau as needed or assigned." While training alone does not constitute lead worker duties, the appellant also reviews the work of the PBS1, is in an advisory position, and mentors his work in the title series. Under these circumstances, the Civil Service Commission (Commission) finds that the appellant established that her duties are sufficient to be considered lead worker duties, and a classification of PBS2 is warranted.

N.J.A.C. 4A:3-3.9(f) provides that if an appeal is upheld, the effective date of implementation shall be, in State service, the pay period immediately after 14 days from the date the appeal or reclassification request is received, or at such earlier date as directed by the Commission. There appellant's request for classification review was received by Agency Services on June 14, 2021. Accordingly, the appellant's position should be reclassified as PBS2 effective July 3, 2021.

ORDER

Therefore, it is ordered this appeal be granted.

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 2ND DAY OF FEBRUARY 2022

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Ashley McCormick
Holly Foster
Division of Agency Services
Records Center