



B-14

STATE OF NEW JERSEY

In the Matter of Pankaj Shah,
Department of Labor and Workforce
Development

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Classification Appeal

CSC Docket No. 2015-1854

ISSUED: OCT 13 2015

Pankaj Shah appeals the attached determination of the Division of Agency Services (DAS) that his position with the Department of Labor and Workforce Development is properly classified as an Auditor 1. The appellant seeks a Supervising Auditor classification in this proceeding.

The record in the present matter establishes that the appellant is currently serving permanently in the title of Auditor 1. The position is located in the Department of Labor and Workforce Development, Division of Employer Accounts, Audits and Field Services, North. He reports directly to Michael Reiser, Chief of Unemployment Benefits, and supervises ten field auditors. The appellant sought a reclassification of his position to Supervising Auditor. DAS performed a detailed analysis of the appellant's Position Classification Questionnaire (PCQ) and gathered information during a telephone audit.

As a result, DAS found that the appellant's position was properly classified as an Auditor 1. DAS stated that the Auditor 1 is considered to be a first line supervisor performing duties related to supervising and directing the work of the auditing unit, disciplining, and evaluating performance. The Supervising Auditor is a second level supervisory position, and must supervise first level supervisors. Thus, DAS maintained that the preponderance of the appellant's current duties and responsibilities are commensurate with Auditor 1.

On appeal to the Civil Service Commission (Commission), the appellant asserts that he has been performing the duties of a Supervising Auditor. The

appellant explains that he took over his audit team in July 2013. He states that the workload of his team is assigned by area, and his team completed unfinished assignments left by a retiring Auditor 1, and they perform complex assignments in the assigned area. The appellant maintains that promotions have not been given in recent years due to budget restrictions, and he was told that in January 2015 an Auditor 1 would be assigned to his team.

CONCLUSION

The definition section of the job specification for Supervising Auditor states:

Under the general direction of Chief Auditor or other supervisory official in a State department or agency, performs duties of significant difficulty, plans, supervises and coordinates of the work of technical staff engaged in either field or office audits; does other related duties as required.

The definition section of the job specification for Auditor 1 states:

Under direction of a supervisory official in a State department, institution, or agency, performs duties of significant difficulty and/or supervises a major auditing unit engaged in professional audits of private corporations, State government, or local school districts; does other related duties as required.

In the instant matter, DAS found that the appellant's position was properly classified as an Auditor 1. It is not uncommon for an employee to perform some duties which are above or below the level 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 a job specification is appropriately utilized. A comparison of the job definitions for both titles indicates slight differences. In this case, DAS relied on the assigned bargaining units of the titles to establish the difference as first and second level supervisory titles. In this respect, titles are assigned to bargaining units or Employee Relations Groups (ERGs) based on the classification of the position by this agency. See *N.J.S.A. 11A:3-1*. In this case, Auditor 1 is assigned to the "R" bargaining unit, while Supervising Auditor is assigned to the "S" bargaining unit.

Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. First level may be assigned the responsibility for effectively recommending the hiring, firing, promoting, demoting and/or disciplining of employees in non-supervisory titles. In contrast, the "S" ERG is considered second level supervision and is defined as supervising the work operations and/or functional programs which includes having responsibility for effectively recommending the hiring, firing, promoting, demoting and or disciplining

of employees. Further, it is axiomatic that an important factor to be considered for "S" ERG titles is that they must supervise the work of the next highest supervisory level employees in the title series.

On his PCQ, the appellant indicated that for 70% of his time he reviewed assignments; for 5% of his time he prepared performance evaluations; for 15% of his time he assigned cases and provided guidance and assistance on difficult assignments; and for 10% of his time he performed administrative work. He defined administrative work as preparing monthly reports of production, and ensuring that each auditor completed a planned itinerary and daily reports of work performed, approving travel vouchers and leave requests, approving timesheets, and other duties. His supervisor indicated that his most important duty was to train, develop and supervise lower-level field auditors. In essence, the appellant does not himself perform audits, but spends the majority of his time reviewing the work of his subordinates. He assigns them work, checks their itinerary, provides help with questions on assignments, holds monthly meetings regarding changes on audit procedures, prepares monthly statistics, prepares performance reviews and documents issues, and approves travel vouchers and leave requests. He is responsible for the performance of his team of ten Auditors 2 and 3, and he is involved in supervisory tasks 100% of his time. As noted above, such supervision is required for an Auditor 1 and would not be considered out-of-title work.

Additionally, Mr. Shah works under general supervision, which is defined as working independently, and seldom refers matters to his supervisor except for clarification of policy, which is appropriate for an individual in an Auditor 1 job classification. As noted above, another important factor to be considered for an "S" ERG title is that an incumbent must supervise the work of the next highest supervisory level employees in the title series. Mr. Shah does not do so since none of the employees under his supervision are in a supervisory level title. He plans, supervises and coordinates the work of his staff of Auditors 2 and 3, and as such, his work most closely matches the job definition for Auditor 1. Accordingly, the record establishes that the proper classification of the appellant's title is Auditor 1.

ORDER

Therefore, the position of Pankaj Shah is properly classified as Auditor 1.

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 7th DAY OF OCTOBER, 2015



Robert M. Czech
Commissioner
Civil Service Commission

Inquiries
and
Correspondence:

Henry Maurer
Director
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P.O. Box 312
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Attachment

c: Pankaj Shah
Thomas Healy
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
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CHRIS CHRISTIE
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

December 8, 2014

Pankaj Shah



Re: Classification Appeal – Auditor 1 (P23), Position # 940056, CPM Log#
[REDACTED] EID # [REDACTED]

Dear Mr. Shah:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire submitted and the information and documentation obtained during and subsequent to the audit conducted November 13, 2014, as well as the information provided by your immediate supervisor, Michael Reiser, Chief of Unemployment Benefits UI/DI (&30, 61428F).

Issue:

You are serving permanently (RAP) in the title, Auditor 1 (R26, 51074), Department of Labor and Workforce Development. You contend you are performing duties and responsibilities commensurate with the title, Supervising Auditor 1 (S28, 50965).

Organization:

Your position is assigned to the Division of Employer Accounts, New Jersey Department of Labor and Workforce Development. You report directly to Michael Reiser, Chief of Unemployment Benefits UI/DI (&30, 61428F). You supervise ten field auditors: Andrew Burch, Auditor 2, Victoria Egejuru, Auditor 2; Paul Master, Auditor 3; Renee Lee-Guerrido, Auditor 3; Caroline Onyema, Auditor 2; Olga

Osorio, Auditor 3; Christopher Pfeffer, Auditor 2; Bharat Prajapati, Auditor 3; Harish Ravaliya, Auditor 2; and Nawras Haddad, Auditor 3.

Findings of Fact:

The primary function of your position is the supervision of a team of ten field auditors who audit employers for compliance with the New Jersey State Unemployment Compensation Law and Temporary Disability Benefits laws.

You perform the following assigned duties and responsibilities:

- Review audit reports submitted by field auditors (Auditor 2 and Auditor 3 positions) for correctness and compliance with the Tax Performance System.
- Prepare performance evaluations of Auditor 2 and Auditor 3 positions.
- Assign work to the Auditor 2 and Auditor 3 positions.
- Approve eCATs timesheets and leave requests.
- Recommend hiring, firing demoting and/or disciplining of staff.
- Recommend training for staff.
- Approve monthly travel vouchers for staff.
- Monitor and verify daily itineraries of subordinates.
- Prepare monthly statistical production reports of staff and ensure assigned quotas are being met.

Review and Analysis:

Currently, your position is classified in the title, Auditor 1 (R26, 51074). The definition section of the job specification for the title states:

“Under direction of a supervisory official in a state department, institution, or agency, performs duties of significant difficulty and/or

supervises a major auditing unit engaged in professional audits of private corporations, state government, or local school districts; does other related duties as required.”

Incumbents in this title supervise subordinate auditors and conduct very complex or sensitive audits of serious and controversial matters which do not require a team approach. The title, Auditor 1 is assigned to the “R” bargaining unit. Titles assigned to the “R” bargaining unit are first level supervisory positions. As such, incumbents supervise and direct the work of the auditing unit, discipline subordinate staff and evaluate staff performance.

You contend your position should be classified in the title, Supervising Auditor 1 (S28, 50965). The definition section of the class specification for this title states:

“Under the general direction of a Chief Auditor or other supervisory official in a state department or agency, performs duties of significant difficulty, plans, supervises, and coordinates the work of technical staff engaged in either field or office audits, does other related duties.”

Incumbents in this title supervise lower level auditor positions of which at least one is an Auditor 1, first level supervisory position. They plan, organize, assign work, evaluate staff performance and discipline subordinates, maintain quality, priority and production controls, and oversee the administrative activities of the organization. Incumbents in this title provide technical knowledge and training to lower level auditors and make recommendations for operational improvements to higher management levels. The title, Supervising Auditor is assigned to the “S” bargaining unit. Titles assigned to the “S” bargaining unit are second level supervisory positions. As such, incumbents supervise subordinates which must include first level supervisory positions.

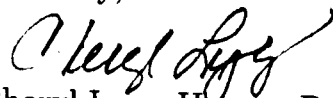
The audit revealed you work under general supervision and are responsible for supervising a team of Auditor 2 and Auditor 3 positions performing field audits of employers for compliance with the New Jersey State Unemployment and Disability Law. You assign and review work, assess training needs of subordinates, approve leave requests and timesheets of subordinates, and are responsible for disciplining subordinate employees and evaluating staff performance. You do not supervise any Auditor 1 positions or any other first level supervisory title positions. The duties and responsibilities assigned to you compare most favorably with the title, Auditor 1 (R26, 51074).

Determination:

It is our determination that the appropriate classification of your position is the title, Auditor 1 (R26, 51074). By copy of this letter the Appointing Authority is advised that your position is presently and properly classified.

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 arguments which you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Division of Appeals and Regulatory Affairs, Written Records Appeal Unit, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant 5
Classification and Personnel Management

CL:kk

c. Mary Fitzgerald
File