



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joyce Decker,
Department of the Treasury

CSC Docket No. 2016-1355

Classification Appeal

ISSUED: NOV 30 2016 (JET)

Joyce Decker appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of the Treasury is Assistant Chief, Division of Pensions. The appellant seeks a Chief, Division of Pensions classification.

The record in the present matter establishes that the appellant is currently serving permanently in the title of Assistant Chief, Division of Pensions. The appellant pursued the matter of the reclassification of her position with Agency Services. Agency Services reviewed all documentation supplied by the appellant, including an organizational chart and a Position Classification Questionnaire (PCQ). It found that the position is located in the Health Benefits/Policy and Planning section, Division of Pensions and Benefits. Agency Services noted that the appellant supervises one Administrative Analyst 1 (R29), one Personnel Assistant 2 (Y25), two Pensions Benefits Specialist 1s (R24), nine Pensions Benefits Specialist 2s (P21), seven Pensions Benefits Specialist 3s (P18), one Technical Assistant 2, Treasury (A15), and one Special Service position. Based on its review of the record, CPM concluded that the appellant's position was properly classified as an Assistant Chief, Division of Pensions.

On appeal, the appellant asserts that the classification determination is incorrect. Specifically, the appellant states that her position is located in the Health Benefits Operations section, which is a separate unit from the Health Benefits/Policy and Planning section. Further, the appellant states that she began supervising more employees after the date she filed for her classification review. In

addition, the appellant states that the classification determination did not give any weight to her supervisor's comments in the PCQ.¹ The appellant notes that her duties include, among other things, interpreting and implementing the provisions of the Affordable Care Act; implementing existing and new programs; advising senior management of Bureau activities, processing, budget, compliance, and implementation schedules; managing and directing work plan implementation with the Office of Information Technology; reviewing and analyzing federal and state laws; directing the supervision of supervisory staff including six higher level supervisors and 24 employees; developing and evaluating performance standards; assessing staffing needs; calculating overtime costs; ensuring compliance with budget expenses; managing, planning, and organizing daily work operations of the Health Benefits Bureau; directing the development of training; directing, managing, and coordinating the delivery of annual health benefits; open enrollment training via webinar; setting goals and objectives; developing data processing programming to ensure effective administration of all technically complex aspects of the State Health Benefits and School Employees Health Benefits. She also states that she was assigned to oversee the NJWELL program. Moreover, the appellant asserts that the organizational chart for her unit shows that she supervises higher level employees.

In support of her arguments, the appellant submits a revised organizational chart for review.

In response, Agency Services maintains that the proper classification of the appellant's position is Assistant Chief, Division of Pensions. Agency Services contends that the appellant indicated in the revised organizational chart that she submitted in support of this appeal that she is responsible for supervising three employees serving as a Pension Benefits Specialist 1, nine employees serving as a Pension Benefit Specialist 2, seven employees serving as a Pension Benefit Specialist 3, one employee serving as a Technical Assistant 2, Treasury, and one employee serving in an Administrative CWA (Q88) position. Thus, the appellant is not responsible for supervising staff that perform management level duties. Moreover, Agency Services states that the new organization chart the appellant submitted on appeal is different from the organizational chart that was initially submitted in support of her classification request.

It is noted that the appellant's request for a classification evaluation was signed by the appointing authority on May 6, 2015, and was received by this agency on May 7, 2015.

¹ The appellant notes that her supervisor indicated in the PCQ that she "continues to exceed expectations [and] is constantly looking to expand her knowledge of the health care industry and volunteers for inclusion in assignments outside of her responsibilities."

CONCLUSION

The definition section of the job specification for Chief, Division of Pensions states:

Under general direction of the Director or other senior management officer in the Division of Pensions, Department of the Treasury, plans, directs, coordinates and administers the work programs, activities and staff of a bureau; provides guidance and direction to senior management in the development and recommendation of policies and procedures applicable to Bureau operations; does related work as required.

The definition section of the job specification for Assistant Chief, Division of Pensions states:

Under general direction of the Chief or other senior management officer in the Division of Pensions, Department of the Treasury, plans, directs, coordinates, and administers the work programs, activities, and staff of a bureau; provides guidance and direction to senior management in the development and recommendation of policies and procedures applicable to bureau operations; does related work as required.

Initially, the appellant argues that the classification determination incorrectly lists the unit where her position is located. A review of the PCQ indicates that the appellant's position is located in the Health Benefits Bureau, Division of Pensions. Although the classification determination indicates that the appellant's position is located in the Health Benefits/Policy and Planning section, such information does not change the outcome of the classification determination. It is noted that no vested or other rights are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 N.J. Super. 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 N.J. 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 N.J. Super. 538 (App. Div. 1998). Additionally, as discussed more fully below, Agency Services properly determined that the proper classification of the appellant's position is Assistant Chief, Division of Pensions.

In the instant matter, Agency Services appropriately determined that the proper classification of the appellant's position is Assistant Chief, Division of Pensions. A review of the organizational chart submitted with the initial classification request indicates that the appellant is not directly supervising

management level or secondary level supervisory employees. The appellant listed on the PCQ that 30% of her duties include supervision of *supervisory staff*. As such, the majority of the appellant's duties listed on the PCQ in support of her initial request do not involve supervising higher level management or second level supervisory employees. Rather, the PCQ and the initial organizational chart submitted to Agency Services clearly indicate that the appellant is only responsible for supervising primary level supervisors, *i.e.*, positions classified as R29 and R24. As correctly noted by Agency Services, since the Chief, Division of Pensions title is assigned to the Managerial Employee Relations Group, incumbents must engage in the supervision higher level supervisors, *not* positions classified by a primary supervisory level title.

Regarding the appellant's argument that she was assigned to perform additional supervisory duties after she filed the PCQ, it is noted that generally, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature. 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. These procedures 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 (M62780), and Code Enforcement Officer (M00410)*, 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). Thus, the information the appellant has submitted in her appeal, including a new organizational chart and the names of additional employees who she supervises, does not evidence that her position should be classified as a Chief, Division of Pensions. Regardless, even if these positions were considered, they would not provide a basis to reclassify her position to Chief, Division of Pensions, since the revised organizational chart clearly evidences that the appellant does not supervise positions classified by management level or secondary level supervisory titles.

Additionally, the appellant provides no substantive documentation in support of her claims that a higher classification is justified based on the work she performs. As noted on the appellant's PCQ, the appellant's duties include overseeing day-to-day operations; assisting unit supervisors; developing proper work methods; complying with rules and regulations; assisting with determining priorities and accomplishing goals; developing the School Employees Health Benefit Program (SHBP) based on management needs; assisting with administrative appeals, director referrals, and complex correspondence; and assisting with updating and revising the New Jersey Administrative Code. In conjunction with the fact that her

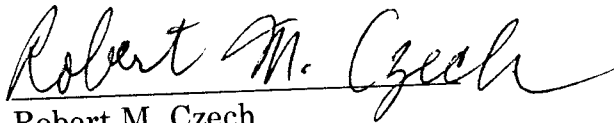
position does not supervise management level or secondary level supervisory positions, the duties she performs are consistent with the duties performed by an Assistant Chief, Division of Pensions. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Accordingly, there is no basis to disturb the determination that the appellant's position was properly classified as an Assistant Chief, Division of Pensions.

ORDER

Therefore, it is ordered that this appeal be 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 23rd DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Assistant 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: Joyce Decker
Douglas J. Ianni
Kenneth Connolly
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

September 4, 2015

RECEIVED
DEPARTMENT OF TREASURY
PENSIONS & BENEFITS
#17
2015 SEP 10 P 1:35

Ms. Joyce Decker
Department of the Treasury
Division of Pensions and Benefits
50 West State Street, 3rd Floor/DP
PO Box 299
Trenton, New Jersey 08625-0299

**RE: Classification Appeal – Assistant Chief, Division of Pensions
AS# 06150037, Position# 958647, EID# 000379812**

Dear Ms. Decker:

This is to inform you, and the Department of the Treasury, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

Issue:

You are appealing your current permanent title of Assistant Chief, Division of Pensions is not consistent your current assigned duties and responsibilities. You contend that the title Chief Division of Pensions is consistent with the duties that you currently perform.

Organization:

Your position is located in the Department of the Treasury, Division of Pensions and Benefits, Health Benefits/Policy and Planning. You report directly to David Pointer, Senior Executive Service (M98) and you have supervisory responsibility for a position of Administrative Analyst 1 (R29) and a position of Personnel Assistant 2 (Y25). The remainder of the unit consists of the following positions: two (2) Pensions Benefits Specialist 1's (R24); nine (9) Pensions Benefits Specialist 2's (P21); seven (7) Pensions Benefits Specialist 3's (P18); one (1) Technical Assistant 2, Treasury (A15) and one (1) Special Service position.

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Finding of Fact:

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

- Overseeing the day-to-day operations of the Bureau, which entails assisting unit supervisors in developing proper work methods and procedures to ensure accomplishment of Bureau goals and compliance with State Health Benefits Program (SHBP)/School Employees Health Benefits Program (SEHBP) rules and regulations.
- Assisting in determining priorities in the development of SHBP based on management needs and Bureau goals and objectives.
- Assisting in administrative appeals, director referrals, and complex correspondences.
- Assisting in the updating and revision of the New Jersey Administrative Code (NJAC) operating procedures and Division publications that pertain to the SHBP/SEHBP.
- Reviewing, analyzing and interpreting federal and state laws, rules and regulations affecting the operations of the Bureau and its membership.
- Developing, reviewing, researching and evaluating Requests For Proposals (RFPs) for bidders to provide services to the SHBP/SEHBP and making recommendations to senior management for award.

Review and Analysis:

Your position is currently classified by the title Assistant Chief, Division of Pensions.

You contend that the title Chief, Division of Pensions is an appropriate title for your position. The definition section of the job specification for Chief, Division of Pensions (&32-61077) states:

“Under the general direction of the Director or other senior management officer in the Division of Pensions, Department of the Treasury, plans, directs, coordinates and administers the work programs, activities and staff of a bureau; provides guidance and direction to senior management in the development and

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recommendation of policies and procedures applicable to Bureau operations; does related work as required.”

The title Chief, Division of Pensions (&32) is assigned to the Managerial Employee Relations Group. Personnel assigned in this group consist of those employees who management policies and practices and are charged with implementing the aforesaid policies and practices. A comprehensive review of this position did not find that it was functioning in this capacity. Incumbents engaged in the supervision of higher supervisors are considered to be Managerial in nature. Further, an analysis of the organizational structure provided does not support a chief level title.

The Examples of Work for positions in Managerial titles include: allocating and deploying staff, fiscal and other resources against competing demands and have the authority to do so without case-by-case approval from others; directly supervising higher level supervisors; developing and determining the mission or objectives of the organization and/or has a distinctive role in furthering the organizations overall mission; and developing (formulating) operating budgets.

A review of your primary job duties and responsibilities finds that this position is primarily responsible for: overseeing the day-to-day operations of the Bureau, which entails assisting unit supervisors in developing proper work methods and procedures to ensure accomplishment of Bureau goals and compliance with SHBP/SEHBP rules and regulations; assisting in determining priorities in the development of SHBP based on management needs and Bureau goals and objectives; assisting in administrative appeals, director referrals, and complex correspondences; and assisting in the updating and revision of the New Jersey Administrative Code (NJAC) operating procedures and Division publications that pertain to the SHBP/SEHBP.

The assigned duties and responsibilities of your position are significantly descriptive of tasks assigned and are commensurate with the title Assistant Chief, Division of Pensions.

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current title, Assistant Chief, Division of Pensions (V30-53544).

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Ms. Joyce Decker
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Please be advised that in accordance with *N.J.A.C.* 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, PO Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader
Agency Services

JR/rmd

c: Joanne Pascucci, Manager, Department of the Treasury

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