



STATE OF NEW JERSEY

In the Matter of Matthew Hoffman,
Department of the Treasury

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-4269

Classification Appeal

ISSUED: **DEC 14 2016** (SLK)

Matthew Hoffman appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of the Treasury is Pensions Benefits Specialist 2. The appellant seeks a Pensions Benefits Specialist 1 classification.

The record in the present matter establishes that at the time the appellant filed his request for a classification review, he was serving as a Pensions Benefits Specialist 3. The appellant's position is located in the Division of Pensions & Benefits, Office of Client Services - Telecommunications, and he is supervised by Brian Mack, Pensions Benefits Specialist 1.¹ The appellant sought a reclassification contending that his position would be more appropriately classified as a Pensions Benefits Specialist 1. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performed. Agency Services reviewed all documentation supplied by the appellant including his PCQ, Performance Assessment Review (PAR), an organization chart, and other information provided. Based on its review of the information provided, Agency Services concluded that the appellant's position should not be classified as a Pensions Benefits Specialist 1 as he did not have responsibility for completing and signing subordinates' PARs and it would be an inappropriate reporting relationship

¹ At the time Agency Services received the appellant's appeal, December 16, 2015, although the organization chart indicated that Brian Mack's title was "Acting" Supervising Pensions Benefits Specialist, his actual Civil Service title was Pensions Benefits Specialist 1. On February, 18, 2016, Mr. Mack's appeal to have his title reclassified to Supervising Pensions Benefits Specialist was approved with an effective date of January 9, 2016.

if he held the same title as his supervisor. However, it determined that his duties were consistent with a Pensions Benefits Specialist 2 classification.

On appeal, the appellant submits an updated organization chart which shows that Mr. Mack's position is classified as Supervising Pensions Benefits Specialist. He highlights that the organization chart that was submitted at the time of the appeal shows that he supervised one Pensions Benefits Specialist 3 and five Pensions Benefits Specialist Trainees. The appellant represents that he is now responsible for supervising two new Pensions Benefits Specialist Trainees. He asserts that since Mr. Mack's position has been reclassified to Supervising Pensions Benefits Specialist there would not be an inappropriate relationship if his position is reclassified to Pensions Benefits Specialist 1. The appellant disagrees with Agency Services' determination that his primary duties involve advising members and/or beneficiaries regarding various retirement and/or health plans and preparing retirement estimates as he states that these are not duties he performs on a daily basis. Instead, he indicates that two of his primary duties, which include training new employees and designing and producing training program materials, were not indicated in the determination letter. The appellant contends that his duties very closely match the Pensions Benefits Specialist 1 Examples of Work since he oversees the training of employees in various retirement and health benefit plans. He points out that his PAR indicates that he is a supervisor. The appellant states the appointing authority's human resources department can verify that he completes and signs eight subordinate PARs. He acknowledges that he had not signed any PARs as of the date his appeal was received by Agency Services. However, he indicates that he started performing supervisory duties after the beginning of the current PAR rating cycle which does not conclude until August 31, 2016 and he submits interim PARs which he did sign. He provides that he exercised supervisory responsibility by recommending that the probationary period for two new employees be extended and his recommendation was granted.

He also submits a letter from Joanne Pascucci, Manager 3, Human Resources. Ms. Pascucci represents that the appellant began performing supervisory duties on an "acting" basis in September 2015 due to a reorganization of the Pensions and Benefits' Client Services Telecommunications Unit. She states that he is directly responsible for supervising eight employees including approving timesheets and signing PARs. Ms. Pascucci highlights that his PCQ and PAR that were submitted on appeal both indicate that he is a supervisor. She reiterates that, on February 18, 2016, Mr. Mack's position was determined to be reclassified as Supervising Pensions Benefits Specialist retroactive to January 9, 2016 and therefore she contends that Agency Services' finding that he reports to a Pensions Benefits Specialist 1 is incorrect.

In response, Agency Services emphasizes that at the time the classification appeal was submitted, he reported to a Pensions Benefits Specialist 1 and therefore

it would be an inappropriate reporting relationship from a classification standpoint for a subordinate and his superior to hold the same title. It states that the Commission should not consider the two new employees that the appellant states he is now supervising since this responsibility was assigned after the appeal was submitted. Further, it asserts that although he claims that his primary duties include training new employees and designing and producing training materials, as these duties were not included on his PCQ or PAR, they cannot be factored into this appeal. Agency Services indicates that although the appellant was listed as the Rater for five subordinate employees, none of the PARs for these employees were signed as of the appeal date, and therefore they are invalid. It contends that his duties are consistent with a Pensions Benefits Specialist 2 classification.

CONCLUSION

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

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

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

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

In the instant matter, at the time of the classification review, it is clear that the appellant's position was properly classified as Pensions Benefits Specialist 2. 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. The Pensions Benefits Specialist 1 title is in the "R" employee relations group and used as a primary or first level supervisory title. In this case, the classification appeal was received by Agency Services on December 16, 2015. As of that date, although Ms. Pascucci is representing that he had supervisory duties as of September 2015, as acknowledged by the appellant, he had not completed any subordinate employee PARs and it is the actual authority and exercise of performance evaluation of subordinate staff that makes a supervisor a supervisor. *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). Additionally, the appellant's supervisor's title was Pensions Benefits Specialist 1 as of that date and therefore it would be an improper reporting relationship for the appellant and his supervisor to hold the same title. *See In the Matter of Timothy Stewart* (CSC, decided February 26, 2014) (A supervisor and a subordinate cannot hold titles when they are both in the "R" employee relations group). Further, it does not matter that the appointing authority's organization chart indicated that the appellant's supervisor was "Acting" Supervising Pensions Benefits Specialist as Mr. Mack's actual Civil Service title was Pensions Benefits Specialist 1. *See In the Matter of Denise Bronson* (CSC, decided May 2, 2012), *aff'd on reconsideration* (CSC, decided December 5, 2012) (Although appellant's supervisor was working out-of-title in an "acting" manager capacity, Commission found that it would be inappropriate to classify her position as Secretarial Assistant 3 (Non-Stenographic) based on reporting relationship to a position that is not filled in accordance with Civil Service principles).

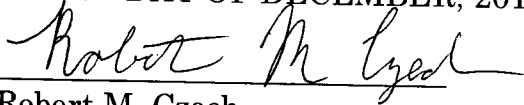
However, the appellant submits several ePARs where he signed subordinate employee interim performance evaluations after the date Agency Services received this appeal. The earliest date where he signed a subordinate ePAR is April 11, 2016. Additionally, as of that date, the appellant's supervisor's title had been reclassified to Supervising Pensions Benefits Specialist. Therefore, if the appellant files a new classification appeal requesting his position be reclassified to Pensions Benefits Specialist 1 within 30 days of receipt of this decision and Agency Services determines that his duties are consistent with that title, his position shall be reclassified to Pensions Benefits Specialist 1 with an effective date of April 11, 2016.

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 7th DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries

and
Correspondence

Director
Division of Appeals
& Regulatory Affairs
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P.O. Box 312
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Attachment

c: Matthew Hoffman
Douglas Ianni
Kelly Glenn
Records Center



STATE OF NEW JERSEY
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Robert M. Czech
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

April 22, 2016

Mr. Matthew Hoffman
[REDACTED]
[REDACTED]

**RE: Classification Appeal – Pensions Benefits Specialist 3
AS# 12150230, Position# 958757, EID# 000702784**

Dear Mr. Hoffman:

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 title of Pensions Benefits Specialist 3 (P18) is not consistent your current assigned duties and responsibilities. You contend that the title Pensions Benefits Specialist 1 (R24) is consistent with the duties that you currently perform.

Organization:

According to the organizational chart that was submitted at the time of appeal, your position is assigned to the Division of Pensions & Benefits', Office of Client Services – Telecommunications. You report directly to Brian Mack, Pensions Benefits Specialist 1 (R24) and you do not possess supervisory responsibility.

Finding of Fact:

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

- Overseeing subordinate staff and/or work activities in a Telecommunications Unit.

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- Responding to e-mails and written correspondence received from members, employers, attorneys and other interested parties.
- Advising members and/or beneficiaries regarding the various retirement and/or health plans available.
- Preparing retirement estimates by using either the Retirement Tracking System or manual calculator on the Pensions and Benefits' website.
- Tracking health benefits questions and apprising Counselors of call trends for any problems that members may be encountering from providers.
- Documenting all inquiries into Siebel which is the database used to track all correspondence with member. (i.e. e-mails; written correspondence and in-person questions).

Review and Analysis:

Your position is currently classified by the title Pensions Benefits Specialist 3 (P18-53652). The definition section of the job specification for this title states:

“Under the supervision of a Pensions Benefits Specialist 1 or other supervisor in the Division of Pensions and Benefits, Department of the Treasury, processes retirement and/or health benefits for members involving complicated eligibility determinations and computation or, conducts final reviews of member contribution reports or, counsels employees on retirement and health benefits; does other related duties.”

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

“Under the supervision of an Assistant Director, a Chief of an administrative bureau or other supervisor in the Division of Pensions and Benefits, Department of the Treasury, assists in supervising subordinate Pension Benefits Specialists and other technical staff of the Division or, conducts and designs field instructional seminars on retirement, health benefits programs or other employee benefit programs or, independently performs duties of significant difficulty and complexity involving retirement, health benefits or other employee benefit program development, administration and compliance; or

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review, interpretation and revision of regulatory procedures and statutes; and/or analysis and implementation of new legislation; does other related duties.”

The Pensions Benefits Specialist 1 is utilized as a primary or first level of supervisory position. The essential component of supervision is the responsibility for the administration of formal performance evaluations for subordinate staff. Supervisory duties also include ensuring that assigned tasks are performed efficiently on a day-to-day basis and the training of subordinates.

The Examples of Work section include: prepares work standards for employees and evaluates employees through performance assessment reviews; oversees the training of employees in the various retirement and health benefit plans and work duties assigned; and administers the provision of assistance to participating employers and members regarding employee benefit support or employer reporting programs of the Division.

Supervision is listed as a duty and/or responsibility in both your Position Classification Questionnaire (DPF-44S) and Performance Assessment Review (PAR). However, a further review of our records does not support that you are responsible for completing and signing subordinates' PARS. An evaluation of your position in conjunction with an empirical analysis of our records finds that your position has not completed any PAR evaluations. Position classification appeals are based on an incumbent's current duties; prospective duties are not factored into the final determination.

Additionally, at the time of the audit, a review of your primary job duties and responsibilities indicates that the position reports to a Pensions Benefits Specialist 1. As such, from a Classification standpoint it would be an inappropriate reporting relationship for a subordinate and supervisor to hold the same title.

The definition section of the job specification for the title Pensions Benefits Specialist 2 (P21-53653) states:

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

A review of your primary job duties and responsibilities finds the position is primarily responsible for: overseeing staff and/or work activities in a Telecommunications Unit; tracking health benefits questions and apprising Counselors of call trends for any problems that members may be encountering from providers; and advising members and/or beneficiaries regarding the various retirement and/or health plans available.

The assigned duties and responsibilities of your position are significantly descriptive of the tasks assigned to the title Pensions Benefits Specialist 2 (P21-53653).

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position would be properly classified by the title Pensions Benefits Specialist 2 (P21-53653), effective date of January 9, 2016.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that “within 30 days of receipt of the reclassification determination, unless extended by the Chairperson in a particular case for good cause, the Appointing Authority shall either effect the required change in the classification of an 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 application rules.

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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,

A handwritten signature in cursive script that reads "Joseph Ridolfi".

Joseph Ridolfi, Team Leader
Agency Services

JR/rmd

c: Ms. Joanne Pascucci, Department of the Treasury
PMIS Unit, CSC