



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Justin Klama,
Department of the Treasury

CSC Docket No. 2017-839

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Classification Appeal

ISSUED: MAY 19 2017 (RE)

Justin Klama appeals the attached decision of the Division of Agency Services (DAS) which found that his position is properly classified as Technical Assistant 3. He seeks a Technical Assistant 2, Treasury job classification in this proceeding.

Mr. Klama is assigned to work in the Division of Risk Management, Tort and Contract, within the Department of the Treasury, reports to a Claims Investigator 4, and does not have any supervisory authority. A classification review was conducted by DAS in response to the appellant's request for an audit of his position as a Technical Assistant 3, wherein he sought re-classification to Technical Assistant 2, Treasury. The review found that Mr. Klama's assigned duties and responsibilities were commensurate with the title Technical Assistant 3.

On appeal, Mr. Klama states that he determines eligibility and liability of claims by prescreening, making correct notations, determining if the claim is past the statutory date, determining whether a state agency or local entity/authority is accused of liability, and making a correct assignment of the claim. He states that not all incumbent Technical Assistants 2, Treasury perform all aspects of the job definition for the requested title.

CONCLUSION

The definition section of the job specification for 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 definition section of the job specification for Technical Assistant 2, Treasury states:

Under the direction of a Technical Assistant 1, Treasury or other supervisory official in the Department of the Treasury or, in the Lien Section, Office of the Public Defender collects, reviews and verifies data from forms, claims, applicants, returns, assessments, proposals, and error listings, determines the completeness and accuracy of information, benefits, and/or liability reported or calculated; makes routine eligibility, award, and liability determinations and calculations; does related work.

Based upon a thorough review of the information presented in the record, it is clear that the appellant's position is properly classified as Technical Assistant 3. In this regard, Mr. Klama's duties do not have as the primary focus the duties listed in the definition section of the job specification for Technical Assistant 2, Treasury. A review of the job specifications for both titles reveals that, while very similar, the Technical Assistant 2, Treasury title performs technical work as well as para-professional duties. This title may be responsible for examining documents to collect, review and verify data; assisting in the supervision of subordinate clerical employees; verifying computations for completeness and accuracy; calculating and authorizing payments; obtaining documents to make determinations; monitoring internal controls; reviewing account status; and monitoring payments. The Technical Assistant 3 performs routine technical functions, responds to less complicated inquiries, performs research for various projects or to supply information, communicates with others to carry out the objectives of the office, verifies completeness of information, updates a tracking system, processes forms, and deals with inquiries and provides assistance.

The question herein is whether Mr. Klama's duties rise to the level of those of a Technical Assistant 2, Treasury. The definition of the titles and examples of work outlined in the job specifications are controlling. It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Also, it is not uncommon for an employee to perform some duties which are above or below the level of work normally performed. Classification determinations are based on the *primary functions* assigned to the position, not temporary assignments.

The classification review found that the duties of the position were to review, edit, verify and prepare data; prepare and maintain documents, records and files; updating screens, processing instructions, and authorizing modifications regarding claim forms; extracting and preparing information from claims; making calculations; verifying, maintaining and updating checks; collect documentation; and obtain required information via correspondence. The position does not make routine eligibility, award, and liability determinations. Classification or categorization of claims, and identification of responsible agencies, is not the same as making eligibility determinations. Eligibility determinations result in the granting or denial of the claim, not in the assignment of a claim. Determination of timeliness is one step out of many in preparing a claim for referral to a position that will grant or deny a claim. In sum, the majority of duties are not at the level of paraprofessional duties which would warrant the higher title.

As to the appellant's claim that not all incumbent Technical Assistants 2, Treasury perform all aspects of the job definition for the requested title, a classification cannot be based on a comparison to the duties of other positions, especially if those positions are misclassified. *See in the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996); *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, Decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998). The duties of the position must still match the definition of the title. The primary function of the position most closely matches the appellant's current title.

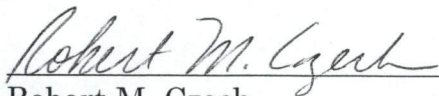
Accordingly, a thorough review of the entire record fails to establish that appellant has presented a sufficient basis to warrant a Technical Assistant 2, Treasury classification of his position.

ORDER

Therefore, the position of Justin Klama is properly classified as Technical Assistant 3.

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 17th DAY OF MAY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Enclosure

c. Justin Klama
Douglas Ianni
Kelly Glenn
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
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P. O. Box 313
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Robert M. Czech
Chair Chief Executive Officer

Chris Christie
Governor
Kim Guadagno
Lt. Governor

August 31, 2016

Mr. Justin Klama
Department of the Treasury
Division of Risk Management
PO Box 210
20 West State Street
Trenton, New Jersey 08625

**RE: Classification Appeal, Technical Assistant 3
AS Log # 04160038 Position # [REDACTED] EID # [REDACTED]**

Dear Mr. Klama:

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 and a telephone audit conducted with you, and your immediate supervisor Stephanie Hargrove.

Issue:

You are appealing your current title of Technical Assistant 3 (A12-51329) is not consistent to your current assigned duties and responsibilities. You contend that the title of Technical Assistant 2, Treasury (A15-51633) is an appropriate title for your position.

Organization:

Your position is located in the Division of Risk Management, Tort and Contract and you report directly to Stephanie Hargrove, Claims Investigator 4 (S27). Your position does not possess supervisory responsibility.

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Finding of Fact:

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

- Reviewing, editing, verifying and preparing data compiled through the electronic submission of notice claims to ensure procedures are followed for incoming documents.
- Preparing and maintaining supporting documents, records and files of incidents or accident related case information for the Risk Management System (RMIS).
- Overseeing, controlling and maintaining all operations for the Tort Electronic Pothole and Road Hazard Notice of Claim Forms by updating screens, processing instructions and authorizing modifications.
- Extracting and preparing information from bodily injuries, property damages, and parent liability claims. Reviewing checks, money amounts and ledger totals to ensure correctness in calculations are in conjunction to determine their next destination.
- Responsible for verifying, maintaining and updating checks registered in the Risk Management database system, including the preparation, prescreen and collection of all documentation requested by the Tort unit.
- Corresponding with various officials to obtain required information in order to complete Notice of Claim forms and assist the unit investigators.

Review and Analysis:

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the most appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title Technical Assistant 3 (A12-51329). The definition section of the job specification for this title states:

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“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.”

You contend that the title Technical Assistant 2, Treasury (A15-51633) is an appropriate title for your position. The definition section for this title states:

“Under the direction of a Technical Assistant 1, Treasury or other supervisory official in the Department of the Treasury, or, in the Lien Section Office of the Public Defender collects, reviews and verifies data from forms, claims, applicants, returns, assessments, accuracy of information, benefits, and/or liability reported or calculated; makes routine eligibility, award, and liability determinations and calculations; does other related work.”

Incumbents of the Technical Assistant 2, Treasury title are responsible for collecting, reviewing, and verifying data from various sources; determining the completeness and accuracy of information, benefits, or liability reported or calculated; and also making routine eligibility, award, and liability determinations and calculations. Your position does not make routine eligibility, award, and liability determinations and calculations; therefore, the Technical Assistant 2, Treasury is not appropriate title for your position.

A review of your job duties and responsibilities finds that the primary functions of your position include preparing files, documents, cases, and reports in conjunction with reviewing and analyzing information for correctness and accuracy. Your position also processes subrogation/subrogation – Auto and Third Party settlement checks, and inputs incident/accident related data and information into RMIS and the Risk Property Management System. Your position does not perform all of the duties in the definition of the title Technical Assistance 2, Treasury and therefore that title is not appropriate for your position.

A comprehensive review and analysis of your position finds the assigned duties and responsibilities are significantly descriptive and commensurate with the title Technical Assistant 3.

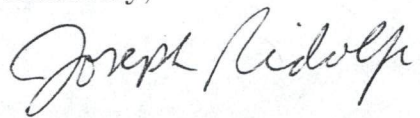
Determination:

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Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Technical Assistant 3 (51329-A12).

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, 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,



Joseph Ridolfi, Team Leader
Agency Services

JR/mj

c: Ms. Joanne Pascucci, Treasury, Human Resources