



B-16

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kathleen Ormsby,
Department of the Treasury

CSC Docket No. 2017-1397

Classification Appeal

ISSUED: **MAR 13 2017** (RE)

Kathleen Ormsby appeals the attached September 30, 2016 decision of the Division of Agency Services (DAS) which found that her position with the Department of the Treasury is correctly classified as Senior Management Assistant. She seeks an Administrative Analyst 3 classification in these proceedings.

By way of background, Ms. Ormsby received a regular appointment as a Pensions Benefits Specialist 3 on September 19, 2015. She transferred from the Division of Pensions and Benefits to the Division of Revenue and Enterprise Services, and her title is not utilized in the receiving division. A desk audit was performed, an interview was conducted with the appellant and her supervisor, and all relevant documentation was reviewed. Ms. Ormsby's position is located in the Department of the Treasury, Division of Revenue and Enterprise Services, Enterprise Revenue, Contract Compliance & Quality Control. She reports to a Chief of Operations Treasury, and has supervisory responsibilities for one Technical Assistant 1, Treasury.

DAS found that based on the primary duties of Ms. Ormsby's position, as described in the attached determination, Ms. Ormsby's title is properly classified as Senior Management Assistant. As this is a non-supervisory title, DAS indicated that all supervisory duties must be removed immediately. On appeal, the appellant argues that the duties as listed in DAS' determination did not account for various aspects of her work, did not list supervisory responsibilities, and provided a list of duties which were not in the same order that she gave them on her Position Classification Questionnaire (PCQ). She argues that her most important duty was

not listed first. The fifth duty listed on her PCQ, which the appellant performs 10% of the time, is planning, organizing and assigning the work flow of the Quality Control Bureau, providing policy guidelines to personal regarding quality control sampling and follow up, and ensuring that problems are corrected on a daily basis or are reported to her supervisor. This duty was listed first on DAS' determination, and the appellant argues that this is a duty performed by an Administrative Analyst 3.

Next, the appellant argues that the summary of her duties failed to include analysis, investigation, compiling, and interpreting activities as more than one work duty. On the PCQ, the second duty, performed 25% of the time, was, "Supervises daily reconciliation of mail receipts and processes results in the Document Processing Log Tracking System to evaluate input by vendor HOV source. Compiles, calculates, interprets and analyzes data in the operational reporting to verify accurate processing by vendor. Reviews and audits the monthly outcome, after all input to evaluate the cost the State of New Jersey is charged with paying the vendor and then approves payment to vendor. Organizes and conducts a biweekly site visits to vendor to ensure operations in contract compliance guidelines are adhered to." The appellant contends that this duty was shortened to the sentence, "Supervising the daily reconciliation of mail receipts and then processing results in the Document Processing Log Tracking System in order to evaluate the accuracy of the data entry by vendor HOV source." She argues that she creates, interprets, analyzes, investigates, reviews, recommends and initiates corrective measures for current contracts which pays one vendor approximately \$1.7 million per year, and another vendor \$2.3 million per year. She states that she is responsible for evaluating whether State objectives are met and costs are accurate, and she develops studies as to the effectiveness of the program. She claims sole responsibility for compliance as to and evaluation of the administration of these contracts. As such, she contends that her responsibilities exceed daily reconciliation of mail receipts and accuracy of vender data entry.

The seventh duty listed on her PCQ, performed 10% of the time was, "Investigates solutions to problem areas within contract compliance and quality control and makes changes to eliminate duplication. Advises errors are resolved in a timely manner. Ensures all files are kept up to date and accessible." She states that DAS shortened this duty to "Recommending solutions to problem areas within contract compliance and quality control and making changes in order to eliminate duplications," and argues that the Senior Management Assistant recommends changes for improvement, but does not investigate solutions.

The appellant indicates that she has been supervising since her transfer to the new division, and she has the experience and qualifications to manage people. She argues that one of her primary responsibilities is to manage people, and no Technical Assistants report directly to a Chief. She states that she does not just

provide assignments, but supervises and directs which programs to review and evaluate, and where to go when problems arise. She provides the job posting for which she moved into the Division, and states that she was replacing an Administrative Analyst 4.

The appellant argues that DAS' determination does not properly identify the primary duties of her position, and the description of work contains only excerpts from her actual description. She states that she performs quality control to evaluate system backlogs in employee production issues, and investigates and develops solutions to improve efficiency. She contends that she does not perform any administrative support functions.

As to the scope of her responsibility, the appellant states that each unit has their own Administrative Analysts, and her position "crosses over Contract Compliance and Quality Control, my unit, and involves the Transaction Audit Bureau, as well as the Division of Motor Vehicles, Health and Human Services, the Department of Labor, and the Division of Taxation." Additionally, her unit functions to assist and support the entire Division of Revenue and Enterprise Services. She states she's doing the job duties of two Administrative Analysts 4.

In support of her appeal, the Assistant Director, Contract Compliance and Quality Assurance, states that the appellant was hired to perform the duties of two Administrative Analysts 4, one who retired and one who transferred, and he notes that she meets the requirements for the requested title. He explains that the unit was founded in 2012 to proactively identify and quickly resolve system and performance issues with the State's primary processing and imaging platform. He indicates that the Division processes work from many different Departments and Divisions with differing needs, including the Division of Taxation's tax return processing. The unit demonstrates to clients that the Division of Taxation was testing the output of the processing platform and ensuring that two primary outside vendors, mail extraction and Data Processing, were adhering to strict time frames and output quality standards. He indicates that the appellant is expected to supervise higher level Technical Assistants, as well as make scheduled and non-scheduled visits to the mail vendor for inspections.

CONCLUSION

The definition section of the job specification for Senior Management Assistant states:

Under the direction of a manager in a State department, institution or agency, or within a local government jurisdiction, provides varied, complex administrative services in support of a manager(s) within the area of assignment; assists in the coordination of

management/administrative activities of an assigned unit or work area; does other related duties.

DISTINGUISHING CHARACTERISTICS:

The Management Assistant series is distinguished from the Secretarial Assistant series due to the assignment of professional duties such as administrative research, identifying, analyzing and recommending solutions to procedural and/or operational problems or processes, and report preparation. Work is typically assigned on a project basis and generally does not involve the reoccurring or repetitive review of information or data. Secretarial and other office clerical work may be assigned but should not be the primary emphasis of the position. Positions in this class typically act as the principal assistant to the manager(s) regarding complex administrative matters, and help relieve them of administrative detail.

The Management Assistant series is distinguished from the Administrative Assistant series due to the ability to simultaneously provide administrative services to more than one manager. Positions providing administrative services to more than one manager on a temporary or short-term basis shall not be included in this class (e.g. vacation/sick day coverage).

The organizational level of the manager(s) providing assignment is irrelevant to positions in this class, whereas positions in the Administrative Assistant series, by definition, are classified according to the organizational level of the manager they report to.

Employees at the senior level are delegated a high degree of responsibility for making recommendations to the manager involving complex administrative action, and may be responsible for implementing such recommendations. Employees frequently exercise independent judgment and make decisions concerning processes to be followed, the appropriateness of the information to be processed, and the actions to be taken. Work is performed independently requiring minimal review for adherence to instructions, plans and standards.

The definition section of the job specification for the title, Administrative Analyst 3 states:

Under general supervision of an Administrative Analyst 4 or other supervisor in a State department, institution, or agency, performs the review, analysis, and appraisal of current department administrative

procedures, organization, and performance and helps to prepare recommendations for changes and/or revisions; does other related duties.

At the outset, it is noted that there is a sharp distinction made between a position and an incumbent. A position consists of a group of currently assigned duties and responsibilities requiring employment of one person, while an incumbent is an individual occupying a position. It is positions that are classified, not persons who happen to be occupying positions at a given time. How well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Thus, the knowledge, skills, and abilities of an incumbent are not factors under consideration for classification purposes as they relate to the incumbent and not to the position. Also, as indicated in *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005), the outcome of position classification is not to provide a career path to the incumbent, but rather to ensure the position was classified is the most appropriate title available within the State's classification plan. Also, classification determinations list only those duties which are considered to be the primary focus of appellant's duties and responsibilities that are performed on a regular, recurring basis. See *In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). 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. There can only be one primary focus of the position, which is determined by the importance of the task(s) and length of time needed to accomplish that objective.

As to DAS' determination, the duties listed in the determination are a summary of duties rather than a word for word copy of what was listed in the PCQ. With that said, it is noted that while the duties of these titles appear very similar, the focus of the duties of Senior Management Assistant is to assist in the coordination of management or administrative activities of an assigned unit or work area. The incumbents act as an assistant to a Manager, not in a supportive or secretarial function, but rather relieve the Manager of detail-oriented and time-consuming professional tasks. In the instant matter, the Contract Compliance and Quality Assurance Unit consists of three individuals, the Chief of Operations Treasury, the appellant, and one Technical Assistant 1, Treasury. The appellant's supervisor anticipates an expansion of the unit. As such, any reference that the appellant makes to the unit, such as managing the work flow, refers to herself and the Technical Assistant 1, Treasury. Given that there are no other individuals to perform the required work of the unit, it is implausible that the position under review is relieving the Manager of detail-oriented and time-consuming professional

tasks, to allow him to concentrate on other managerial tasks. Further, there are many tasks performed by a Senior Management Assistant which the appellant does not perform. For example, she does not arrange meetings, coordinate activities, administer and monitor the disbursement of bank account funds, gather data for the manager for budget reports, or plan and implement improvements such as organizational changes and work systems. The unit is simply too small to allow for those activities.

Rather, Ms. Ormsby indicated on her PCQ that she spends 25 percent of her time creating statistical and operational reports from a database to verify vendor work processing accuracy, and detect work backlogs and system problems; interpreting data presented and comparing results; analyzing invoices, investigating problems within the database, reviewing results, and presenting findings; recommending solutions and initiating corrective measures; and distributing data. She also indicated that she spends 25 percent of her time supervising the daily reconciliation of mail receipts and processes results in the Document Processing Log Tracking System to evaluate input by vendor HOV source; compiling, calculating, interpreting and analyzing data in reports to verify accurate processing by the vendor; reviewing and auditing the monthly outcome, and approving payments to the vendor; and organizing and conducting on-site visits to vendors to ensure operations are within contract compliance guidelines. Five other duties comprise 10 percent of her time each. These include supervision of the subordinate, managing workflow, preparing reports of State mail for quality control and compliance, preparing quality control and sample reports for the Assistant Division Director to include in his monthly report, and investigating solutions for contract noncompliance including making changes to eliminate duplication and resolving errors.

The majority of these duties more closely match the Administrative Analyst 3 job description than that of Senior Management Assistant. The functions of testing the output of the processing platform, and ensuring compliance for mail extraction and Data Processing to time frames and output quality standards, involve department procedures and performance, and include conducting analytical studies and preparing recommendations. While this does not include the review, analysis and appraisal of an organization, this encompasses much of the definition for Administrative Analyst 3. The job definition for Administrative Analyst 3 does not require that these activities be performed for the division in which the position is located.

Alternatively, the definition for Senior Management Assistant indicates provision of complex administrative services in support of a manager, and assisting in the coordination of management or administrative activities in the unit. Both titles require administrative specializations, but the Senior Management Assistant provides services in support of a manager. The appellant's duties are not centered

on administrative support required of her supervisor and there is no nexus to the manager's work, other than providing monthly reports for the Assistant Division Director.


Accordingly, the appellant's position is properly classified as an Administrative Analyst 3, effective June 11, 2016. It should be noted that the unit is too small to require this position to supervise, and the Administrative Analyst 3 title is non-supervisory.¹ Therefore, supervisory duties should not be assigned to this position.

ORDER

Therefore, it is ordered that this appeal be granted and Kathleen Ormsby's position be reclassified to the title of Administrative Analyst 3, effective June 11, 2016.

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 9th DAY OF MARCH, 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

Attachment

¹ The Senior Management Assistant title is also non-supervisory.

- c. Kathleen Ormsby
Douglas Ianni
Kelly Glenn
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair Chief Executive Officer

September 30, 2016

Ms. Kathleen Ormsby
Department of the Treasury
Division of Revenue & Enterprise Services
PO Box 210
200 Woolverton Avenue
Trenton, New Jersey 08625

**RE: Classification Appeal - Pensions Benefits Specialist 3
AS# 06160007, Position# 004415, EID# 000699735**

Dear Ms. Ormsby:

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, Darryl Ceremsak.

Issue:

You are appealing your current title of Pensions Benefit Specialist 3 (P18) is not consistent your current assigned duties and responsibilities. You contend that the title Administrative Analyst 3 (P26) is consistent with the duties that you currently perform.

Organization:

Your position is located in the Department of the Treasury, Division of Revenue & Enterprise Services, Enterprise Revenue, Contracting Compliance & Quality Control. You report directly to Darryl Ceremsak, Chief of Operations Treasury (&32) and you possess supervisory responsibility for one (1) position of Technical Assistant 1, Treasury (R17).

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Finding of Fact:

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

- Planning, organizing and assigning the work flow for the Quality Control Bureau which includes: providing policy guidelines to operating personnel regarding preparation of quality control sampling and then following-up to ensure that all problems have either been corrected or reported to the Bureau Chief.
- Creating statistical and operational monthly report documents from the DREAMS database which includes verifying vendor TDEC work processing for accuracy and detecting work backlogs and/or system problems.
- Supervising the daily reconciliation of mail receipts and then processing results in the Document Processing Log Tracking System in order to evaluate the accuracy of the data entry by vendor HOV Source.
- Preparing bi-weekly reporting of state mail in order to determine the contract adherence for processing accurate and timely sampling and quality control.
- Preparing monthly quality control and sample reporting for the Assistant Division Director to include in his monthly report to the Division Director which is then included in the monthly report to the State Treasurer.
- Recommending solutions to problem areas within contract compliance and quality control and making changes in order to eliminate duplications.

Review and Analysis:

Your position is currently classified by the title Pensions Benefit 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 computations or conducts final reviews of member contribution reports or counsels employees on retirement and health benefits; does other related duties.”

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Your position has been assigned duties and responsibilities of a different nature than the aforementioned title.

You contend that the title Administrative Analyst 3 is an appropriate title for your position. The definition section of the job specification for Administrative Analyst 3 (P26-50075) states:

“Under general supervision of an Administrative Analyst 4 or other supervisor in a state department, institution, or agency, performs the review, analysis, and appraisal of current department administrative procedures, organization, and performance and helps to prepare recommendations for changes and/or revisions; does other related duties.”

The primary focus of the Administrative Analyst 3 (P26-50075) is: general supervision or as one of a group, in reviewing department programs/activities and in evaluating their administration, objectives, efficiency, effectiveness, and suitability to current conditions, costs, and accomplishment using established procedures/standards; planning, conducting, developing of analytical studies of existing operations/routines for a division in a large department to determine feasibility for data processing and making recommendations, or is responsible for this activity in a small department; investigating/developing solutions to problem areas; identifying and working toward elimination of unnecessary and/or wasteful administrative practices/positions; helps to determine where program and/or administrative duplication may exist; and analyzing operational problems brought to light through budget studies, requests, and hearings; compiles and interprets data, and appraises agency situations.

A review of the primary job duties and responsibilities finds the position is primarily responsible for: supervising the daily reconciliation of mail receipts and then processing results in the Document Processing Log Tracking System in order to evaluate the accuracy of the data entry by vendor HOV Source; preparing bi-weekly reporting of state mail in order to determine the contract adherence for processing accurate and timely sampling and quality control; and recommending solutions to problem areas within contract compliance and quality control and making changes in order to eliminate duplication.

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Incumbents classified as an Administrative Analyst 3 are engaged in the review, analysis, and appraisal of current departmental programs/activities including conducting analytical studies of existing operations/routines for the entire Division. The scope and range of this position's assigned duties and responsibilities are principally encompassed within Contracting Compliance & Quality Control.

The definition section of the job specification for Senior Management Assistant (P21-56493) states:

"Under the direction of a manager in a state department, institution or agency, or within a local government jurisdiction, provides varied, complex administrative services in support of a manager(s) within the area of assignment; assists in the coordination of management/administrative activities of an assigned unit or work area; does other related duties."

The Examples of Work include: gathering, organizing and summarizing data or information for report; preparing; analyzing information, data and processes; formulating recommendations; providing assignment, instruction and guidance to staff; reviewing operating practices and procedures for efficiency and effectiveness; recommending changes for improvement; implementing such recommendations; and gathering data for the manager to use in budget reports.

The assigned duties and responsibilities of this position are significantly descriptive and commensurate with the title, Senior Management Assistant.

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 the title of Senior Management Assistant (P21-56493), effective June 11, 2016.

NOTE: The Senior Management Assistant is a non-supervisory title; therefore, all supervisory duties must be removed immediately.

The Civil Service Commission will work with the Department of the Treasury to effect this transaction.

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Please be aware that an incumbent's eligibility in meeting specification requirements is not the same as properly classifying the duties of a position. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment to the title.

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 Commissioner 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.

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 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: Ms. Laura Budzinski, Treasury, Human Resources
PMIS Unit, CSC

