



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Fabiola Pirone,  
Department of the Treasury

CSC Docket No. 2021-1317

Classification Appeal

**ISSUED: APRIL 12, 2021 (SLK)**

Fabiola Pirone appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of the Treasury (Treasury) is Pensions Benefits Specialist 1 (PBS1). The appellant seeks a Pensions Benefits Specialist 2 (PBS2) classification.<sup>1</sup>

The record in the present matter establishes that the appellant’s permanent title is PBS1. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of a PBS2. The appellant is assigned to the Division of Pensions and Benefits, Retirement and Beneficiary Services Bureau and reports to Douglas Dinkler, Supervising Pensions Benefits Specialist.<sup>2</sup> She has no direct supervisory responsibility, but is responsible for “overseeing” one PBS1. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that she performs as a PBS1. Agency Services reviewed and analyzed the PCQ and all information and documentation submitted. Additionally, Agency Services conducted a telephone interview with the appellant and Dinkler on February 25, 2020. Agency Services found that the

<sup>1</sup> The determination letter inadvertently indicates that the appellant’s position is properly classified as a Pension Benefits Specialist 3. However, a review of the determination letter clearly indicates that Agency Services concluded that the appellant’s position should be properly classified as a Pensions Benefits Specialist 1. It is noted that effective May 11, 2019, the appellant’s Pension Benefits Specialist title was renumbered from 3 to 1.

<sup>2</sup> The appointing authority indicated that at the time of the request was submitted, a PBS2 was her supervisor. However, a review of her Performance Assessment Report (PAR) indicated that Dinkler was her supervisor.

appellant's primary duties and responsibilities entailed, among other things: overseeing one PBS1 in the Retirement Bureau which includes providing assistance, training and guidance; processing all initial retirement checks and/or all corresponding documents by the first closing date after retirement numbers (RNUMS) have been issued; creating system generated payroll forms through the Retirement Tracking System database; processing all retired receivables and corresponding documents; compiling the required monthly processing figures for the supervisor, and documenting all correspondence with members in a database. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for PBS1.

On appeal, the appellant presents that although there are two other employees in the Retirement Bureau in her title, she asserts that her duties are comparatively more difficult. Further, due to loss of staff since the telephone interview, the appellant claims that she is now "Acting" PBS2 as she is the lead who does initial training, answers all questions for those she trains, and retrains staff on new legislation changes. She states that additional staff has been approved for her unit and she will be responsible for both the initial training and on-going work for the new staff. The appellant presents that the percentage of time that she spends on training, guiding, and reviewing the work of others has greatly increased since she submitted her PCQ and the phone interview. Additionally, while she used to seek guidance from her supervisor or another PBS2, now she is the one providing the guidance to the PBS1s in the unit. Further, previously she only provided general information to members while PBS3s provided more detailed written explanations and now she provides members with these more detailed explanations. She also is now responsible for preparing statistical reports which she provides to her supervisor so that the monthly report for management can be prepared as well as assisting in the quality control quarterly reports.

The appellant also argues that the job specification for the subject title series is too vague as it incorporates certain tasks that will only be performed by incumbents in other units. Further, she presents that even though processing retirement calculations is a former responsibility, she still performs this task during overtime or assists others with this task as needed. The appellant explains how the processing of retirement calculations involves complex mathematical computations. She states that she currently is responsible for verifying the entire case to ensure that the benefit is correct. The appellant indicates that she performs the final review into the membership account before the benefit is released to the member and she explains the calculations and other steps in the process.

## CONCLUSION

*N.J.A.C.* 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the PBS1 (P18) job specification states:

Under the close supervision of a Pensions Benefits Specialist 3 or other supervisory official in the Division of Pensions and Benefits, Department of the Treasury, processes retirement and/or health benefits for members involving basic eligibility determinations and computation; conducts reviews of member contribution reports; counsels employees on retirement and health benefits; does other related duties as required.

The definition section of the PBS2 (P21) job specification states:

Under the limited supervision of a Pensions Benefits Specialist 3 or other supervisory official 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; conducts field instructional seminars on retirement, health benefits, or other employee benefit programs of the Division; reviews, processes, and/or responds to retirement, health benefits, or other employee benefit requests and inquiries involving complicated eligibility determinations; performs complex computations; does other related duties as required.

In this present matter, a review of the job specification definition sections indicates that one of the distinguishing characteristics between the two titles is that PBS2s may be lead workers, while PBS1s are not. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014).

A review of the organization chart for the Retirement Processing section indicates that there is a Supervising Pensions Benefits Specialist, a PBS2, three PBS1s, and a Technical Assistant 1, Treasury. Additionally, a review of the appellant's PCQ indicates one individual, a PBS1 who the appellant indicated that she led, which included assigning and reviewing work, and her superiors agreed with that assessment. Moreover, the audit notes indicate that the appellant stated that one of the reasons that she requested that her position be reviewed was that she was leading this PBS1 and Dinkler indicated that the appellant was the lead worker over this named individual.

The determination found that one of the appellant's primary duties was to "oversee" the PBS1, which included assistance, training and guidance. Also, the determination found that the appellant was no longer responsible for calculating benefits payments and was now responsible for calculating payroll deductions which are more complex. Additionally, the determination indicated the appellant spent 25 percent of her time on training, which Agency Services did not consider a sufficient percentage of time spent for reclassification. However, the Civil Service Commission (Commission) disagrees as PBS2s are both lead workers and perform other duties related to making complicated eligibility determinations, including performing complex calculations. In other words, PBS2s do not need to spend 50 percent or more of their time performing lead worker duties as long as being a lead worker is one of their primary duties and they spend majority of their time performing lead worker and other duties in order to calculate, determine, and correspond regarding complicated eligibility determinations. Also, the determination indicates that a further change in the appellant's duties was that she is now responsible for calculating payroll deductions, which are more complex. While the determination states that the level of complexity of these duties was not demonstrated, the Commission finds that it was unnecessary to determine this as it recognizes that traditionally Agency Services' decision on determining the classification between the PBS1 and PBS2 titles is made on the decision as to whether the employee in question was a lead worker as there is no clear delineation as to what duties rise to the level of "complicated" or "complex." See *In the Matter of David Loss* (CSC, decided November 19, 2019)

Therefore, it appears that the appellant was performing lead worker duties at the time of the February 25, 2020 telephone interview. However, at the time of the audit, the organization chart indicated that the appellant was under a PBS2. Therefore, at the time of the audit, if the appellant was appointed as a PBS2, there would be two lead workers for this section and two PBS1s who were being led by these PBS2s. However, under the State Classification Plan, an employee can only be led by one lead worker. Therefore, the appellant could not be appointed as PBS2 while there was also another PBS2 in her section. See *In the Matter of Jarine Smith* (CSC, decided April 29, 2020).

It is noted that on March 14, 2020, the PBS2 in question was permanently appointed as a PBS3. However, 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. Therefore, this has no relevance to the current classification review as the audit was performed on February 25, 2020.<sup>3</sup> Similarly, the appellant's statements indicating that she now an "Acting" PBS2 and has even more leader worker responsibility since the telephone interview also has no relevance to the current classification review. Additionally, the Commission notes that it does not recognize "Acting" titles and that the proper designations for such advancements is either a temporary appointment or a provisional appointment, pending promotional procedures. *See In the Matter of Brett Hamlin* (CSC, decided October 1, 2014). However, as it appears that the appellant is performing lead worker duties and there is no longer an inappropriate relationship under the State Classification Plan as the former PBS2 who was listed on her PCQ as her supervisor is now her supervisor as a PBS3, the appointing authority must either provisionally appoint the appellant, pending promotional procedures to the PBS2 title or it must remove the lead worker duties from the appellant's responsibilities. *See Smith, supra*.

### ORDER

Therefore, it is ordered that this appeal be denied, and the position of Fabiola Pirone is properly classified as Pensions Benefits Specialist 1. However, the appointing authority must either provisionally appoint the appellant, pending promotional procedures to the Pensions Benefits Specialist 2 title, or it must remove the lead worker duties from the appellant's responsibilities.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

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<sup>3</sup> *N.J.A.C. 4A:3-3.9(c)5* provides that this agency shall issue a determination within 180 days of receipt of the petition and all completed documentation are required by this agency's representative. The record indicates that the request for the position classification review was received by this agency on February 12, 2020, and the telephone interview was conducted on February 25, 2020. Therefore, the record is unclear as to why the determination letter was not issued until February 25, 2021, which is well after 180 days from receipt of the petition.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 7<sup>TH</sup> DAY OF APRIL, 2021

*Deirdre' L. Webster Cobb*

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