



STATE OF NEW JERSEY

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

In the Matter of Sara Sparano,
Department of the Treasury

Classification Appeals

CSC Docket No. 2020-393

ISSUED: SEPTEMBER 12, 2019 (SLK)

Sara Sparano 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.

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. Sparano is assigned to the Division of Pensions and Benefits, Office of Client Services – Counseling, Education & Communications and reports to Holly Cheser, Supervising Pensions Benefits Specialist. The appellant has no direct supervisory responsibility. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performs as a PBS1. Agency Services reviewed and analyzed the PCQ completed by the appellant and all information and documentation submitted. Additionally, Agency Services conducted a telephone call with the appellant and Cheser. Agency Services found that the appellant’s primary duties and responsibilities entailed, among other things, providing advice and/or assistance in the administration of the retirement or health benefit programs, responding to requests and inquiries through interviews and correspondence, performing mathematical computations related to employee benefits, responding to inquiries, documenting inquiries in a database, and assisting in conducting training courses for new hires and refresher training courses for established employees on an as-needed basis. 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 explains her new training hire duties, which she believes meets the criteria for a lead worker. She presents that she is assigned a new hire class that can range from six to 20 individuals. The appellant indicates that she acts as their leader, advisor and supervisor while the new hires are under her tutelage. These duties include creating training materials, administering training classes, assigning and reviewing work on a regular basis, evaluating and advising new hires on performance, and preparing performance reports and summaries on new hires for the Chief of Client Services. She highlights that while she is training a new hire class, her direct report changes to the Chief of Client Services and directly reporting to a Bureau Chief is one of the criteria for a PBS2 classification.

Concerning the time indicated on her PCQ, the appellant clarifies that when she indicated that she spends 20 percent of her time on training, this is only during the weeks when she is not conducting training classes. She represents that when she is conducting a training class, which is for a minimum of six weeks, she spends 100 percent of her time on training. Further, the appellant indicates that she spends almost 75 percent of her time leading up to the start of a new training class creating material. Additionally, she states that she conducts refresher courses for current employees. The appellant presents that during the time she is providing refresher training, she spends 75 percent of her time creating work and documentation for these classes. She highlights that she is solely responsible for the refresher training. The appellant explains that the refresher courses are for many different types and levels of employees. She asserts that her new responsibilities include being the sole provider of refresher training where previously there were multiple trainers, and the large new hire training classes which she provides. The appellant argues that she performs 12 of the examples of work under the PBS2 job specification. Additionally, she explains that she works independently, and her counseling interviews and refresher courses involve complex and multifaceted cases which are more in-depth than the typical PBS1 would be assigned.

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 (P18-53652) 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 – 53653) 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 a 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 appellant's PCQ indicates that she represented that she spends 20 percent of time performing training duties. Additionally, her PCQ does not indicate that there are any specific named employees that she regularly assigns and reviews work. Further, the appellant indicated that she spends 40 percent of her time conducting in-person interviews, 20 percent of her time on complex member inquiries, 15 percent of her time on e-mail and correspondence, and five percent of her time acting as a liaison/advocate. On appeal, the appellant explains that when she is performing training duties, she spends 75 to 100 percent of time on these duties depending on the type of training performed. Moreover, at the time of the interview, Cheser indicated that the appellant assists with new hire training,

but does not do this task alone due to the size of the classes. Further, she conducts refresher courses by herself on an as-needed basis. Additionally, Cheser indicated on the appellant's PCQ that when the appellant provides new hire training, it is for three to six weeks. Therefore, a review of the record indicates that while the appellant may spend some of her time training, and she may spend some of her overall work time assigning and reviewing employee work as part of new hire training, most of the appellant's time is spent working with clients and interested parties on pension and health benefit issues. Therefore, the appellant cannot be primarily considered a lead worker.

Another distinguishing characteristic between the job specifications definitions for the two titles is that PBS1s perform basic eligibility determinations and computation while PBS2s perform complicated eligibility determinations and complex computations. However, in *In the Matter of Caya Asch, et al.* (CSC, decided July 18, 2018) the Commission recognized that traditionally Agency Services' decision on determining the classification between the two titles was 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." In its current classification review, Agency Services reiterated that it still uses the "lead worker test" as the determining factor. Moreover, a review of Agency Services' determination does not indicate that Agency Services characterized the appellant's performance of mathematical computations related to employee benefits as "complex." Additionally, a review of the telephone interview notes indicates that when asked what duties have changed for the appellant, neither the appellant nor Cheser indicated that the appellant's duties assisting clients and other interested parties with pension and benefits issues have gotten more complex. Instead, they both emphasized the appellant's additional training duties as the reason for the classification review request. Further, other than stating that her duties are more complex than the typical PBS1 would handle, the appellant has not submitted any evidence to support this claim.

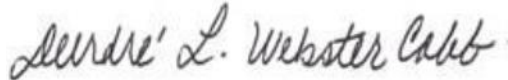
Finally, in response to the appellant's comments that she performs 12 of the examples of work that are described in the PBS2 job specification, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. 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.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Sara Sparano is properly classified as Pensions Benefits Specialist 1.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10th DAY OF SEPTEMBER, 2019



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