

B-6



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Lisa Pointer,
Department of the Treasury

CSC Docket No. 2015-1311

Classification Appeal

ISSUED: **AUG 21 2015** (BS)

Lisa Pointer appeals the attached determination of the Division of Classification and Personnel Management (CPM)¹ that her position is properly classified as a Pensions Benefits Specialist 1 with the Department of the Treasury. The appellant seeks a Supervising Pensions Benefits Specialist classification in this proceeding.

The record in the present matter establishes the appellant is serving as a Pensions Benefits Specialist 1 with the Division of Pensions and Benefits, Department of the Treasury. She requested a classification review of her position and a telephone desk audit was conducted on June 17, 2014 with Ms. Pointer and her immediate supervisor, Wendy Jemison, Chief Division of Pensions. The primary focus of the appellant's job responsibilities included coordinating the activities of the respective Police and Fire Retirement System (PFRS) and the State Police Retirement System (SPRS) Boards of Trustees. The appellant does this by: furnishing the information required for the administration of their respective systems; preparing and/or reviewing all packets of appeals for completeness and/or ensuring all required information is provided to the Boards' offices in order for the Trustees to make an informed decision at each monthly meeting; and/or maintaining accurate records for all Boards of Trustees' proceedings and/or disseminating information of the Boards actions. Additionally, the appellant supervises a Technical Assistant 2, Treasury. After a thorough review, CPM

¹ The Division of Classification and Personnel Management is now the Division of Agency Services.

concluded that the appellant failed to demonstrate a substantive change in her duties or responsibilities which would elevate her current position to the level of Supervising Pensions Benefits Specialist.

On appeal to the Civil Service Commission, the appellant contends that CPM neglected to recognize two of her areas of responsibility in its determination: the investigation and analysis of criminal and administrative charges against PFRS and SPRS members and assisting in the development and instruction of the automated filing of electronic ballots for the PFRS Trustee Election process. The appellant restates the duties previously considered by CPM but added that new duties not previously considered by CPM had been assigned to her. These new duties included determining whether or not new titles should be approved for participation in the PFRS and overseeing the automation process for filing ballots for the PFRS Trustee election process. The appellant argued that in a June 11, 2013 CPM classification review, another employee was found to be performing the duties of a Supervising Pensions Benefits Specialist using the same fact pattern outlined in her CPM determination letter.

CONCLUSION

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

Under the direction of a Chief, or other supervisory official in the Division of Pensions and Benefits, Department of the Treasury, supervises work operations and staff providing retirement and health benefits services; does other related work.

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.

Based on the information presented in the record, it is clear that the appellant's position is properly classified as a Pensions Benefits Specialist 1. With regard to the title the appellant seeks, the Civil Service Commission notes that incumbents in the Supervising Pensions Benefits Specialist title are responsible for the following: planning work schedules and determining priorities to meet bureau/unit goals and objectives; evaluating effectiveness of operations and implementing improvements to increase productivity; modifying, adopting, and implementing work plans for all activities within the Section; coordinating the work of the Section with the work of the other operational and support areas, and resolving problems; reviewing and evaluating productivity to identify areas for improvement, adjustment to work priorities and reallocation of internal resources; and monitoring the quality of work produced or services rendered. An incumbent in the Supervising Pensions Benefits Specialist title is considered a higher level supervisor in that someone serving in this capacity supervises primary or first level supervisors. On the other hand, a Pensions Benefit Specialist 1 may supervise subordinates if assigned or in the absence of a supervisor, but supervisory duties are not required. In the instant situation, the appellant does not supervise first line supervisors, and this factor alone renders the appellant's arguments untenable.

Regardless, as stated in CPM's determination, the Pensions Benefit Specialist 1 does perform specialized work at a high level. The appellant's primary function was coordinating activities for both the PFRS and SPRF Board of Trustees, furnishing them with information, preparing and/or reviewing appeals, and maintaining records. Additionally, the Commission finds that the preponderance of the appellant's other duties fall under the Pensions Benefits Specialist 1 title. Accordingly, since it is clear that the appellant is assigned work consistent with a Pensions Benefits Specialist 1, she has failed to establish a sufficient basis to warrant the re-classification of her position. The appellant refers to classification reviews involving other employees in other positions in her appeal.² However, the subject audit was performed specifically on the appellant's position. A position cannot be reclassified based solely in comparison to other positions. *See In the Matter of Dennis Stover*, Docket No. A-5011-96T1 (App. Div. October 3, 1998); *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995). The appellant has failed to demonstrate that she performs any additional duties which would warrant elevating her position to Supervising Pensions Benefits Specialist.

² Most specifically, the appellant argues that she performs duties similar to duties previously performed by Walter Schwedes, a former Supervising Pensions Benefits Specialist 1. In *In the Matter of Walter Schwedes* (CSC, decided February 12, 2014), the Commission determined that the preponderance of the duties performed by Schwedes were commensurate with the title of Assistant Chief, Division of Pensions. In this regard, it is clear that the appellant's duties are not commensurate with that title.

ORDER

Therefore, the position of Lisa Pointer is properly classified as a Pensions Benefits Specialist 1.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF AUGUST, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Lisa Pointer
Douglas Ianni
Kenneth Connolly
Joseph Gambino



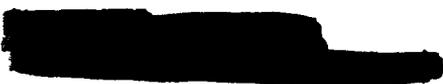
Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P.O. Box 313
Trenton, New Jersey 08625-0313
(609 292-8189)

Robert M. Czech
Chair/Chief Executive Officer

October 23, 2014

Ms. Lisa Pointer



**RE: Classification Appeal – Pensions Benefits Specialist 1
CPM Log #05140209, Position #958773, EID #000341143**

Dear Ms. Pointer:

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, Wendy Jamison, on June 17, 2014.

Issue:

You are appealing your current permanent title of Pensions Benefits Specialist 1 (R24) is not consistent your current assigned duties and responsibilities. You contend that the title Supervising Pensions Benefits Specialist (S27) is consistent with the duties that you currently perform.

Organization:

Your position is located is assigned to the Division of Pensions & Benefits, Board and Trustee & Pension Committee Administration. You report directly to Wendy Jamison, Chief Division of Pensions (M32). Your position possesses supervisory responsibility for one (1) Technical Assistant 2, Treasury (A15).

Finding of Fact:

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

- Coordinating the activities for the Police and Fire Retirement System's (PFRS) and State Police Retirement System's (SPRS) Board of Trustees and/or furnishing those with the information required for the administration of their respective systems.
- Preparing and/or reviewing all packets of appeals to ensure the required information is provided to the Board's office in order for the Trustees to make an informed decision at each monthly meeting.
- Maintaining accurate records for all Board of Trustees' proceedings and/or disseminating information of the Board's actions.
- Reviewing, analyzing and/or interpreting statutes and/or rules affecting the operating sections.
- Interacting with other governmental agencies and/or organizations (e.g. Office of the Attorney General, Office of Administrative Law, etc.).
- Responding to e-mails and/or correspondence received from members, employers, attorneys and/or other interested parties.

Review and Analysis:

Your position is currently classified by the title Pensions Benefit Specialist 1 (R24-53654). The definition section of the job specification for this title 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 review, interpretation and revision of regulatory procedures and

statutes; and/or analysis and implementation of new legislation; does other related duties.”

Incumbents classified as a Pension Benefits Specialist 1 independently perform duties of significant difficulty and complexity involving employee benefit development, administration and compliance. They also review, interpret and analyze the implementation of new legislation.

You contend that the title Supervising Pensions Benefits Specialist (S27-53655) is an appropriate title for your position. The definition section of the job specification for this title states:

“Under the direction of a Chief, or other supervisory official in the Division of Pensions and Benefits, Department of the Treasury, supervises work operations and staff providing retirement and health benefits services; does other related work.”

The primary focus of incumbents classified as Supervising Pensions Benefits Specialist (S27-53655) includes: reviewing and/or evaluating productivity to identify areas for improvement, adjusting work priorities and reallocating internal resources to meet changes in established production schedules; monitoring quality of work produced or services rendered; developing, reviewing and revising Division of Pension and Benefits procedures, forms and publications; recommending changes to the Administrative Code affecting Pensions and Benefits programs; acting as a liaison with Treasury Management Information Systems (TMIS) and outside vendors in the designing, development and enhancement of automated mainframe systems; evaluating existing systems and proposing system design changes to increase efficiency and effectiveness; providing information used to develop the Division's budget; and supervising the preparation of statistical and financial reports and other work-related studies.

A review of your primary job duties and responsibilities finds that the position is primarily responsible for: coordinating the activities for both the Police and Fireman's Retirement System (PFRS) and State Police Retirement System (SPRS) Board of Trustees and/or furnishing them with the information required for the administration of their respective systems; preparing and/or reviewing all packets of appeals to ensure the required information is provided to the Board's office in order for the Trustees to make an informed decision at each monthly meeting; and/or maintaining accurate records for all Board of Trustees' proceedings and/or disseminating information of the Board's actions.

Ms. Lisa Pointer
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A careful analysis of the information provided, as well as a comprehensive review of the results of a previous Classification Appeal determination issued June 15, 2011 has been completed. Based upon this assessment, a significant substantive change in the assigned duties and responsibilities of this position not been demonstrated.

The assigned duties and/or responsibilities of the position under review are encompassed within and consistent with the established standards for incumbents functioning in the title Pensions Benefit Specialist 1 (R24-53654).

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 your current permanent title Pensions Benefit Specialist 1 (R24-53654).

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,



Joseph Ridolfi, Team Leader
Classification and Personnel Management

JR/rmd

c: Ms. Joanne Pascucci, Treasury, Human Resources