



**STATE OF NEW JERSEY**

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

In the Matter of David Loss,  
Department of the Treasury

Classification Appeal

CSC Docket No. 2020-1276

**ISSUED: NOVEMBER 21, 2019 (SLK)**

David Loss appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his 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 his position, alleging that his 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 Eugenia Pierson, Supervising Pensions Benefits Specialist. He has no direct supervisory responsibility. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performs as a PBS1. Agency Services reviewed and analyzed the PCQ and all information and documentation submitted. Additionally, Agency Services conducted a telephone audit with the appellant and Pierson. Agency Services found that the appellant’s primary duties and responsibilities entailed, among other things, guiding the daily operation and work of one PBS1 in the Beneficiary Designation’s unit (Unit); processing increases in a member’s monthly retirement allowance to the maximum allowance due to the death beneficiary option selected; reviewing and/or verifying all incoming mail to the Unit, which includes counting, sorting, and separating forms by retirement, and ensuring all forms are complete and accurate; forwarding noted documents received into the Retirement Tracking System to the appropriate PBS assigned to the case; responding to inquiries received in the Unit from beneficiaries, employers and third

parties; and reporting all statistical data to the supervisor and Bureau Chief, upon request for monthly reporting purposes. 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 asserts that his primary responsibility is being the lead worker within the Unit. He explains that he is responsible for managing the work flow for another PBS1 within the Unit. The appellant states that he manages this individual's day-to-day duties by training, assigning, and reviewing the work of this individual to ensure that the work is done accurately and timely. Further, he indicates that he regularly informs his supervisor concerning the progress of this individual so that his supervisor can handle any issues that arise; however, he reiterates that this PBS1 reports to him daily. Regarding the determination's finding that one of the appellant's primary duties, reviewing incoming mail which takes approximately 20 percent of his time, as a basis for denying his reclassification request, he explains that he reviews the mail to ensure that the other individual is assigned duties within his knowledge base. Additionally, while the appellant acknowledges that volume of work is not a basis to reclassify a position, he emphasizes that he handles a greater volume of work than the other PBS1 in the Unit and this should be considered and not held against him. Further, he argues that his duties are more complex and out-of-title for a PBS1.

## 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 organization chart for the Unit indicates that there is a PBS2, two PBS1s, and a Technical Assistant 2, Treasury. Further, a review of the telephone interview notes indicates that the appellant's work is handed to the PBS2, the "intermediate supervisor," when finished. Additionally, this PBS2s Performance Assessment Report for the period ending August 31, 2020 indicates that her first job responsibility is the coordination of the Unit, which includes routinely checking all areas of work completed to evaluate quality and quantity of work of employees. Therefore, while the appellant may make the initial assignment to the other PBS1 in the Unit and provide other training and guidance, it is the Unit's PBS2 who is the lead worker for the Unit. In other words, under the State Classification plan, there can only be one lead worker for an employee, and in this case, the Unit's PBS2 is the lead worker for all the employees in the Unit, including the other PBS1. Therefore, the appellant cannot be primarily considered a lead worker. Concerning the appellant's argument that his duties are more complex than the typical PBS1 performs, other than his statements, the appellant has not presented any evidence regarding the complexity of his duties. Regardless, as reiterated in *In the Matter of Sara Sparano* (CSC, decided September 10, 2019), the Commission recognized that traditionally Agency Services' decision on determining the classification between the PBS1 and PBS2 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." Additionally, as acknowledged by the appellant, the appellant's volume of work is not a basis to

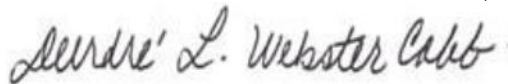
reclassify his position, as volume of work has no effect on the classification of a position currently occupied, as *positions*, not employees are classified. *See In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Further, the fact that some of an employee's assigned duties may compare favorably 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 David Loss 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 19<sup>th</sup> DAY OF NOVEMBER, 2019



Deidre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: David Loss  
Douglas Ianni  
Kelly Glenn  
Records Center