



**STATE OF NEW JERSEY**

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

In the Matter of Jarine Smith,  
Department of the Treasury

Classification Appeal

CSC Docket No. 2020-2332

**ISSUED:** May 1, 2020 (SLK)

Jarine Smith 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. The appellant is assigned to the Division of Pensions and Benefits, Enrollments, Purchase, Adjustment, Loan/Withdrawal and reports to Niquisha Munko, Supervising Pensions Benefits Specialist. She 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 and all information and documentation submitted. Additionally, Agency Services conducted a telephone audit with the appellant and Munko. Agency Services found that the appellant’s primary duties and responsibilities entailed, among other things: assisting employees, employers, attorneys, and the Client Services Section in determining benefit eligibility and enrollment process for plan members; assisting the Chief of Enrollment with appeals by reviewing and gathering documents to be forwarded to the Board of Trustees for further action; responding to correspondence received by the Enrollments section which includes cases dealing with retirees returning to employment and multiple enrollments, as well as updating and correcting account errors; processing and modifying accounts for the State Administered Retirement Fund’s Delayed InterFund Transfer Applications which

includes corrections to enrollment date, age at enrollment, and enrollment tier, analyzing cases submitted via the EPIC database and/or reviewing questionable requests with appropriate operating sections before approving or denying applications; and documenting all member correspondence into 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 when she submitted her position classification review request in August 2018, she was training, assigning, reviewing and answering questions for a co-worker who is a PBS1. She indicates that since that time, she now has that same responsibility for a second PBS1. The appellant states that she also performs “supervisory” duties when someone is absent. She asserts that the determination letter did not analyze her training and other lead worker duties that she performs. The appellant explains that her supervisor teaches her new duties and then she teaches these duties to the two PBS1s. She presents that since she requested the classification review, a PBS2 in her department resigned and she has now taken over her duties. Further, the appellant indicates that two of the current PBS2s in her department have assumed new duties and are working as “Acting” PBS3s. She states that the “Acting Supervisor” that is over her on the organizational chart will soon have her title changed to PBS3.

## 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 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 Enrollments section indicates that there is a Supervising Pensions Benefits Specialist, two PBS2s, who were “Acting Supervisors,” the appellant who is a PBS2 under one of the “Acting Supervisors,” a PBS2 who is under the other “Acting Supervisor,” two PBS1s under the appellant and a PBS1 who is under the PBS2 who is not an “Acting Supervisor” The Civil Service Commission (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).

Additionally, a review of the appellant’s PCQ indicates two specific named individuals who the appellant indicated that she led, and her superiors agreed with that assessment. Further, her interim Performance Assessment Review, dated November 18, 2019, indicates being a lead worker is a job responsibility. 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 training, assigning and reviewing the work of named individuals on a regular and recurring basis. Finally, the appellant’s supervisor indicates that the appellant took over the duties of another PBS2. Therefore, it appears that the appellant was performing lead worker duties at the time of the January 22, 2020 audit. However, at that time, the organization chart indicated that the appellant was under an “Acting Supervisor” who was a PBS2. Therefore, at the time of the audit, if the appellant was appointed as a PBS2, that would indicate that there would be two lead workers for this section and two PBS1s

who were being led by these PBS2. 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 the “Acting Supervisor” was also a PBS2.

It is noted that on March 14, 2020, the “Acting Supervisor” 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 January 22, 2020. However, as there are no longer two lead workers for this section of the unit, 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.

### ORDER

Therefore, it is ordered that this appeal be denied, and the position of Jarine Smith 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.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 29<sup>TH</sup> DAY OF APRIL, 2020




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