



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of M.A.-B.,
Department of the Treasury

CSC Docket No. 2026-649

Discrimination Appeal

ISSUED: April 8, 2026 (HS)

M.A.-B., a former Government Representative 2 with the Department of the Treasury (Treasury),¹ appeals the determination of the Assistant Treasurer, stating that there was insufficient evidence to support a finding that the appellant had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

As background, the appellant, a Hispanic female, alleged that Treasury discriminated against her based on race, color, national origin, nationality, and pregnancy. The appellant did not identify a specific respondent but stated, “All employees involved in the decision making process which established my discriminatory pay.” Specifically, she alleged that when her promotion was finally approved from functional Deputy Chief of Staff to functional Chief of Staff, her supervisor advised that her salary could only be approved for \$100,000 given the position and her previous salary of \$80,000; however, since being hired, she witnessed other non-Hispanic employees in her division, the Division of Property Management and Construction (DPMC), be approved for higher salary increases. She also alleged that she noticed a pattern of unequal treatment in her department, particularly regarding her salary. The appellant expressed concern that her Hispanic background might have been influencing the unequal treatment she was experiencing. Additionally, she noted that she had been pregnant during her time in the DPMC and worried that this might have been affecting her salary and career progression.

¹ The appellant separated from service with Treasury, effective October 18, 2024.

Furthermore, the appellant alleged that she was not provided an increase under the 2022 Management Salary Program (MSP) and thereafter did not receive an increase in her salary in comparison to other employees who had similar duties to her and those holding the same Chief of Staff title. The investigation by Treasury's Office of Equal Employment Opportunity/Affirmative Action (EEO/AA) included interviews with individuals with relevant knowledge and the collection/review of documents pertinent to the allegations. The investigation revealed the following.

MSP

Terms of the MSP included the following:

A. EMPLOYEES COVERED – The purpose of this salary regulation is to establish a Managerial Performance awards program that will address issues such as compression and performance in the managerial ranks and applies to all employees in titles assigned to Employee Relations Groups MB, MD, M, X and members of the Senior Executive Service.

...

C. MANAGERIAL PERFORMANCE AWARDS – Increases to base salary will be effective PP 24/22 (November 5, 2022) for employees covered under this program. Percentage increases will be calculated beginning with the effective date.

1. The amount of increase for each individual manager and exempted staffer cannot exceed 15%. No individuals are eligible for the management performance award until they have served one full year in the current position. If any employee has not yet served one full calendar year in the current position for which they are eligible to participate in this program, then the employee is eligible to receive the net difference between their most recent salary increase and their Managerial Performance award. If an employee has served one full calendar year or more in their current position and also received a salary increase within the last calendar year, then the employee is eligible to receive the net difference between their most recent salary increase and their Managerial Performance award.

2. For purposes of this program, compression is defined as instances in which a manager's salary is equal to or lower than the salary of the highest paid employee subordinate to the manager. If a manager is experiencing salary compression, then the manager is entitled to a 10% increase in salary. Managers not experiencing compression may not receive a salary increase on this basis.

3. Regardless of whether they are experiencing compression, managers may be eligible for performance-based salary increases up to 5% of their salary . . .

4. Any employee whose position was changed from a represented managerial title (&) to an unrepresented managerial title within the 12 months shall be reviewed on a case-by-case basis for a performance award. Similarly, employees who are currently serving in a title eligible for this program but who have since been assigned to a collective bargaining unit, and, thus, eligible for that bargaining unit's negotiated salary increases shall be exempt from this program.

. . .

D. PAY EQUITY – Pay equity issues among staff result when disparate compensation exists among organizational peers (e.g., same title, duties, and/or level of responsibility). Such issues are not addressed through the [MSP]. Rather, pay equity issues are addressed through the Salary Adjustment (DPF-77) process and the appointing authority must provide sufficient salary comparison and analysis in support of the request for pay-equity relief.

Information reviewed indicated, and witnesses confirmed, that a request was made on February 27, 2021 to increase the appellant's salary from \$80,000 to \$100,000 before the MSP was issued by this agency. This request was approved by the Governor's Office on November 23, 2021. Based on this recent increase in salary, the appellant was deemed ineligible for the MSP and subsequent DPF-77 process.

Comparison to Other Employees with Similar Duties or Title

During the investigation, the appellant identified non-Hispanic employees T.E., Deputy Executive Director; S.S., Assistant Division Director; R.F., Government Representative 2; and M.F., Executive Assistant 3, among others, as individuals who were paid more. According to the appellant's Performance Assessment Review (PAR), the appellant's job responsibilities included providing technical support and assistance to the Director; serving as a Human Resources (HR) Liaison; providing support and assistance with the development of the DPMC's annual budget; overseeing the processing of background checks; "Records Custodian" and overseeing the division's compliance with the Open Public Records Act (OPRA); overseeing the management of the division's vehicle fleet; supervising immediate staff; and being responsible for preparing all internal and external communications on behalf of the division. In comparison to other functional Chiefs of Staff, they had significantly more duties. The other duties included having fiscal responsibilities; serving as the information technology (IT) representative and travel coordinator; reviewing ethics

concerns; having COVID duties; reporting to the Treasurer's Office; and attending meetings at the Treasurer's Office. In addition to the documents reviewed, witnesses confirmed that the salaries of the employees the appellant compared herself to was based on a determination made by this agency and the additional responsibilities they performed. Witnesses also confirmed that the employees the appellant compared herself to held the titles of Deputy Director; Deputy Chief of Staff for all of Treasury; HR Officer; and HR Manager, who all had different and/or more job responsibilities than the appellant while working in the functional title of Chief of Staff.

Therefore, the Assistant Treasurer determined that the allegations could not be substantiated.

On appeal to the Civil Service Commission (Commission), the appellant argues that Treasury misstated the 2021 salary action. Specifically, due to Treasury' HR's decisions regarding how and when the request would be processed, as well as the effective date, the promotion ultimately became effective while she was out on her first maternity leave in December 2021. Moreover, the official notification was not sent until after she had already begun her leave, despite the action having been approved weeks earlier. The appellant argues that the effective date should have been made retroactive to when she had taken on the Chief of Staff duties, the same approach Treasury HR used for S.S., whose promotion was made retroactive to reflect when she began performing the higher-level responsibilities.

Next, the appellant argues that the actual reason for her MSP ineligibility was ignored. Specifically, she had explained that she was ineligible for the MSP because her promotion to Chief of Staff was made effective December 18, 2021,² which left her just six weeks short of the required one-year cutoff date of November 5, 2022. The appellant maintains that Treasury's conclusion is based on the wrong premise as her exclusion from the MSP was due to timing of promotion approvals and the effective dates selected by Treasury HR, not any promotion request.

Further, the appellant states that she had testified that her position was reclassified into a union-covered role in October 2023, just two weeks after she began her second maternity leave. She was explicitly told by HR and Administration in weeks prior that such changes were "far off," not imminent. The appellant maintains this reclassification without notice "materially changed" her compensation trajectory; deprived her of eligibility for managerial pay adjustments; and occurred during maternity leave. The appellant also states an additional concern: it remains unclear how and why a Hispanic/Latina woman, serving in an unclassified leadership role and soon to be on maternity leave, was reclassified into a union position during that leave. Moreover, to her knowledge, other employees serving in comparable unclassified leadership roles were not reclassified in this manner. As such, the

² This date is reflected in agency records.

appellant submits that the absence of notice, explanation, consistency, or a clear policy basis for this action raises serious concerns about fairness, transparency, and discriminatory impact based on gender, pregnancy, and protected heritage.

In addition, the appellant contends that her promotion to Chief of Staff was approved before December 2021, yet the confirmation was not issued until December 28, 2021, the day after she went out on her first maternity leave. Her reclassification into a union role occurred while she was out on her second maternity leave in October 2023. The appellant argues that the determination dismissed pregnancy as a factor without addressing the “suspicious timing” of these decisions. Both “major career-impacting actions” were finalized while she was on leave, raising serious concerns of pregnancy discrimination that were never analyzed.

Additionally, the appellant insists she documented that her salary was the lowest of all Chiefs of Staff across Treasury and in-but-not-of agencies; Executive Assistants with “clerical duties” earned more than her, despite her greater responsibilities and qualifications; and prior Chiefs of Staff at DPMC were hired at significantly higher salaries. She complains that the determination dismissed comparators by stating they had “more duties” or different titles, without analyzing whether the work was substantially similar as required under equal pay standards. She argues that Treasury ignored the substance of comparator evidence and failed to conduct a proper pay equity analysis.

Finally, the appellant states she had explained that although unclassified employees are eligible for the departmental vacation plan (20 days annually), she was told after being hired in 2019 that she was ineligible, and years later only offered a one-time switch for 2024. This disparity, she complains, compounded her compensation disadvantage, but the determination did not address this issue at all though it was a material part of her complaint.

For relief, the appellant seeks a reversal of Treasury’s determination with corrective and equitable relief, or alternatively, a remand for a full, impartial investigation with authority to recommend and implement salary and benefit corrections. In support, the appellant submits copies of her EEO/AA interview statement; salary comparison spreadsheets; and various HR communications, among other documents.

In response, Treasury counters that the “cut-off date issue” was not ignored. Rather, it did not need to be addressed in the determination letter because the appellant was deemed ineligible for the MSP based on her recent promotion and not because she did not meet the minimum time spent in the title.

Concerning the union reclassification issue, Treasury indicates that during her interview, the appellant stated that she was aware that “the possibility of unclassified titles becoming classified was an ongoing thing” four or five months prior to her

maternity leave. A witness explained that “the union” captured the appellant while she was out on maternity leave as a result of the review process pertaining to the Memorandum of Understanding (MOU) surrounding VWXY³ employees at the time. She further explained that as a result of the Communication Workers of America (CWA) MOU surrounding VWXY employees, HR was unable to secure salary adjustments for those employees for those titles because they were scheduled to be converted to a classified Civil Service title that is assigned to APRS bargaining units, which have established salary ranges and receive negotiated across-the-board increases. As a result, the appellant received a 3.5 percent increase at the salary of \$103,500, effective November 1, 2023, and another 3.5 percent CWA-negotiated across-the-board increase at the salary of \$107,122.50, effective July 13, 2024. This conversion process is controlled by “the union, [this agency], and the Governor’s Office” and included all VWXY employees, regardless of their gender, pregnancy, race, or color. Treasury maintains that the fact that the appellant’s title was converted while she was out on maternity leave is not evidence of discrimination based on her pregnancy, gender, or Hispanic heritage.

With respect to the timing of actions relative to maternity leaves, Treasury asserts that timing of the “adverse employment actions” is not evidence of discrimination related to pregnancies. Further, Treasury does not view a change in title from Deputy Chief of Staff making \$80,000 to Chief of Staff earning \$100,000 and conversion to union status resulting in two negotiated 3.5 percent salary increases to \$107,122.50 as “adverse.” Treasury maintains the timing of the actions was due to approvals gained by this agency and the Governor’s Office and not determined by it. Witnesses confirmed that it was ultimately at the discretion of this agency as to what the approved effective date was, which was reflected as the next available pay period date.

Regarding comparators, Treasury insists an analysis of the responsibilities of other employees mentioned was done, and it was determined as stated in the determination letter that the appellant compared her job responsibilities with employees in the title of Deputy Director; Deputy Chief of Staff for all of Treasury; HR Officer; and HR Manager, who all had different or more job duties than the appellant in the functional title of Chief of Staff. The analysis of the appellant’s duties and others with the title of Chief of Staff concluded that she was performing only six of the primary 13 responsibilities expected to be performed by a Chief of Staff (not including miscellaneous), which include duties relating to HR; procurement; fiscal; budget; PAR coordination; facilities; IT; travel; ethics; OPRA; COVID; reporting to the Treasurer’s Office; and attending meetings at the Treasurer’s Office. According to the appellant’s PAR, her job responsibilities included providing technical support and assistance to the Director; serving as HR Liaison; providing support and assistance with the development of DPMC’s annual budget; overseeing the processing

³ This refers to Employee Relations Groups V, W, X, and Y, which are exempt from inclusion in a collective negotiations unit.

of background checks; “Records Custodian” and overseeing the division’s compliance with OPRA; overseeing the management of the division’s vehicle fleet; supervising immediate staff; and being responsible for preparing all internal and external communications on behalf of the division. In comparison to both the employees that the appellant mentioned and other employees functioning as a Chief of Staff in their divisions, they had different responsibilities than her and performed additional duties.

Finally, with respect to the vacation plan issue, Treasury indicates that the investigation found that upon the appellant’s rehire in 2019, she was given the State vacation plan: 12 days and increases over time per the collective negotiations agreement. A witness interviewed advised that she was aware that not all unclassified employees were placed into the departmental vacation plan, which is 20 days and increases to 25 days after 20 years of continuous service. This witness also advised that after an audit of the records in 2024, HR made a one-time adjustment of vacation balances to all unclassified employees who were not in the departmental plan. This adjustment would not be permanent for those employees whose titles would be converted to classified titles in accordance with the negotiated union agreement. Based on the information provided, it was found that the decision to provide the appellant with the State vacation plan of 12 days when she was hired as an unclassified employee was not discriminatory based on any protected category.

In reply, the appellant offers several rebuttal points. On her MSP ineligibility and the unequal application of DPF-77 adjustments, the appellant recounts that she and T.E. were initially deemed ineligible for the MSP because their promotions became effective after the November 5, 2022 cutoff. In this regard, she presents a DPMC personnel briefing document dated June 6, 2023, which stated: “[Appellant]: Not eligible for MSP due to being in the position for less than 1 year as of November 5, 2022. Not eligible for pay equity program due to not being Dep. Director or Assistant Deputy Director.” However, Treasury HR later processed a DPF-77 adjustment for T.E. to correct the inequity caused by his MSP ineligibility. No such adjustment was processed for the appellant despite her direct request. HR stated she was “not eligible for the pay equity program because she was not a Deputy Director or Assistant Deputy Director.” That rationale, the appellant contends, conflicts with the DPF-77’s purpose to address inequities arising from the MSP. The appellant contends that among all senior leaders in DPMC, she alone did not benefit either directly through the MSP or indirectly through DPF-77 adjustments. This is not a legitimate, nondiscriminatory factor; rather, it reflects unequal treatment that disproportionately affected her as a Hispanic/Latina woman returning from maternity leave and serving in an unclassified leadership capacity.

On the issue of reclassification into a union position, the appellant contends that Treasury’s claim that the reclassification was routine oversimplifies the facts. Specifically, before her second maternity leave in October 2023, HR and Administration assured her that no reclassification was imminent. Nevertheless,

within two weeks of beginning leave, her title was converted without notice affecting her compensation structure and future eligibility for managerial adjustments. She argues that Treasury produced no documentation showing that all similarly situated leaders were treated identically or that decisions were communicated consistently. The timing and lack of transparency, she maintains, undermine Treasury's assertion of neutrality.

Continuing on the union reclassification issue, the appellant states that the classification issue for VWXY employees had been ongoing for several years. In her role as Chief of Staff, the appellant monitored the matter closely, seeking clarity from Treasury HR on which positions would be included or excluded. She maintains that DPMC did not receive the final lists concerning inclusions and exclusions until September 18, 2024, nearly a year after Treasury, the Governor's Office of Employee Relations, this agency, and the union had already implemented decisions. DPMC, she claims, had no input into which employees were captured or excluded, nor did it receive an explanation as to why individuals within the same X bargaining unit were excluded while she was not. The appellant contends that this demonstrates that Treasury's Division of Administration acted unilaterally, without consulting those familiar with divisional functions. The absence of a transparent and informed process, she argues, shows classification decisions were not applied uniformly or equitably. The lack of consultation and uniform criteria created a disparate impact on unclassified leadership staff, particularly women and employees of color, who were more frequently placed in administrative or hybrid roles. By failing to engage divisions that understood these positions, Treasury perpetuated structural inequities and excluded diverse leaders from protections and pay structures available to peers.

On the issue of effective dates, the appellant proffers that such were manipulated with resulting pay disparities. Specifically, although her promotion to Chief of Staff was approved prior to December 18, 2021, it was not made effective until that date, well after she assumed the responsibilities. She argues that had Treasury HR made the effective date retroactive, as it did for S.S., she would have met the one-year MSP eligibility threshold and received the 15 percent increase awarded to other senior managers. Instead, Treasury's implementation left her ineligible for the MSP. The 3.5 percent increases she eventually received took effect only on November 1, 2023 and July 13, 2024, nearly two years later. The appellant contends that Treasury's claim that this agency solely controls effective dates is contradicted by precedent: in the case of S.S., the division submitted a request to Treasury HR to honor the date she assumed her duties as the effective date of her promotion. Based on the evidence provided and sufficient justification, Treasury HR recommended and obtained a retroactive effective date and corresponding back pay. This demonstrates that discretion does exist and can be exercised when supported by departmental leadership and Treasury HR. Division leadership also has authority to request retroactivity when warranted by circumstances such as the date an employee began performing higher-level duties, administrative delays, or equity considerations. The appellant complains that Treasury, however, failed to

investigate or consult division leadership to determine when she had assumed the higher-level responsibilities or whether her effective date should have been made retroactive. Treasury's failure to take these basic investigative and corrective steps, she argues, reflects an inconsistent and inequitable application of discretion that resulted in clear compensation inequity. Meanwhile, other comparable leaders received two 15 percent increases, one under the 2022 MSP and another under the April 2024 MSP. The inequitable timing of her promotion and classification decisions, particularly coinciding with her maternity leave, produced a clear financial and procedural disadvantage.

On the issue of the job duties analysis, the appellant argues that Treasury's asserted analysis of her role and comparators was incomplete. She maintains that the DPMC organizational chart shows that as Chief of Staff and immediate supervisor, she oversaw multiple functional areas and staff members, not that she personally performed every function. Her responsibilities included oversight of HR; elements of procurement (uniforms, equipment, supplies); assistance in budget development; and supervision of the PAR, OPRA, and travel coordinators; and COVID continuity duties such as equipment deployment and emergency planning. A proper investigation, she contends, would have reviewed PARs for her staff and interviewed key DPMC personnel to corroborate these duties, but Treasury's failure to perform those basic steps resulted in a flawed and incomplete understanding of her role. In her view, Treasury also ignored obvious pay inequities: M.F., Executive Assistant 3, and C.B., Executive Assistant 2, who held no supervisory responsibilities, were compensated at the same or higher salary than she was as Chief of Staff. Treasury's omission of these internal comparators demonstrates that its analysis of duties and compensation was selective, incomplete, and inconsistent with equal pay standards.

Finally, on the vacation plan issue, the appellant states that when she was hired in 2019 as an unclassified employee, she was not placed in the departmental vacation plan, which provides 20 days annually. Even after she questioned the discrepancy, she was incorrectly told she was ineligible. Only during Treasury's 2024 audit was it confirmed that she should have been given that option from hire. The "remedy" offered allowed participation for that single year only, without retroactive credit. This partial fix left her and others with only a fraction of the benefits they should have received from their hire dates. The appellant argues that Treasury's characterization of this as a minor administrative error is incorrect; it was a systemic internal error that disadvantaged unclassified staff and was never fully remedied. Full correction requires retroactive vacation credit and corresponding compensation.

It is noted that Treasury did not further reply.

CONCLUSION

It is a violation of the State Policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories. *See N.J.A.C. 4A:7-3.1(a)3*. Under this policy, forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. *See N.J.A.C. 4A:7-3.1(a)*. The State Policy is a zero tolerance policy. *See N.J.A.C. 4A:7-3.1(a)*. Moreover, the appellant shall have the burden of proof in all discrimination appeals. *See N.J.A.C. 4A:7-3.2(m)4*.

Upon its review of the record, the Commission finds that additional investigation is warranted.

The investigation found that the appellant was deemed ineligible for the MSP and subsequent DPF-77 process based on her recent salary increase and not because she did not meet the minimum time spent in the title. However, the appellant's presentation of a June 6, 2023 personnel briefing document stating that the appellant was "[n]ot eligible for MSP due to being in the position for less than 1 year as of November 5, 2022" and "[n]ot eligible for pay equity program due to not being Dep. Director or Assistant Deputy Director" renders the record unclear on that point, and Treasury has not specifically addressed the discrepancy. The appellant also continues to highlight specific examples of individuals who allegedly received better treatment, T.E. and S.S., and continues to allege that the differential treatment was based on her status as a Hispanic/Latina woman and her maternity leave.

Additionally, the investigation concluded that the appellant was performing only six of the primary 13 responsibilities expected to be performed by a Chief of Staff, which include duties relating to overseeing HR; procurement; fiscal; budget; PAR coordination; facilities; IT; travel; ethics; OPRA; COVID; reporting to the Treasurer's Office; and attending meetings at the Treasurer's Office. According to the appellant's PAR, her job responsibilities included providing technical support and assistance to the Director; serving as HR Liaison; providing support and assistance with the development of DPMC's annual budget; overseeing the processing of background checks; "Records Custodian" and overseeing the division's compliance with OPRA; overseeing the management of the division's vehicle fleet; supervising immediate staff; and being responsible for preparing all internal and external communications on behalf of the division.

The appellant insists this analysis was incomplete because the investigation did not consider the PARs of her staff or interviews of important DPMC personnel.

She insists that these items would have corroborated that she performed additional duties. As such, further investigation may provide additional context for the job duties analysis. The appellant also insists that the determination missed “obvious” pay inequities and names two specific employees: M.F., Executive Assistant 3, and C.B., Executive Assistant 2. The determination indicated that the appellant compared her job responsibilities with employees in the title of Deputy Director; Deputy Chief of Staff for all of Treasury; HR Officer; and HR Manager, who all had different or more job duties than the appellant in the functional title of Chief of Staff. However, the determination does not discuss the Executive Assistants with specificity.

Accordingly, the Commission remands this matter to Treasury for further investigation to address the foregoing issues, which may also provide additional context with which to consider the remaining points the appellant raised in her rebuttal. Moreover, it is directed that Treasury complete the additional investigation and issue a new written determination within 60 days of issuance of this decision, setting forth the investigation’s findings and whether such findings support a violation of the State Policy. Should an adverse determination be rendered, the appellant shall be provided a right to appeal to the Commission and need not submit an appeal fee as the Commission has remanded this matter to the appointing authority.

ORDER

Therefore, it is ordered that this appeal be remanded to the Department of the Treasury for further investigation consistent with this decision. Additionally, it is ordered that the Department of the Treasury complete its investigation and issue a written determination within 60 days of issuance of this decision.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 8TH DAY OF APRIL, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: M.A.-B.
Allison Sheppard
Division of Equal Employment Opportunity/Affirmative Action
Records Center