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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Marjorie Armenta,
Department of Military and Veterans Affairs

CSC Docket No. 2015-3062

Classification Appeal

ISSUED: NOV 10 2015 (RE)

Marjorie Armenta appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Department of Military and Veterans Affairs is properly classified as Social Work Supervisor 3 Geriatrics. She seeks a Social Work Supervisor 2 Medical job classification in this proceeding.

Ms. Armenta was promoted to Social Work Supervisor 3 Geriatrics on July 8, 1997. This position is located in the Department of Military and Veterans Affairs, Veterans Memorial Home - Paramus, and reports to a Section Chief Health Care Facility. The position supervises one Admissions Officer, and three Social Workers 1. Upon her request, a classification review of her Position Classification Questionnaire (PCQ) and related documentation was performed.

As described in the attached determination, DAS found that based on the primary duties of Ms. Armenta's position, her title is properly classified as Social Work Supervisor 3 Geriatrics. On appeal, the appellant argues that veterans homes are not just for geriatric patients and have evolved into skilled nursing facilities. She states that a skilled nursing facility is an "institution that meets criteria for accreditation established by the sections of the Social Security Act that determines the bases for Medicare and Medicaid reimbursement for skilled nursing care including rehabilitation and other services." She indicates that, while the agency may not be Medicaid certified, it is definitely Medicare certified and to obtain admission into one of the veterans' homes, a veteran must require skilled care. If the applicant needs supervision only, requiring assisted living or personal care, they are denied admission. She also states that there is no age stipulation in

Title 5A of the Administrative Code for admission into a veterans home. Therefore, admission is based more on medical need than age. She states that staff has to be educated in dealing with all ages and medical conditions, and social service must be knowledgeable regarding ailments affecting wartime veterans whether medical, psychological, or behavioral.

The appellant explains that she is a member of the Clinical Team consisting of numerous department supervisors and other key staff, and a member of the team that reviews Title 5A to ensure the code covers the operation of the homes completely and appropriately. The appellant states that the Department of Health, Center for Medicare and Medicaid Services, and the Veterans Administration are agencies involved with the home in some capacity with certain requirements. Social service policies to meet these requirements are established by the social service supervisor, and she is required to develop policies for other aspects of social service including admissions, aid and attendance, care planning, and other social work practices. She states that she is in charge of keeping the facility in compliance with federal laws for Advance Directives and obtaining Medicaid numbers for pharmaceutical reimbursement purposes; hospice services including reading, editing, and signing all contracts; and the Legal Guardian process. She also participates in the committees which require evaluation of a specific area of social work each month; conveys any changes to policies/procedures to the families through family meetings and mailings; and is responsible for conducting educational classes for staff on Advance Directive and other social work related issues. She maintains that the homes are inappropriately labeled and require staff to have more responsibilities. She argues that the homes have changed from geriatric-focused to medical-focused and therefore, the title Social Service Supervisor 2 Medical is appropriate.

DAS responded that the Social Work Supervisor 2, Medical title is intended to be used in agencies and/or facilities that provide caregiving to Medicaid recipients. It stated that the Examples of Work section of the job specification include: ensures the provision of consulting field services to social care staff on both broad and specific health problems related to Medicaid recipients including provision of advice, assistance in investigation/study of obscure/difficult health problems, and interpretation of social ramifications related to varying physical and mental health conditions; plans, conducts, and supervises orientation courses for newly appointed staff which include contents related to illness, both physical and mental, disposition of medical problems, and provision of information about diseases common to Medicaid recipients and their implications to normal life phases, the meaning of illness, services which can be provided by the agency, full use of resources, and relationships with the medical profession; and prepares correspondence in the course of official duties concerned with policies/procedures as they relate to the social care aspects of the Medicaid program. It stated that as the

Paramus Veterans Memorial Home is not a Medicaid certified facility, the Social Work Supervisor 2 Medical title would not be an appropriate classification.

Additionally, DAS notes that the Social Work Supervisor 2 Medical title is utilized as a second level supervisor position, and the appellant's position is functioning as a primary level supervisor, which is consistent with her current title. It states that Ms. Armenta indicated that the Social Work Supervisor 2 Medical title was being used at other Memorial Homes, but that a position cannot be evaluated based solely on the comparison of another position in a different location.

CONCLUSION

The definition section of the job specification for the title Social Work Supervisor 3 Geriatrics states:

> Under the direction of the Superintendent, Soldiers Home or the Assistant Superintendent in the Division of Veterans Services, Department of Human Services, the recognition of a geriatric patient's social and emotional needs, and in providing a social service care plan to meet those needs; does other related duties.

The definition section of the job specification for the title Social Work Supervisor 2, Medical states:

> Under direction of a supervisory official in a state department or agency, assists in the administration and supervision of the health services of the agency including its physical, psychological, psychiatric, and social care phases; does other related duties as required.

At the outset, it must be recognized that the job specification on record for Social Work Supervisor 3 Geriatrics is very outdated. The definition refers to the Superintendent, Soldiers Home, a title which no longer exists. There is no Division of Veterans Services in the Department of Human Services; rather, the Department of Military and Veterans Affairs is an agency independent of the Department of Human Services. Further, the language in the job definition for Social Work Supervisor 3 Geriatrics appears incomplete. Regardless, this definition refers to a geriatric patient, rather than to a veteran, many of whom may not be geriatric.

DAS indicated that the Social Work Supervisor 2, Medical title is intended to be used in agencies and/or facilities that provide caregiving to Medicaid recipients. It is undisputed that the Paramus Veterans Memorial Home is not such a facility. Further, it is undisputed that the population it serves is geriatric. While the appellant argues that the title of Social Worker Supervisor 2 Medical is used in other veterans facilities, a classification appeal cannot be based solely on a

comparison to the duties of another position, especially if that position is misclassified. *See In the Matter of Dennis Stover,* Docket No. A-5011-96T1 (App. Div. October 3, 1998), *affirming In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided February 20, 1997). *See also, In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995).

Further, while the job specification for Social Work Supervisor 3 Geriatrics makes no mention of supervisory responsibility or complexity of work, as its name indicates, it is a supervisory-level title. DAS relies on the employee relations group (ERG) assignment to identify the incumbent's title as a primary-level of supervision, and to identify Social Work Supervisor 2 Medical as a second-level supervisory position. In this case, it is clear that the appellant is only a primary-level supervisor, and the Social Work Supervisor 2 Medical title is at a higher level. Thus, as a higher supervisory-level title, it must necessarily supervise lower-level supervisors. Since the appellant does not do so, and for the other reasons set forth above, she cannot properly be classified in this title.

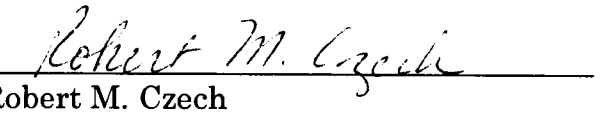
Accordingly, a thorough review of the entire record fails to establish that Ms. Armenta's position warrants a Social Work Supervisor 2 Medical classification. However, given the unclear definition for Social Work Supervisor 3 Geriatrics, DAS is directed to review and modify that definition as appropriate.

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that DAS review and modify, as appropriate, the job specification for Social Work Supervisor 3 Geriatrics.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISION
THE 5th DAY OF NOVEMBER, 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

Enclosure

c: Marjorie Armenta
Diane Tabron
Robert Hoyd
Kenneth Connolly
Joseph Gambino

Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313
(609) 292-8189

Robert M. Czech
Chair/Chief Executive Officer

April 24, 2015

Ms. Majorie Armenta
Department of Military and Veterans Affairs
New Jersey Veterans Memorial Home- Paramus
1 Veterans Drive
Paramus, New Jersey 07652

RE: Classification Appeal – Social Work Supervisor 3 Geriatrics, AS Log # 10140013; Position # 065341, EID # 000161596

Dear Ms. Armenta:

This is to inform you and the Department of Military and Veterans Affairs of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted including your Position Classification Questionnaire (DPF-44S).

Issue:

You contend that the duties of your position are inconsistent with your current title of Social Work Supervisor 3 Geriatrics (R23) and the title Social Work Supervisor 2 is an appropriate title for the position.

Organization:

Your position is located in the Department of Military and Veterans Affairs, Veterans Memorial Home- Paramus; you report to Meredith Spano, Section Chief Health Care Facility (&32). Your position supervises; 1 (one) Admissions Officer and 3 (three) Social Worker 1 positions.

The Department of Military and Veterans Affairs, New Jersey Veterans Memorial Home – Paramus, provides a dignified environment to veterans who have honorably served the nation and are in need of nursing home services.

Finding of Fact:

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

- Ensuring the Veterans Home is maintaining compliance with federal laws, regarding Advanced Directives, in through educating newly hired and existing staff and monitoring resident records; developing, reviewing and implementing all social service policies and procedures for the facility; recommending the hiring, firing, development performance assessment, and management of social service staff with the facility.

- Overseeing data collection for evaluation of specific aspects of social service delivery or policies; generating reports to include findings, conclusions, recommendations, and development plans for corrections, if necessary; educating staff on department policy and procedures.

- Reaching out to contacts within the community to interpret agency requirements to area healthcare facilities to provide available community resources to residents; creating contacts to increase knowledge base for social workers to utilize as necessary; conducting field visits to various healthcare facilities to conduct interviews of potential applicants and assess placement.

- Conducting facility meetings; preparing correspondence for facility mailings concerning policy, procedure, and regulatory updates; obtaining Medicaid numbers for pharmaceutical reimbursement; offering educational lectures for staff and outside community.

Review and Analysis:

In reviewing your appeal, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title Social Work Supervisor 3 Geriatrics (R23-600630). The definition section of this job title states:

> "Under the direction of the Superintendent, Soldiers Home or the Assistant Superintendent in the Division of Veteran Services, Department of Human Services, the recognition of a geriatric patients' social and emotional needs, an in providing a social service care plan to meet those needs; does other related duties."

The definition section of the title Social Work Supervisor 2 Secured Facilities (S25-60064K) states:

> "Under the direction of Social Work Supervisor I, Secured Facilities, or other supervisor, has charge of the social work program and staff of an adult or juvenile secured facility or other correctional facility; does other related work."

The title Social Work Supervisor 2 Medical (S25-60064Q) was also reviewed. The definition section of this job specification states:

> "Under direction of a supervisory official in a state department or agency assists in the administration and supervision of the health services of the agency including it physical psychological, psychiatric, and social care phases; does other related work."

A review of assigned duties and responsibilities finds that this position is responsible for development, implementation, and review of all social service policies and procedures for admissions, aid, attendance, and social work practices; maintaining compliance with federal laws for Advanced Directives through staff education and records monitoring; overseeing the process for Legal Guardianship; reviewing charts to ensure family contacts are appropriate; completing guardianship papers and coordinating departmental compliance; responsible for hiring, firing, development, performance assessment, education, and management of all the social workers within the facility; collecting data to evaluate specific aspects of social service delivery and policy; making contacts within the community; interpreting agency requirements to area healthcare facilities; conducting field visits to various healthcare facilities to review records and conduct interviews of potential residents in order to assess appropriate placement in the facility; preparing correspondence for facility mailings concerning policy, procedures, and regulatory updates; conducting facility family meetings; obtaining Medicaid

numbers for pharmaceutical reimbursement purposes; and conducting educational programs for staff and community .

The duties and responsibilities of the position under review demonstrate having charge of a social work program, recognizing patients social and emotional needs, assisting in the administration and supervision of social service for the facility, supervising staff development, and other related duties. These job duties are all essential to the overall function of Social Work Supervisor. However, the job specifications for Social Work Supervisor 2 titles each identify different categories or variants as they pertain to social service work and the departments where each of these titles are to be used appropriately. The category of social work performed by this position is applicable to the needs of geriatric patients, which is the population served within the facility where the position is located. The position is not located in any of the areas and/or does not perform a significant portion of the specific functions ascribed by the other variants for Social Worker Supervisor 2.

The preponderance of your duties and responsibilities are significantly descriptive of tasks assigned to the title Social Work Supervisor 3 Geriatrics (R22-60063O).

Determination:

Based on the findings of fact above, it is my determination that the assigned duties and responsibilities performed by the position are best classified by the title Social Work Supervisor 3 Geriatrics (R23-60063O). Therefore, the classification of your position will remain unchanged.

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, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include written documentation and/or argument

substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

Joseph Ridolfi

Joseph Ridolfi, Team Leader
Agency Services

JR/ts

c: Mr. Robert Hoyd, Military and Veterans Affairs, Human Resources
PMIS Unit, CSC