



B-43

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Dana Basile, *et al.*  
Department of Banking and  
Insurance

Classification Appeals

CSC Docket Nos. 2015-978, *et al.*

ISSUED: NOV 10 2015

Dana Basile, Errol English, Craig Leshner, Cynthia Rome and Carol Seekamp appeal the attached determinations of the Division of Classification and Personnel Management (CPM)<sup>1</sup> that their positions with the Department of Banking and Insurance are properly classified as Investigator 2. The appellants seek Investigator 1 classifications in this proceeding. These appeals have been consolidated based upon the common issues presented.

The record in the present matter establishes that at the time of their requests for classification review, Basile, English, Leshner and Rome were serving permanently in the title of Investigator 2. Seekamp was serving in the title of Investigator 3. Their positions are located in the Department of Banking and Insurance's Bureau of Fraud Deterrence (BFD). All of the appellants report to a Supervisor of Investigations, and do not have supervisory responsibilities. CPM performed detailed analyses of the appellants' Position Classification Questionnaires (PCQ) and other materials submitted in conjunction with their classification review requests.

As a result, CPM found that the appellants' positions were properly classified as Investigator 2.<sup>2</sup> Although CPM found that the appellants all performed complex investigations, their positions did not include supervision of subordinate staff. CPM explained that the title of Investigator 1 is considered to be a first line supervisor

<sup>1</sup> Currently the Division of Agency Services.

<sup>2</sup> Seekamp was, therefore, promoted to that title, effective April 5, 2014.

performing duties related to supervising and directing the work of subordinate staff, including evaluating employee performance. As the appellants were not responsible for supervising staff, CPM maintained that the preponderance of the appellants' current duties and responsibilities are commensurate with Investigator 2.

On appeal to the Civil Service Commission (Commission), Basile states that the definition section of the job specification for Investigator 1 does not indicate that an individual in this title must supervise subordinate employees and/or complete performance evaluations; rather, it indicates that the incumbent may be responsible for supervision of a unit or team of investigators. She argues that it also says that a particular position using this title may not perform all duties listed in this job specification, and points out that the examples of work section does not indicate supervision as a mandatory duty.

English states that CPM is totally unaware of the staffing structure and classification of duties of investigators within the BFD. He argues that the job specification for this title simply does not match the nature of work performed by this unit, and is therefore an erroneous scale of measurement that is applied to his appeal. He contends that the actual work that he does must be compared to the level of work performed by Investigators 1 within the BFD in order to complete a fair assessment. The appellant points out that his appeal is supported by his supervisor, and the Assistant Commissioner. Also, he contends that his duties as described on his Performance Assessment Review (PAR) exceed those of other Investigators 1. English argues that others earn disproportionately more in salary for less difficult assignments, resulting in a gross inequity of meritorious award.

Leshner states that he trains and mentors other investigators in the office including those that are at the Investigator 1 level and is routinely asked by supervisors and managers for assistance in complex medical cases and to review other investigators' files, some of whom are Investigators 1, for recommendations on handling. He states that he meets or exceeds every example of work on the Investigator 1 job specification with the exception of having responsibility for employee evaluations and effective recommendations of personnel issues. Additionally, he states that he supervised a squad of six investigators, including an Investigator 1, for 14 months, during which time he never received the Investigator 1 pay that he was promised. He asserts that he is an exemplary employee.

Rome maintains that she is assigned cases that are as complex as those assigned to Supervisors of Investigations. In support, she submits letters from three Investigators 2, which attest, *inter alia*, to that contention.

Seekamp states she has always performed the duties of an Investigator 1, *i.e.*, complex medical cases. The appellant argues that she has trained numerous Investigators 1 and 2 in the past 15 years on how to investigate complex medical

cases. She states that she mentored numerous new employees, which is a form of supervising, since she reviewed their work product, made corrections and recommendations, delegated the importance of their work, and reported back to their immediate supervisor regarding the outcome of their work product, which was reflected in their performance evaluation. The appellant submits a letter in support of her appeal from a Supervisor of Investigations who retired in 2013. This individual was her supervisor, and he states that he often assigned her to conduct training of new employees, some of whom were being compensated at a higher pay scale than she was receiving. He indicates that the appellant was assigned as the lead Investigator on many high profile investigations, and she created investigative plans on her own and would supervise the input of other investigators participating in the investigations. He believes that her duties are those of an Investigator 1.

Finally, all five appellants contend that incumbent Investigators 1 do not supervise subordinate staff or complete employee PARs, which is done by Supervisors of Investigations.

In response, the Division of Agency Services argues that Investigator 2 is the proper classification for all five appellants. In this regard, it contends that the Investigator 1 title is a supervisory title as it is in the "R" Employee Relations Group (ERG), which is designated as the "Primary Level Supervisors Unit." It also indicates that as such, an incumbent in an Investigator 1 title would be required, *inter alia*, to be responsible for the preparation of employee performance evaluations. Finally, it indicates that it is in the process of modifying the Investigator 1 job specification to more clearly convey the supervisory requirement.

## CONCLUSION

The definition section of the job specification for Investigator 1 states:

Under general direction of a Supervisor of Investigations or other supervisory official, independently conducts sensitive, complex investigations, in the field or from the central office, involving alleged noncompliance with State statutes and regulatory requirements; may be responsible for supervision of a unit or team of investigators; does other related duties.

The definition section of the job specification for Investigator 2 states:

Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with State statutes and regulatory requirements; does other related duties.

In the instant matter, CPM appropriately found that the appellants' positions were properly classified as Investigator 2. While the definition of Investigator 1 provided above is not the paragon of clarity, it is clear that the title is at the supervisory level. In this regard, in addition to the inclusion of such language in the definition, several examples of work listed in the job specification confirm that individuals in this title function as supervisors. For example, and most illustrative, one example of work in the job specification states that an incumbent: "Supervises work operations and/or functional programs and has responsibility for employee evaluations, and for effectively recommending the hiring, firing, promoting, demoting, and/or disciplining of employees." As discussed below, the inclusion of this duty alone transforms a title to supervisory in nature.

Further evidence that the Investigator 1 title is at the supervisory level is its inclusion in the "R" ERG. In this respect, titles are assigned to ERGs based on the classification of the position by this agency. *See N.J.S.A. 11A:3-1*. Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. *See In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015) (Commission found that Auditor 1 was a supervisory level title based on job definition, duties and inclusion in "R" ERG).

Moreover, when a title is supervisory in nature, the Commission has found that, along with the myriad of other supervisory duties that must be performed, the essential component of supervision is the responsibility for formal performance evaluation of subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 8, 2001). As such, in order to be classified at the level of Investigator 1, an incumbent must supervise subordinate staff, including having the responsibility for performing formal performance evaluations. Merely making recommendations regarding a subordinate's performance, or even assisting in the preparation of a performance evaluation is not sufficient. Rather, to be considered a supervisor, the individual must be the person actually administering and signing off on the evaluation as the subordinate's supervisor. A review of the record does not establish that any of the appellants perform such duties.

Further, it is undisputed that, while all of the appellants are performing complex investigations and associated duties, such duties fall squarely within the job definition for Investigator 2.

Additionally, the Commission rejects Leshner's argument regarding purported past supervisory duties. In this regard, 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. Thus, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be

reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission review and judicial challenges. *See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M62780), and Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). *See also, In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992). *See also, In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993). Also, how well or efficiently an employee does his or her job, length of service, volume of work and qualifications have 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).

Regarding the appellants' argument that that incumbent Investigators 1 do not supervise subordinate staff or complete employee PARs, 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). Regardless, a thorough review of the entire record fails to establish that Dana Basile, Errol English, Craig Leshner, Cynthia Rome and Carol Seekamp have presented a sufficient basis to warrant an Investigator 1 classification of their positions.

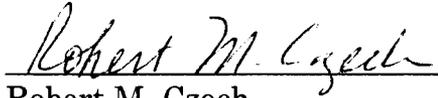
Finally, the Commission notes that, effective October 31, 2015, the Division of Agency Services has made appropriate modifications to the Investigator 1 job specification regarding the issue of supervision.

## **ORDER**

Therefore, the positions of Dana Basile, Errol English, Craig Leshner, Cynthia Rome and Carol Seekamp are properly classified as Investigator 2.

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 5<sup>th</sup> 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

Attachments

- c: Dana Basile (CSC Docket No. 2015-978)
- Errol English (CSC Docket No. 2015-901)
- Craig Leshner (CSC Docket No. 2015-806)
- Cynthia Rome (CSC Docket No. 2015-940)
- Carol Seekamp (CSC Docket No. 2015-902)
- John Walton
- 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

Robert M. Czech  
*Chair/Chief Executive Officer*

September 11, 2014

Ms. Dana M. Basile  
New Jersey Department of Banking and Insurance  
20 West State Street, 7<sup>th</sup> Floor  
Trenton, New Jersey 08625

**Subject:** Classification Determination – Dana M. Basile (000405568); New Jersey Department of Banking and Insurance; Consumer Protection Services/Consumer Assistance; CPM Log #04140301

Dear Ms. Basile:

This is in response to the classification appeal received April 16, 2014 submitted to this office on your behalf by Ms. Lisa Joy, Manager 1, Human Resources. The package indicates you are appealing your current permanent title of Investigator 2 (56783/I22) and you believe the appropriate classification of your position is Investigator 1 (56774/R25).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (Mr. Douglas Graham, Supervisor of Investigations); statements from the Assistant Insurance Commissioner (Mr. Gary Heuer) and a Table of Organization provided by the Appointing Authority.

**Organization:**

Your position is located in the New Jersey Department of Banking and Insurance, Bureau of Fraud Deterrence. Your immediate supervisor is Mr. Douglas Graham (Supervisor of Investigations). The position does not involve the direct supervision of other employees.

**Review and Analysis:**

The requested title of Investigator 1 is assigned to the "R" bargaining unit. Titles in the "R" bargaining unit are considered to be primary, or first-level, supervisor titles. As such, incumbents in these titles typically supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to that of Investigator 1.

Your current permanent title is that of Investigator 2. According to the classification specification, an Investigator 2 is defined as follows:

Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with state statutes and regulatory requirements; does other related duties.

An employee serving in the title of Investigator 2 is responsible for complex Investigation work and may be required to take the lead over the work of other employees. Taking the lead over the work of other employees does not include the direct supervision and evaluation of employee performance.

The descriptions of your current duties and assignments clearly indicate the complexity of your case work including the detailed processes of Investigating violations of the New Jersey Insurance Fraud Prevention Act; the review and certification of discovery items with the DAG; the coordination of joint investigations and the administration of the Bureau's case management database (InfoShare).

**Determination:**

The review has revealed the current duties and responsibilities assigned are commensurate with the enclosed job specification for the title of Investigator 2 (56783/I22). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, you are presently and properly classified in your permanent title of Investigator 2 (56783/I22).

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,

  
Mark B. Van Bruggen  
Supervising HR Consultant

Enclosure  
MVB

C: Ms. Lisa Joy, Appointing Authority  
PMIS Classification Determination Unit  
File ✓



Chris Christie  
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P.O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

September 11, 2014

Mr. Errol R. English  
[REDACTED]  
[REDACTED]

**Subject:** Classification Determination – Errol R. English (000370984); New Jersey Department of Banking and Insurance; Bureau of Fraud Deterrence, North Region (Whippany); CPM Log #03140248

Dear Mr. English:

This is in response to the classification appeal received March 17, 2014 submitted to this office on your behalf by Ms. Lisa Joy, Manager 1, Human Resources. The package indicates you are appealing your current permanent title of Investigator 2 (56783 / I22) and you believe the appropriate classification of your position is Investigator 1 (56774 / R25).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (Mr. Michael Trupkiewicz, Supervisor of Investigations); statements from the Assistant Insurance Commissioner (Mr. Gary Heuer) and a Table of Organization provided by the Appointing Authority.

**Organization:**

Your position is located in the New Jersey Department of Banking and Insurance; Bureau of Fraud Deterrence, North Region (Whippany). Your immediate supervisor is Mr. Michael Trupkiewicz, Supervisor of Investigations. The position does not involve the direct supervision of other employees.

**Review and Analysis:**

The requested title of Investigator 1 is assigned to the "R" bargaining unit. Titles in the "R" bargaining unit are considered to be primary, or first-level, supervisor titles. As such, incumbents in these titles typically supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to that of Investigator 1.

Your current permanent title is that of Investigator 2. According to the classification specification, an Investigator 2 is defined as follows:

Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with state statutes and regulatory requirements; does other related duties.

An employee serving in the title of Investigator 2 is responsible for complex Investigation work and may be required to take the lead over the work of other employees. Taking the lead over the work of other employees may include mentoring or training employees but does not include the direct supervision and evaluation of employee performance.

The descriptions of your current duties and assignments clearly indicate the complexity of your case work including the investigation of health, disability, worker's compensation, homeowners and auto insurance cases; the preparation of systematic investigative plans to initiate investigations; and the examination of complex documents and technical reports.

**Determination:**

The review has revealed the current duties and responsibilities assigned are commensurate with the enclosed job specification for the title of Investigator 2 (56783 / I22). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, you are presently and properly classified in your permanent title of Investigator 2 (56783 / I22).

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark B. Van Bruggen  
Supervising HR Consultant

Enclosure  
MVB

C: Ms. Lisa Joy, Appointing Authority  
PMIS Classification Determination Unit  
File ✓



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

Robert M. Czech  
Chair/Chief Executive Officer

September 12, 2014

Mr. Craig E. Leshner  
New Jersey Department of Banking and Insurance  
Bureau of Fraud Deterrence  
5 Executive Campus, Suite 205  
Cherry Hill, New Jersey 08002

**Subject:** Classification Determination – Craig E. Leshner (000100686); New Jersey Department of Banking and Insurance; Bureau of Fraud Deterrence, South Region (Cherry Hill); CPM Log #03140236

Dear Mr. Leshner:

This is in response to the classification appeal received March 17, 2014 submitted to this office on your behalf by Ms. Lisa Joy, Manager 1, Human Resources. The package indicates you are appealing your current unclassified title of Investigator 2 (56783 / I22) and you believe the appropriate classification of your position is Investigator 1 (56774 / R25).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (Mr. Jack Shull, Supervisor of Investigations); statements from the Assistant Insurance Commissioner (Mr. Gary Heuer) and a Table of Organization provided by the Appointing Authority.

**Organization:**

Your position is located in the New Jersey Department of Banking and Insurance; Bureau of Fraud Deterrence, South Region (Cherry Hill). Your immediate supervisor is Mr. Jack Shull, Supervisor of Investigations. The position does not involve the direct supervision of other employees.

**Review and Analysis:**

The requested title of Investigator 1 is assigned to the "R" Bargaining Unit. Titles in the "R" Bargaining Unit are considered to be primary, or first-level, supervisor titles. As such, incumbents in these titles typically supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to that of Investigator 1.

Your current unclassified title is that of Investigator 2. According to the classification specification, an Investigator 2 is defined as follows:

Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with state statutes and regulatory requirements; does other related duties.

An employee serving in the title of Investigator 2 is responsible for complex Investigation work and may be required to take the lead over the work of other employees. Taking the lead over the work of other employees may include mentoring or training employees but does not include the direct supervision and evaluation of employee performance.

The descriptions of your current duties and assignments clearly indicate the complexity of your work including the independent investigation of violations of the New Jersey Insurance Fraud Prevention Act; assisting and instructing other investigators and supervisors on detailed investigative procedures; and handling a majority of cases involving licensed medical professionals and/or facilities.

**Determination:**

The review has revealed the current duties and responsibilities assigned are commensurate with the enclosed job specification for the title of Investigator 2 (56783 / I22). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, you are presently and properly classified in your unclassified title of Investigator 2 (56783 / I22).

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark B. Van Bruggen  
Supervising HR Consultant

Enclosure  
MVB

C: Ms. Lisa Joy, Appointing Authority  
PMIS Classification Determination Unit  
File ✓



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Lt. Governor

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

Robert M. Czech  
Chair/Chief Executive Officer

September 11, 2014

Ms. Cynthia Rome  
NJ Department of Banking and Insurance  
Bureau of Fraud Deterrence  
One Apollo Drive  
Whippany, New Jersey 07981

**Subject:** Classification Determination – Cynthia Rome (000200405); New Jersey Department of Banking and Insurance; Bureau of Fraud Deterrence; CPM Log #03140230

Dear Ms. Rome:

This is in response to the classification appeal received March 17, 2014 submitted to this office on your behalf by Ms. Lisa Joy, Manager 1, Human Resources. The package indicates you are appealing your current permanent title of Investigator 2 (56783 / I22) and you believe the appropriate classification of your position is Investigator 1 (56774 / R25).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (Mr. Charles Canfield, Supervisor of Investigations); statements from the Assistant Insurance Commissioner (Mr. Gary Heuer) and a Table of Organization provided by the Appointing Authority.

**Organization:**

Your position is located in the New Jersey Department of Banking and Insurance, Bureau of Fraud Deterrence, North Region (Whippany). Your immediate supervisor is Mr. Charles Canfield (Supervisor of Investigations). The position does not involve the direct supervision of other employees.

**Review and Analysis:**

The requested title of Investigator 1 is assigned to the "R" Bargaining Unit. Titles in the "R" Bargaining Unit are considered to be primary, or first-level, supervisor titles. As such, incumbents in these titles typically supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to that of Investigator 1.

Your current permanent title is that of Investigator 2. According to the classification specification, an Investigator 2 is defined as follows:

Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with state statutes and regulatory requirements; does other related duties.

An employee serving in the title of Investigator 2 is responsible for complex Investigation work and may be required to take the lead over the work of other employees. Taking the lead over the work of other employees may include the mentoring and/or training of employees but does not include the direct supervision and evaluation of employee performance.

The descriptions of your current duties and assignments clearly indicate the complexity of your case work including the detailed processes of investigating a variety of violations of the New Jersey Insurance Fraud Prevention Act; the interviewing of witnesses; the writing of detailed summary reports and the referral of case materials to the DOL for review by the DAG.

**Determination:**

The review has revealed the current duties and responsibilities assigned are commensurate with the enclosed job specification for the title of Investigator 2 (56783 / I22). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, you are presently and properly classified in your permanent title of Investigator 2 (56783 / I22).

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark B. Van Bruggen  
Supervising HR Consultant

Enclosure  
MVB

C: Ms. Lisa Joy, Appointing Authority  
PMIS Classification Determination Unit  
File. /



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

Robert M. Czech  
Chair/Chief Executive Officer

September 12, 2014

Ms. Carol A. Seekamp  
New Jersey Department of Banking and Insurance  
Bureau of Fraud Deterrence  
One Apollo Drive  
Whippany, New Jersey 07981

**Subject:** Classification Determination – Carol Seekamp (000313898); New Jersey Department of Banking and Insurance; Bureau of Fraud Deterrence, North Region (Whippany, NJ); CPM Log #03140232

Dear Ms. Seekamp:

This is in response to the classification appeal received March 17, 2014 submitted to this office on your behalf by Ms. Lisa Joy, Manager I, Human Resources. The package indicates you are appealing your current unclassified title of Investigator 3 (56782/I19) and you believe the appropriate classification of your position is Investigator I (56774/R25).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (Mr. Charles Canfield, Supervisor of Investigations); statements from the Assistant Insurance Commissioner (Mr. Gary Heuer) and a Table of Organization provided by the Appointing Authority.

**Organization:**

Your position is located in the Department of Banking and Insurance; Bureau of Fraud Deterrence, North Region (Whippany, NJ). Your immediate supervisor is Mr. Charles Canfield, Supervisor of Investigations. The position does not involve the direct supervision of other employees.

**Findings of Fact:**

The primary responsibility of the position includes the reviewing of allegations of insurance fraud for complex medical cases. This involves:

- Reviewing the case and outlining the initial steps of the investigation.
- Interviewing witnesses, insurance company personnel and obtaining background information.
- Reviewing medical records, claims and other additional information/documentation.
- Assisting and working with colleagues, coworkers, and other agencies in the course of performing investigative work

**Review and Analysis:**

The requested title of the position is that of Investigator I (56774/R25). The title of Investigator I is assigned to the "R" Bargaining Unit. Titles in the "R" Bargaining Unit are considered to be primary, or

first-level, supervisor titles. As such, incumbents in these titles typically supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to that of Investigator 1.

The current title of the position is that of Investigator 3 (56782/I19). According to the classification specification, an Investigator 3 is defined as follows:

Under close supervision of a Supervisor of Investigations or other supervisory official, conducts routine investigations, in the field or from the central office, involving alleged noncompliance with state statutes and regulatory requirements; does other related duties.

An employee serving in the title of Investigator 3 is responsible for the performance of routine investigations under close supervision. The statements of the employee continually emphasize she works on "complex medical cases". These statements are agreed upon by the immediate supervisor. In addition, the statements of the immediate supervisor indicate an important duty of the employee is to work with limited supervision. As a result, the current investigative responsibilities of the position are not routine in nature and the level of supervision is not considered to be "close" supervision. As a result, the duties of this position are not commensurate with those of an employee serving in the title of Investigator 3.

According to the classification specification, an Investigator 2 (56783/I22) is defined as follows:

Under limited supervision of a Supervisor of Investigations or other supervisory official, conducts complex investigations, in the field or from the central office, involving alleged noncompliance with statutes and regulatory requirements; does other related duties.

An employee serving in the title of Investigator 2 is responsible for complex Investigation work and may be required to take the lead over the work of other employees. Taking the lead over the work of other employees may include mentoring or training employees but does not include the direct supervision and evaluation of employee performance.

The descriptions of your current duties and assignments clearly indicate the complexity of your work including the investigation of complex medical cases with limited levels of supervision. As a result, the duties of this position are deemed to be commensurate with those of an employee serving in the title of Investigator 2.

**Determination:**

The review has revealed the current duties and responsibilities assigned to the position are commensurate with the enclosed job specification for the title of Investigator 2 (56783/I22). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, the appropriate classification of your position is the title of Investigator 2 (56783/I22). This action shall be effective April 5, 2014.

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark B. Van Bruggen  
Supervising HR Consultant

Enclosure  
MVB

C: Ms. Lisa Joy, Appointing Authority  
PMIS Classification Determination Unit  
File ✓

