



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Lawrence Marinari,  
Department of the Treasury

Classification Appeal

CSC Docket No. 2016-1533

ISSUED: **NOV 28 2016** (SLK)

Lawrence Marinari appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of the Treasury is Technical Assistant, Management Information Systems. The appellant seeks a classification of Technical Support Specialist 2.

By way of background, in a Position Classification Questionnaire (PCQ) received by Agency Services on March 21, 2013, the appellant submitted a classification appeal arguing that his duties were not consistent with his permanent title of Technical Assistant, Management Information Systems. In support of that request, the appellant's PCQ detailed the different duties he performed as a Technical Assistant, Management Information Systems. Agency Services reviewed and analyzed the PCQ completed by the appellant as well as other information and documentation provided by the appellant. On April 5, 2013, Agency Services conducted a telephone audit with the appellant and his supervisor. In its September 6, 2013 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 Technical Assistant, Management Information Systems. It is noted that the appellant's appeal of that determination to the Civil Service Commission (Commission), was denied. *See In the Matter of Lawrence Marinari* (CSC, decided March 26, 2014).

The record in the present matter establishes that the appellant's permanent title is Technical Assistant, Management Information Systems. He is assigned to the Division of Revenue & Enterprise Services, Solution Delivery and reports to Michael Fish, Supervisor Information Technology. The appellant does not have any

supervisory responsibilities. On May 29, 2014, the appellant submitted a second classification appeal to Agency Services, alleging that his duties are more closely aligned with the duties of a Technical Support Specialist 2. In its November 12, 2014 decision, Agency Services again concluded that the appellant's position was properly classified as Technical Assistant, Management Information Systems. The appellant appealed that determination to the Commission, and the Division of Appeals and Regulatory Affairs (DARA) referred the matter back to Agency Services for further analysis of its decision. On September 28, 2015, Agency Services issued another decision concluding that the appellant's position was properly classified as Technical Assistant, Management Information Systems. It indicated that its analysis was based on comparing the PCQ and Performance Assessment Review (PAR) from the appellant's March 21, 2013 classification appeal with his current PCQ and PAR. Therefore, since the Commission's March 26, 2014 decision determined that the appellant's position was properly classified as Technical Assistant, Management Information Systems and there were no substantive changes in his duties based on its re-review of the entire record, Agency Services determined that appellant's position was properly classified in that title.

On appeal, the appellant maintains that Agency Services' November 12, 2014 decision failed to include his primary duties that he actually performs and that were documented in his most recent PCQ. For instance, on his current PCQ, he indicated that he spent 20 percent of his time as a senior technician with the responsibility of installing, configuring, upgrading and troubleshooting LAN and WAN component switches, wireless access points and bridges. However, Agency Services' decision found that he provided solutions for PC and/or network connectivity problems. The appellant emphasizes that his responsibilities are more complex than before and he is now a senior person who resolves problems and does not work under the direction of another. Additionally, he provides that his current PCQ highlights that he is a primary point of contact for other technicians, which takes up 67 percent of his time, and he asserts that this higher level of expertise is the basis for his classification appeal. Further, the appellant believes that since Agency Services did not interview his supervisor or him for this current matter that it failed to provide an accurate factual basis to support its findings. Moreover, he contends that Agency Services' use of its prior classification determination and the Commission decision as a basis of its analysis was improper. Additionally, the appellant asserts that Agency Services' use of PARs for the purpose of determining his duties is misplaced but asserts that there were significant differences between his PARs ending in 2013 and 2014. The appellant presents that the PCQ that he submitted for the current matter contains duties that were not included in Agency Services' decision. Further, although the appellant acknowledges that his 2015 PAR is not part of the record for this matter, he submits it with this appeal to show that there have been substantial changes in his duties. For example, his 2015 PAR shows his Job Responsibility 1 as "Lead Support Technician" while his 2013 PAR lists his Responsibility: 1 as "Hardware installations and minor configuration

changes to Ethernet switches.” Therefore, the appellant asserts that Agency Services failed to perform a comprehensive analysis of his position.

In reply, Agency Services represents that it considered the appellant’s duties as he represented on his recent PCQ and those duties are listed in its determination. However, after reviewing the appellant’s PCQs and PARs from his original and current appeals, there was no substantial change of his duties. Agency Services disputes the appellant’s claim that he did not receive proper due process since an interview was not performed for his second classification review. Agency Services notes that it is not mandatory that it conduct a telephone audit. Further, it reiterates that the appellant’s PAR for the period ending August 31, 2015 which he now submits on appeal cannot be considered since it was not originally submitted at the time of the audit. Agency Services indicates that it considered several titles in making its determination, and determined that there were not additional duties or responsibilities being performed to substantiate a reclassification of the position to Technical Support Specialist.

## CONCLUSION

The definition section of the job specification for Technical Assistant, Management Information Systems states:

Under supervision assigned to a program or operational unit having responsibility for a specific, existing information processing system operation, performs technical functions in support of management information systems used to process varied types of financial, program, or other information unique to the unit; operates computer terminal or PC for information processing; installs, utilizes, maintains, and troubleshoots information processing systems and system software; organizes, inputs, processes, and outputs source materials, raw data, and processed data; sets up and maintains data bases and software files; performs file maintenance; provides technical information/assistance to other system users; does other related duties.

The definition section of the job specification for Technical Support Specialist 2 states:

Under general supervision, in a mainframe environment, provides direct hands on support to a work shift of the Data Processing Operations unit in resolving production problems from verbal or written problem reports; consults with Technical Support Specialist 1, and/or network management and systems programming staff for problem diagnosis, assistance, and resolution; monitors and allocates space or direct access storage devices; uses productivity aids in

implementing and maintaining software, applications, and systems libraries; OR, in a client/server environment, provides hardware/software support to end users; installs hardware and software on servers and/or workstations; does other related duties.

In the present matter, the appellant's position is properly classified as Technical Assistant, Management Information Systems. A review of the appellant's PCQ submitted in support of his March 21, 2013 classification appeal indicates that his primary duty was to provide technical support for computer networks. As part of these duties, he provided technical assistance for other technicians regarding network issues. In *Marinari, supra*, the Commission determined that the appellant's position was properly classified as a Technical Assistant, Management Information Systems. The appellant's PCQ in support of the instant request for reclassification also indicates that the appellant's primary duty is to provide technical support for computer networks. Additionally, as part of this support, he provides technical assistance for other technicians regarding network issues. While the appellant asserts that his duties are more complex than before and he has gained additional expertise, this does not necessarily warrant reclassification of his position.

It is axiomatic that an employee's job duties evolve over time. While an employee may be able to perform basic and essential tasks of a particular position on a date of hire, an employee does not become fully functional in the position until sometime later. In this case, the appellant's duties as a Technical Assistant, Management Information Systems have evolved over time to the level normally expected of a fully functional employee in the title. For example, the PCQ he submitted in support of his March 21, 2013 reclassification requested indicated that he would "Troubleshoot and correct network related issues logged to the Treasury Service Desk." and now he indicates that he is to "Identify and independently solve complex multi-layered network connectivity problems." Additionally, the appellant previously stated that he "Provide[d] technical assistance to level 2 desktop technicians regarding network issues." In the current PCQ, he indicated that he "Act[s] as primary point of contact for other technicians within the organization and respond[s] to networking questions from the team, enhancing productivity and facilitating knowledge transfer." However, even if the appellant's duties are more complex than before and his co-workers look to him more as he gained additional expertise, what the appellant describes is the typical evolution of duties and knowledge that one gains with experience in a position, but not a substantial change in responsibilities that would warrant the reclassification of a position. See *In the Matter of Paul Bieksza* (Commissioner of Personnel, decided July 26, 1999) (Duties assigned to a particular position evolve over time based on the relative competencies of the position incumbent but appellants in classification proceedings have the burden to demonstrate that the duties of the position have evolved to an extent warranting reclassification of the position to a higher in-series title).

Moreover, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized.

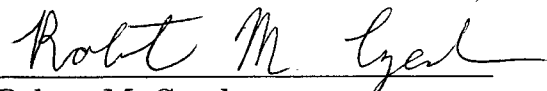
With respect to the appellant's claim that Agency Services did not include the relevant duties in its determination, although the determination may not have described his duties verbatim, it is clear that all of his duties were considered. For example, Agency Services indicated that it found, among other things, that the appellant provides solutions for network connectivity issues, monitors network performance, and provides technical assistance for the help desk technician on network issues. In reference to the appellant's argument that Agency Services should not have compared and used documents from the first appeal in this appeal because they are not relevant, the Commission had rendered a decision in March 2014 that the appellant's position was properly classified. Therefore, it was proper for Agency Services to look at his new PAR and compare it to the PAR that was considered in the previous decision to see if there were any substantial changes that would potentially warrant a change in the position's classification. With regard to the appellant's assertion that his due process rights were violated since neither his supervisor nor he were interviewed in this appeal, classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). Consequently, a classification review does not require an interview and may be decided on the paperwork. Additionally, as acknowledged by the appellant, his most recent PAR that was not submitted at the time of his most recent request for a review of his position and thus, cannot be considered in this matter.

### ORDER

Therefore, the Civil Service Commission concludes that the position of Lawrence Marinari is properly classified as a Technical Assistant, Management Information Systems.

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 23<sup>rd</sup> DAY OF NOVEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachments

c: Lawrence Marinari  
Douglas Ianni  
Kelly Glenn  
Records Center



Chris Christie  
*Governor*  
Kim Guadagno  
*Lt. Governor*

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
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Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312  
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Robert M. Czech  
*Chair/Chief Executive Officer*

April 13, 2015

✓ Lawrence Marinari  
Department of the Treasury  
Division of Revenue & Enterprise Services  
50 West State Street  
P.O. Box 238  
Trenton, NJ 08625-0238

**Re: Classification Appeal, Department of the Treasury,  
CSC Docket No. 2015-1738**

Dear Mr. Marinari:

This is in reply to your appeal received December 2, 2014 regarding the determination of the Division of Classification and Personnel Management (currently, the Division of Agency Services (DAS)) that you were properly classified as a Technical Assistant, Management Information Services.

Based upon the arguments that you presented, your appeal is being referred back to DAS for further analysis of its determination. As this matter is not yet resolved at the lower level, the appeal file with the Division of Appeals and Regulatory Affairs in this matter has been closed. Please be advised that you may file a new appeal within 20 days of the date of DAS's re-determination.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Evans".

Rebecca Evans  
Personnel and Labor Analyst

c: Douglas Ianni  
Kenneth Connolly  
Joseph Gambino



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

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Robert M. Czech  
Chair/Chief Executive Officer

September 28, 2015

Mr. Lawrence Marinari

[REDACTED]  
[REDACTED]

**RE: Classification Appeal - Technical Assistant Management Information Systems, No AS Log Number**

Dear Mr. Marinari:

The Division of Appeals and Regulatory Affairs (DARA) has referred your classification appeal to the Division of Agency Services (AS) for further review and re-determination.

**Background:**

March 19, 2013 - you submitted a Classification Appeal arguing that your current title of Technical Assistant Management Information Systems (A13) was not consistent your current assigned duties and responsibilities. You contended that the title Information Technology Specialist (P21) was consistent with the duties and/or responsibilities that you perform.

April 5, 2013 - a telephone desk audit was conducted with you and you immediate supervisor, Michael Fish, Supervisor Information Technology. The major duties of the position under review at that time were ascertained from you and confirmed by Mr. Fish.

September 6, 2013 - Agency Services (AS) rendered a determination that the appropriate classification for your position was that of Technical Assistant Management Information Systems.

October 3, 2013 - you appealed AS' determination to the Division of Appeals and Regulatory Affairs (DARA).



Mr. Lawrence Marinari

Page 2

September 28, 2015

March 28, 2014 - DARA issued a Merit System Board decision (CSC Docket No. 2014-886) concluding that your position is properly classified as Technical Assistant Management Information Systems.

May 29, 2014 - you submitted a second Classification Appeal arguing that the title Technical Support Specialist 2 (P20) was consistent with the duties and/or responsibilities that you perform.

November 12, 2014 - AS rendered a second determination that the appropriate classification for your position was that of Technical Assistant Management Information Systems.

December 16, 2014 - you appealed AS' determination to DARA.

April 13, 2015 – DARA closed their file (CSC Docket No. 2015-1738) and referred it to AS for further analysis of their determination.

A careful analysis of the Position Classification Questionnaire (DPF-44S) and Performance Assessment Evaluation System (PAR) that you provided with your May 29, 2014 appeal was compared to the one previously submitted with your March 19, 2013 appeal. The result of the comprehensive review found that there were not any substantive changes in duties and/or responsibilities. Further, the Division of Appeals and Regulatory Affairs rendered a determination, CSC Docket No. 2014-886, issued March 28, 2014, cited that your position is properly classified as Technical Assistant Management Information Systems (A13-53096). Based upon this assessment, a substantive change in the assigned duties and/or responsibilities of your position has not been demonstrated.

After a careful review and analysis of the information provided, your appeal lacks any additional duties or responsibilities being performed that would alter Agency Services' original determination.

In conclusion, the position under review is properly classified as Technical Assistant Management Information Systems.

Mr. Lawrence Marinari  
Page 3  
September 28, 2015

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current permanent title Technical Assistant Management Information Systems (A13-53096).

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, PO Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader  
Agency Services

JR/rmd

c: Ms. Laura Budzinski, Department of the Treasury  
Ms. Rebecca Evans, DARA



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  
(609) 292-8189

Robert M. Czech  
*Chair/Chief Executive Officer*

November 12, 2014

Mr. Lawrence Marinari  
Department of the Treasury  
Division of Revenue & Enterprise Services  
50 West State Street  
PO Box 238  
Trenton, New Jersey 08625-0238

**RE:Classification Appeal – Technical Assistant Management Information  
Systems, CPM Log #06140011, Position# 960937, EID #000337163**

Dear Mr. Marinari:

This is to inform you, and the Department of the Treasury, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

**Issue:**

You are appealing your current permanent title of Technical Assistant Management Information Systems (A13) is not consistent your current assigned duties and responsibilities. You contend that the title Technical Support Specialist 2 (P20) is consistent with the duties that you currently perform.

**Organization:**

Your position is located is assigned to the Division of Revenue & Enterprise Services, Enterprise Services, Solution Delivery. You report directly to Michael Fish, Supervisor Information Technology (R31), and do not have supervisory responsibility.

Mr. Lawrence Marinari

Page 2

November 12, 2014

**Finding of Fact:**

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

- Troubleshooting and/or correcting network related issues logged to the Division of Revenue & Enterprise Services (DORES) Information Technology (IT) help desk.
- Providing solutions for PC and/or network connectivity problems.
- Providing technical assistance to Level 2 Department Of Revenue and Enterprise Services (DORES) Information Technology (IT) help desk technicians regarding network issues.
- Monitoring network health including: testing cables, identifying port setting problems with speed, duplex and/or protocol mismatches.
- Monitoring performance of Ethernet switches and wireless bridges utilizing command line interface, Web Browser, Cisco Works LMS 3.2, and PRTG Network Monitor.
- Installing items such as: network hardware upgrades; replacements for CISCO Routers; line cards; wireless devices; and/or Category 6 and/or fiber cables.

**Review and Analysis:**

Your position is currently classified by the title Technical Assistant Management Information Systems (A13-53096). The definition section of the job specification for this title states:

“Under supervision assigned to a program or operational unit having responsibility or a specific, existing information processing system operation, performs technical functions in support of management information systems used to process varied types of financial, program, or other information unique to the unit; operates computer terminal or PC for information processing; installs, utilizes, maintains, and troubleshoots information processing systems and system software; organizes, inputs, processes, and outputs source materials, raw data, and processed data; sets up and maintains data bases and software files; performs file maintenance; provides technical information/assistance to other system users; does other related duties.”

The definition section of the job specification for the title Technical Support Specialist 2 (P20-53061) states:

Mr. Lawrence Marinari

Page 3

November 12, 2014

“Under general supervision, in a mainframe environment, provides direct hands on support to a work shift of the Data Processing Operations unit in resolving production problems from verbal or written problem reports; consults with network management and systems programming staff for problem diagnosis, assistance, and resolution; monitors and allocates space or direct access storage devices; uses productivity aids in implementing and maintaining software, applications, and systems libraries; OR in a client/server environment, provides hardware/software support to end users; installs hardware and software on servers and or workstations; does other related duties.”

A Technical Support Specialist 2 assists in the resolution of online and batch problem reports in timely and accurate manner; consults with the network management and staff for assistance in resolution of more difficult problems; identifies recurring batch production problems from problem reports or a problem tracking system; identifies inefficient production processes and programs and assists in increasing their efficiency through the use of streaming techniques and in-house productivity aids; assists other data processing personnel and user personnel in the use of productivity aids, job control languages, utility programs and testing and debugging programs; provides support in the maintenance of mainframe connections; answers inquiries from system users; explains systems functions and provides technical assistance in the use and application of system features; and codes, tests, and implements program modules using Data Center productivity aids, for special hardware or software statistical or analytical reports.

A review of your primary job duties and/or responsibilities finds that this position is primarily responsible for: troubleshooting and/or correcting network related issues logged to the Division Of Revenue & Enterprise Services (DORES) Information Technology (IT) help desk; monitoring network health including: testing cables, identifying port setting problems with speed, duplex and/or protocol mismatches; and/or installing items such as: network hardware upgrades; replacements for CISCO Routers; line cards; wireless devices; and/or Category 6 and/or fiber cables.

A careful analysis of the information provided, as well as a comprehensive assessment of a previous Classification Appeal determination issued on September 6, 2013 and as well as a review of the Division of Appeals and Regulatory Affairs, Department of the Treasury, CSC Docket No. 2014-886 issued March 28, 2014, has been completed. Based upon this information, a significant substantial change in the assigned duties and responsibilities of this position has not been demonstrated.

Mr. Lawrence Marinari  
Page 4  
November 12, 2014

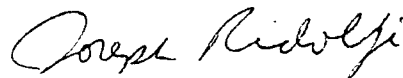
The assigned duties and responsibilities of the position under review are consistent with the established standards for incumbents functioning in the title Technical Assistant Management Information Systems (A13-53096).

**Determination:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current permanent title Technical Assistant Management Information Systems (A13-53096).

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, PO Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader  
Classification and Personnel Management

JR/rmd

c: Laura Budzinski, Manager, Department of the Treasury