

range P23 (\$65,428.95); and Rodgers, who had been on step 6 of salary range C18 (\$57,633.98), was placed on step 1 of salary range P23 (\$59,861.07).²

On appeal, the appellants argue that *N.J.A.C.* 4A:3-4.9 was not applied appropriately. In this regard, they argue that their movement should have been processed as a “promotion” and not as an “advancement.” Moreover, they maintain that their prior title clearly provided significant preparation and training for service in the higher title. Specifically, they argue that as it was clear that they were performing out-of-title duties, which resulted in their classification appeal being granted, and them being reclassified into the higher title, then the sole reliance of occupational groups to determine whether a prior title provided significant preparation and training is untenable. Thus, their movement to a higher title must be treated as a promotion and they are entitled to a salary increase equal to at least one increment in the salary range of the former title, plus the amount necessary to place them on the next higher step in the new range. The appellants also argue that the number of years that they performed the out-of-title duties, warrants a higher salary upon their reclassification.

Despite an opportunity to do so, no arguments were received from the appointing authority.

CONCLUSION

N.J.A.C. 4A:3-4.9 provides, in relevant part, that:

* * *

- (b) Employees who are appointed to a title with a higher class code shall receive a salary increase equal to at least one increment in the salary range of the former title plus the amount necessary to place them on the next higher step in the new range. If the workweek changes, workweek adjustments will be made prior to the determination of anniversary date. If the workweek increases, workweek adjustments will be made prior to salary determination. (See (g) below). This subsection shall apply when the following conditions are met:
1. Employees are appointed from their permanent title to a title with a higher class code following or subject to a promotional examination;

² Initially, the appellants were placed in the 35-hour workweek version of the Information Technology Specialist title (range P21). Subsequently, they were placed in the 40-hour workweek version (range P23), retroactively.

2. Employees are serving in a title which is reevaluated to a higher class code;
 3. Employees are appointed to a title with a higher class code, when the conditions in (b)1, 2, or 3³ above are not applicable, provided the Chairperson of the Civil Service Commission or designee finds the following criteria are met:
 - i. The employee has served continuously in the lower title for at least four months immediately preceding the effective date of the advancement; and
 - ii. The service in the lower title provided significant preparation and training for service in the higher title.
- (c) When an employee is advanced to a title with a salary schedule which is different (dollar value of ranges and steps do not coincide) from the employee's previous salary schedule, the steps described in (b) above are first performed in the previous schedule, and then the employee's salary is set at the lowest step in the new schedule and range that equals or exceeds that salary.
- (d) When an employee has been at the maximum of his or her previous salary range for at least 39 pay periods, and the salary increases after workweek adjustment would be less than two increments in the employee's previous range, the employee shall receive an additional increment in the new range, providing the employee is not already at the maximum of the new range.
- (e) Employees who do not meet the criteria set forth in (b) above shall be placed on a step in the salary range of the title with the higher class code that is the same or next higher than the salary paid in the title with the lower class code.
1. The adjustments described in (c) and (d) above shall be applied as appropriate.
- * * *
- (g) The workweek adjustment is computed by finding the workweek adjusted range, according to the following chart, and then placing the employee on the same step in the workweek adjusted range as the employee's step in the former range.

³ In 2019 (b)4 was recodified as (b)3. However, the reference to "(b)1,2, or 3 above," was not similarly changed. Therefore, this should be read as "(b) 1 or 2 above."

Workweek of Employee's Former Title	Workweek Of Employee's New Title		
	35 or 3E	NL or NE	40, 4E or N4
35 or 3E	No Change	+1 Salary Range	+2 Salary Ranges
NL or NE	-1 Salary Range	No Change	+1 Salary Range
40, 4E or N4	-2 Salary Ranges	-1 Salary Range	No Change

* * *

The job specification for Communications Systems Technician 1 provides that, under the close supervision of a Communications Systems Technician 3 or other supervisory official, does simple installations, tests, sets-up (configures), troubleshoots and repairs data and voice communication network hardware systems, including various peripheral devices and wiring systems associated with minicomputer, microcomputer or mainframe computer-based systems, Local Area Networks (LAN), and multi-line telephone systems and equipment; does other related duties as required. Some examples of work are: installs, tests, and repairs wiring systems; fabricates cables or cable connectors; installs inside cables and wires to connect data communication network hardware; troubleshoots problems with wiring systems; checks operation of LAN and related equipment; troubleshoots mechanical or electrical problems in minicomputer or mainframe hardware systems; configures, maintains, and troubleshoots microcomputer, minicomputer, or mainframe data communication network hardware and equipment; operates volt or ohm meters and signal tracers; adjusts equipment to manufacturer's specifications; installs, tests, troubleshoots, and repairs problems with multi-line telephone systems and equipment; installs computer board components, electronic facsimile communications hardware, cables and wires to connect multi-line telephone systems and equipment; and troubleshoots computer voice communication hardware.

The job specification for the title of Information Technology Specialist provides that, under direct supervision in a State department, agency, data center, institution, or State college, assists in at least one of the following areas: the design and preparation of least complex operation routines and computer programs for electronic data processing equipment utilizing required and current software, operating systems, and multiprogramming technology; the control or implementation /maintenance of highly technical operating systems associated with new generations of computers to function toward optimum utilization of available hardware/software using comprehensive knowledge of the operating system function; the development, implementation, and maintenance of multi-network, multi-user LANs, Metropolitan Area Networks (MAN), or Wide Area Networks (WAN), the maintenance of centralized, decentralized and remote network services, network security, data integrity, network performance monitoring, network problems resolution, and user

support. Some examples of work are, studies agency work processes and methods; prepares flowcharts and block diagrams and codes program modules of the least complexity for application systems development; performs desk checking of program modules and prepares remote testing documentation prior to submitting programs to information processing operations for testing; checks program module coding to determine program deficiencies and corrects coding as necessary; prepares systems control statements and utility program parameters for later use by data processing analysts in obtaining information processing operations signoff and may assist in conducting application parallel testing; maintains production application programs/program modules as necessary; may operate electronic data processing and peripheral equipment to test coded programs in analyzing/correcting program error stops; may study operating systems and available software to determine which programming technique will result in optimum timing, storage utilization, and overall efficiency; studies procedural difficulties and operating problems and confers with analysts, programmers, and supervisors toward resolution; combines program modules into a complete executable program to test module interaction for production purposes, and prepares system control statements for the purpose of cataloging application programs; monitors production reliability, performs detailed analysis of data processing related operational problems, and determines causes and applies temporary or permanent fixes; provides technical assistance to other data processing personnel on problems dealing with operating systems, computers, utility programs, system control parameters software/hardware, and application system programs; analyzes error conditions which arise during testing or operations, and confers with planning/technical services about deficiencies in operating system support or in associated program manuals; may control system library updates, updates of programs, and system revisions in accord with established standards; installs the proper mix of vendor/manufacturer supplied software, and implements new software and operating system modifications minimizing adverse effects on current production and testing systems; installs proprietary software packages designed to measure/improve system utilization including hardware/software monitors; performs software systems studies, hardware capacity analysis, and hardware/software projections to ensure adequate machine resource for projected workloads; documents the impact, from a hardware/software viewpoint, projected on the installation of additional data communications lines, database management systems requirements, and online program development requirements; installs and maintains database/data communications software to ensure a working interface and effective performance between applications software, systems software, and installed hardware; maintains availability of centralized, decentralized, and remote network services including but not limited to file service, printing, local electronic mail, Internet electronic mail, office applications, remote access, Internet web connectivity, and mainframe gateway; may track/troubleshoot/correct network related issues either logged through the help desk or recorded through the monitoring of the network; installs software updates and patches to network operating systems, server-based applications, and centralized services; installs hardware upgrades for network

servers, gateways, and associated telecommunication devices; plans, configures, and troubleshoots networked devices including but not limited to printers, personal computers, facsimile, modems, plotters, and scanners; may install or troubleshoot network wiring; diagnoses and repairs network hardware; monitors performance of servers and telecommunications devices (such as hubs, switches, and routers); installs, troubleshoots, tunes and optimizes such devices to maximize performance and throughput, and minimize downtime; checks and responds appropriately to errors logged by the server or network devices; and researches network security issues and recommends tools and processes to management.

All Civil Service titles are assigned to an Occupational Group, which classifies titles by type. The Communications Systems Technician 1 title is in Occupational Group 72 (Occupations in Repair of Electrical Equipment)⁴ while Information Technology Specialist is in Occupational Group 12 (Information Processing Systems).⁵ Occupational Group 72 is classified under the category of “Benchwork Occupations” and Occupational Group 12 is classified under the category of “Professional, Technical, and Managerial Occupations.”⁶

The Salary Schedules in effect at the time of the appellants’ appointments were, in part, as follows:

⁴ The Civil Service Commission’s Occupational Code Dictionary (OCD) indicates that this subcategory includes occupations concerned with assembling, fabricating, or repairing equipment, components, and parts for equipment to transmit, control, or convert electrical power; signaling and detection equipment; radio and television equipment; and communications equipment.

⁵ This subcategory in the OCD includes occupations concerned with the application of information processing methods and techniques to store, manipulate, transform, or present information by means of computer systems, including the development of application system software, hardware systems design, and telecommunication systems.

⁶ The United States Department of Labor (USDOL), Employment and Training Administration, organizes groups of jobs into “occupations” based on their similarities and defines the structure and content of occupations in the *Dictionary of Occupational Titles* (DOT). The Employment and Training Administration reports that the occupational definitions are the result of “comprehensive studies of how similar jobs are performed in establishments across the nation and are composites of data collected from diverse sources.” Thus, the term “occupation” as used in the DOT refers to this collective description of a number of individual jobs performed, with minor variations, in many establishments. Occupations are clustered into nine broad “categories,” which are further divided into “divisions” and then into specific “groups.” See *Dictionary of Occupational Titles, Volume 1, Fourth Edition, Revised 1991, Employment and Training Administration*.

	RANGE P23		RANGE C18
INCREMENT	\$2,783.94	INCREMENT	\$2,139.41
STEP ONE	\$59,861.07	STEP SIX	\$57,633.98
STEP TWO	\$62,645.01	STEP SEVEN	\$59,773.39
STEP THREE	\$65,428.95	STEP EIGHT	\$61,912.80
STEP FOUR	\$68,212.89	STEP NINE	\$64,052.21
STEP FIVE	\$70,996.83	STEP TEN	\$66,191.62

In the instant matter, the appellants argue that their salary increase were improperly calculated under *N.J.A.C.* 4A:3-4.9(b). Initially, they argue that their salary was processed as an “advancement” rather than as a “promotion” as it should be. However, under civil service rules and regulation a “promotion” and an “advancement” are the same for all intents and purposes. Rather, the difference in determining the proper salary upon a promotion (a movement to a title with a higher class code in State government), is whether the individual who was promoted is promoted subject to a promotional examination or in a title that was reevaluated to a higher class code, and if not, whether the lower title provided significant preparation and training. In the instant matter, the appellants’ title was not reevaluated to a higher class code, and since the title of Information Technology Specialist is a non-competitive title, their appointments were not subject to a promotional examination. As such, *N.J.A.C.* 4A:3-4.9(b)3 must be applied to determine how their salary upon their promotion shall be calculated.

Although *N.J.A.C.* 4A:3-4.9(b)3ii does not define “significant preparation and training,” this agency has, as a matter of longstanding practice, utilized the placement of titles in individual occupational groups as an objective tool to make a myriad of determinations. For example, this agency utilizes a uniform and objective automated system to determine the layoff rights for all titles. This system uses occupational group categorizations, as recognized by the USDOL, and is an objective method for identifying job similarities as required by *N.J.A.C.* 4A:8-2.1. *See In the Matter of State Layoff Title Rights* (Commissioner of Personnel, decided May 24, 1996), *aff’d*, Docket No. A-5847-95T3 (App. Div. December 9, 1997). Accordingly, the the use of occupational groups to determine whether a previous title provided “significant preparation and training” for a new title is a valid and proper standard.

In this matter, the titles of Communications Systems Technician 1 and Information Technology Specialist are in different occupational groups. However, the Commission is required to review every appeal based on the particular record presented. *See In the Matter of Jose Gonzalez, Department of Human Services* (MSB, decided January 26, 2005). A review of the record in this matter clearly indicates that the position of Communications Systems Technician 1 does not provide “significant preparation and training” for the position of Information Technology Specialist. Specifically, a review of the above noted job specifications reveals that

individuals in the title of Communications Systems Technician 1 and individuals in the title of Information Technology Specialist performs different duties.

An individual in the title of Communications Systems Technician 1 does simple installations, tests, sets-up (configures), troubleshoots and repairs data and voice communication network hardware systems, including various peripheral devices and wiring systems associated with minicomputer, microcomputer or mainframe computer-based systems, LANs, and multi-line telephone systems and equipment. Whereas an individual in the title of Information Technology Specialist assists in at least one of the following areas: the design and preparation of least complex operation routines and computer programs for electronic data processing equipment utilizing required and current software, operating systems, and multiprogramming technology; the control or implementation/maintenance of highly technical operating systems associated with new generations of computers to function toward optimum utilization of available hardware/software using comprehensive knowledge of the operating system function; the development, implementation, and maintenance of multi-network, multi-user LANs, MANs, or WANs; the maintenance of centralized, decentralized and remote network services, network security, data integrity, network performance monitoring, network problems resolution, and user support. Consequently, it is clear that the title of Communications Systems Technician 1 is substantially different from, and would not have provided significant preparation and training for, the title of Information Technology Specialist.

Moreover, with regard to the appellants' argument that they had been working out-of-title while serving in the title of Communications Systems Technician 1 and therefore their prior position provided significant preparation and training, the Chairperson does not agree. In this regard, when determining whether a particular title provided "significant training and preparation," the Chairperson must look at what the appropriate duties for that particular title and **not** the performance of out-of-title duties. Therefore, based on the foregoing, the appellants' salaries were properly calculated utilizing *N.J.A.C. 4A:3-4.9(b)3ii*, upon their promotion to the non-competitive title of Information Technology Specialist.

ORDER

Therefore, it is ordered that these appeals be denied.

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

DECISION RENDERED ON
THE 27TH DAY OF JULY, 2023

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