



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE CHAIR/  
CHIEF EXECUTIVE OFFICER  
CIVIL SERVICE COMMISSION

In the Matters of Timothy Hann, *et. al*, Office of Information Technology

CSC Docket Nos. 2024-931, *et. al*

Request for Reconsideration

ISSUED: September 9, 2024 (SLD)

Timothy Hann, William Rodgers and Daniel T. Doyle, Information Technology Specialists with the Office of Information Technology (OIT), represented by Dudley Burdge, Senior Staff Representative, CWA Local 1032, request reconsideration of the final administrative decision, rendered on July 27, 2023 which denied their appeal regarding the calculation of their salaries upon promotion pursuant to *N.J.A.C. 4A:3-4.9*. Since these matters concern the same issue, they have consolidated herein.

By way of background, Hann, Rodgers and Doyle had previously served in the competitive title of Communications Systems Technician 1, (salary range C18), from May 27, 2017 to November 6, 2020, October 17, 2015 to November 6, 2020 and May 14, 2016 to November 6, 2020, respectively. They subsequently filed classification appeals and as a result, were placed in the non-competitive title of Information Technology Specialist (salary range P23), effective November 7, 2020.<sup>1</sup> Upon their appointment to the Information Technology Specialist title, their salaries were calculated pursuant to *N.J.A.C. 4A:3-4.9(b)3*. In this regard, Hann and Doyle, who had been on step 10 of salary range C18 (\$61,912.80), were placed on step 3 of salary

<sup>1</sup> Although the decision from the Division of Agency Services notes an effective date of November 7, 2020, Hann's effective date in the Personnel Information Management System (PMIS), is listed as November 20, 2020.

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).<sup>2</sup>

Initially, the petitioners argued that their movement should have been processed as a “promotion” and not as an “advancement.” Moreover, they maintained that their prior title clearly provided significant preparation and training for service in the higher title. Specifically, they argued that as it was clear that they were performing out-of-title duties, which resulted in their classification appeals 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 petitioners also argued that the number of years that they performed the out-of-title duties warranted a higher salary upon their reclassification.

In denying the appeal, the Chairperson/Chief Executive Officer (Chairperson) initially noted that under Civil Service rules 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), was whether the individual who was promoted was 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 for the higher title. *See N.J.A.C. 4A:3-4.9(b)3*. The petitioners’ underlying title was not reevaluated to a higher class code, and the title of Information Technology Specialist was a non-competitive title, so their appointments were not subject to a promotional examination; and as such *N.J.A.C. 4A:3-4.9(b)3* must be applied.

The Chairperson noted that although *N.J.A.C. 4A:3-4.9(b)3ii* did 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. In this regard, the titles of Communications Systems Technician 1 and Information Technology Specialist are in different occupational groups and a review of the relevant job specifications revealed that individuals in the title of Communications Systems Technician 1 and individuals in the title of Information Technology Specialist perform different duties. As such, the Chairperson found that the position of Communications Systems Technician 1 did not provide “significant preparation and training” for the position of Information Technology Specialist. Finally, with regard to the petitioners’ argument that they

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<sup>2</sup> Initially, the petitioners 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.

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 did 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.

In their request for reconsideration, the petitioners argue that the Chairperson erred in not finding that their performance of out-of-title duties, while in the title of Communications Systems Technician 1, provided “significant training and preparation” for their new title. Specifically, they maintain that this stance “simply defies any logical analysis.” Additionally, the petitioners note that, as “acknowledged” by this agency, “information technology is a rapidly changing area in which the necessary job skills can change repeatedly during the period of time between when information technology job specifications receive major revision.” The petitioners also argue that this agency’s failure to update, in a timely manner, the Communications Systems Technician 1 job specification, or perhaps the inappropriate placement, by the Department of the Treasury or the Office of Information Technology, of the petitioners in the Communications Systems Technician 1 title, should not deny them an appropriate promotion to the Information Technology Specialist title.

Additionally, the petitioners argue that the Chairperson erred in its relying on the *Dictionary of Occupational Titles, Volume 1, Fourth Edition, Revised 1991, Employment and Training Administration* (Dictionary). In this regard, the petitioners argue that “[a]pparently unknown” to this agency, this Dictionary was replaced over 25 years ago by the O\*Net, an occupational database. They argue that the O\*Net has significantly more titles included, and is skill based rather than task based, like the Dictionary. They further argue that one of the reasons for the development of O\*Net was to gauge the transferability of skills, making it easier to create job clusters and explore career paths across clusters. Therefore, they contend that the Chairperson should reexamine the prior decision in light of modern thinking concerning occupational networks and career paths. In support, they submit an article by Matthew Mariani, “Replace with a database: O\*NET replaces the Dictionary of Occupational Titles,” *Occupational Outlook Quarterly*, Spring 1999, which describes the technical differences between the Dictionary and the O\*Net.<sup>3</sup>

Despite being provided the opportunity, no arguments were received from the appointing authority.

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<sup>3</sup> Although the petitioners claim that this agency should utilize the O\*Net system instead, they have provided no arguments as to how the two titles at issue would be classified, and whether the outcome would change.

## CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

The instant request for reconsideration appears to be based on the assertion that the Chairperson made an error in denying the petitioners' appeals. However, a review of the record reveals that reconsideration is not justified. In this regard, the petitioners have failed to provide any documentation which establishes that the Chairperson's decision was contrary to the evidence presented nor have they established that a clear material error occurred. The petitioners argue that the Chairperson erred in not considering their performance of out-of-title duties while in the title Communications Systems Technician 1 as providing "significant training and preparation" for the title of Information Technology Specialist, as it defied "any logical analysis." However, as the Chairperson previously noted, this agency must look at what the **appropriate duties** are for that particular title and **not** the performance of out-of-title duties, in determining whether that particular **title** had provided "significant training and preparation," and other than the petitioners mere statement that the Chairperson erred, they have provided no arguments in support.

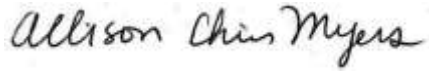
With regard to the petitioner's argument that the Chairperson erred in using the "outdated" Dictionary, instead of the newer O\*Net system, the Chairperson does not agree. Other than a blanket statement that this agency should no longer utilize the Dictionary in making these determinations, they have provided no other information. Moreover, the petitioners did not originally present any arguments concerning the use of the Dictionary by this agency, and thus, this current argument would be considered new evidence. However, the petitioners have failed to explain why this information was not presented originally, nor have they presented that such evidence would change the outcome, of that the use of the Dictionary in any way was invalid. Accordingly, the petitioners have failed to present a sufficient basis for reconsideration of the prior decision.

## ORDER

Therefore, it is ordered that these requests for reconsideration be denied.

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

DECISION RENDERED ON  
THE 6<sup>TH</sup> DAY OF SEPTEMBER, 2024



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