

B-26



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Keith Ganney and  
Christopher Royster, Office of  
Information Technology

Classification Appeals

CSC Docket Nos. 2015-1290  
2015-1250

CORRECTED

ISSUED: **JUL - 2 2015** (RE)

Keith Ganney and Christopher Royster,<sup>1</sup> Office of Information Technology (OIT), represented by Dudley Burdge, Senior Staff Representative, Communications Workers of America, Local 1032, request retroactive appointment dates to December 3, 2012 based on oversight in forwarding their classification appeals. These appeals have been consolidated due to common issues.

On September 8, 2014, the Division of Classification and Personnel Management (CPM) issued the attached determination letters to both appellants indicating that their positions as Computer Operator Assistants should be reclassified to the title Technical Assistant, Management Information Systems, effective April 5, 2014. Thereafter, the petitioners requested retroactive appointment dates. Mr. Ganney states that he completed the employee section of the Position Classification Questionnaire (PCQ) on May 14, 2013 and submitted it to his supervisor. He states that, on several occasions he inquired as to the status of his appeal without receiving a satisfactory reply. For reasons unknown, he requests a retroactive appointment date to January 2013, and asks that fines be assessed pursuant to N.J.A.C. 4A:10-2.1. Mr. Royster states that he completed the employee section of the Position Classification Questionnaire (PCQ) in January 2013, and also did not receive a satisfactory reply to his inquiries on the status of his appeal. He also requests a retroactive appointment date to January 2013, and an investigation and the assessment of fines or other penalties.

<sup>1</sup> Mr. Royster separated from service on April 24, 2015.

The appointing authority responded that it did not receive the completed PCQs for the petitioners until March 4, 2014, whereupon the forms were signed and mailed to CPM on March 17, 2014. The appellants replied that the appointing authority was evasive by restating that the forms were incomplete without supervision and management signatures, and request further investigation into a delay in submission of the appeals.

*N.J.A.C.* 4A:3-3.9(c)3 states that the supervisor and program manager/division director shall complete their portions of the questionnaire and provide their signatures on the form in accordance with (c)1 and 2 above within 15 days of the employee's submission of the appeal to the immediate supervisor. By no later than the end of this period, the program manager/division director shall submit to the agency representative the completed questionnaire, along with the appellant's most recent PAR form. Also, *N.J.A.C.* 4A:3-3.9(c)7 states, in pertinent part, that within 10 days of receipt of the appeal, the agency representative shall either notify the appellant that specific additional information is required, or forward the appeal with organizational chart to the appropriate representative of the Civil Service Commission. Pursuant to *N.J.A.C.* 4A:3-3.9(f)1, the effective date of a reclassification action in State service should be the pay period immediately after 14 days from the date the Commission received the appeal or reclassification request, or at such earlier date as directed by the Commission.

## CONCLUSION

In the matter at hand, there is a basis to grant an earlier effective date for the petitioners. A review of Mr. Ganney's PCQ reveals that he signed it on May 14, 2013. The date next to the appellant's supervisor's signature was February 18, 2014, and the signature of the Manager, was February 25, 2014. Accordingly, pursuant to *N.J.A.C.* 4A:3-3.9(c)3, the appeal should have been forwarded to the Human Resources office no later than May 29, 2013. Then, the appeal should have been forwarded to CPM by June 8, 2013. As such, pursuant to *N.J.A.C.* 4A:3-3.9(e)3i, the effective date of Mr. Ganney's provisional appointment to Technical Assistant, Management Information Systems should be changed to June 29, 2013 and he should receive differential back pay.

A review of Mr. Royster's PCQ reveals that he signed it on May 16, 2013. The date next to the appellant's supervisor's signature was February 18, 2014, and the signature of the Manager, was February 25, 2014. Accordingly, pursuant to *N.J.A.C.* 4A:3-3.9(c)3, this appeal also should have been forwarded to the Human Resources office no later than May 31, 2013. This appeal should have been forwarded to CPM by June 10, 2013 as well. As such, pursuant to *N.J.A.C.* 4A:3-3.9(e)3i, the effective date of Mr. Royster's provisional appointment to Technical Assistant, Management Information Systems should be changed to June 29, 2013 as well, and he should receive differential back pay.

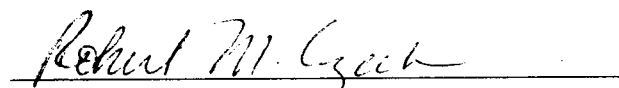
The appellants believe that these circumstances are an egregious violation of noncompliance with regulations and request an investigation into the matter and an assessment of fines pursuant to *N.J.A.C. 4A:10-2.1*. However, the Commission finds that the remedy is sufficient and appropriate to address any delay in submission of the appeals. The record is unclear if the delay was caused by the supervisor and manager of the position, or by the appointing authority. In any event, the appellants have not provided any evidence the delay in processing the appeal was due to invidious motivation. As such, there will be no investigation and there is no basis to fine the appointing authority under these circumstances.

### ORDER

Therefore, the effective date of the provisional appointments of Keith Ganney and Christopher Royster to Technical Assistant, Management Information Systems, are properly determined as June 29, 2013, and they should receive differential back pay.

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

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION  
THE 20<sup>th</sup> DAY OF MAY, 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: Keith Ganney  
Christopher Royster  
Dudley Burdge, Local 1032  
Sharon Pagano  
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 8, 2014

Keith Ganney  
NJ Office of Information Technology  
Riverview Plaza – PO Box 212  
Trenton NJ 08625

**Re: Classification Appeal, Computer Operator Assistant**  
Position # 910009, CPM log # 03140255, EID # 000710068

Dear Mr. Ganney:

This is in response to the classification appeal received March 17, 2014, submitted to this office on your behalf by Chief of Staff Sharon Pagano. The package indicates that you are appealing your current permanent title of Computer Operator Assistant (53301/A11) and that you believe the appropriate classification of your position is Technical Assistant, Management Information Systems (53096/A13).

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44); organization chart; your Performance Evaluation System (PES); your statements; and the statements of your supervisor, program manager, and appointing authority. Based on the written record and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Technical Assistant, Management Information Systems (53096/A13). This action shall be effective April 5, 2014.

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that "within 30 days of receipt of the reclassification determination, unless extended by the [Commission] in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules."

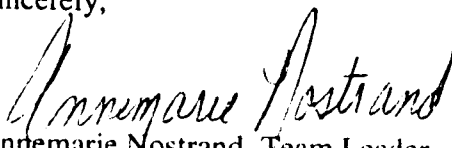
Keith Ganney  
September 8, 2014

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Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title Technical Assistant, Management Information Systems (53096/A13) unless we are advised by the appointing authority that duties and responsibilities commensurate with your permanent title will be assigned.

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. The appeal should be addressed to the Written Records Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

  
Annemarie Nostrand, Team Leader  
Classification and Personnel Management

AN/JKIII

c: Sharon Pagano, Chief of Staff, OIT



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 8, 2014

Christopher Royster  
NJ Office of Information Technology  
Riverview Plaza – PO Box 212  
Trenton NJ 08625

**Re: Classification Appeal, Computer Operator Assistant**  
Position # 909262, CPM log # 03140252, EID # 000703357

Dear Mr. Royster:

This is in response to the classification appeal received March 17, 2014, submitted to this office on your behalf by Chief of Staff Sharon Pagano. The package indicates that you are appealing your current permanent title of Computer Operator Assistant (53301/A11) and that you believe the appropriate classification of your position is Technical Assistant, Management Information Systems (53096/A13).

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44); organization chart; your Performance Evaluation System (PES); your statements; and the statements of your supervisor, program manager, and appointing authority. Based on the written record and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Technical Assistant, Management Information Systems (53096/A13). This action shall be effective April 5, 2014.

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that "within 30 days of receipt of the reclassification determination, unless extended by the [Commission] in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules."

Christopher Royster  
September 8, 2014

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Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title Technical Assistant, Management Information Systems (53096/A13) unless we are advised by the appointing authority that duties and responsibilities commensurate with your permanent title will be assigned.

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. The appeal should be addressed to the Written Records Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

A handwritten signature in cursive script that reads "Annemarie Nostrand".

Annemarie Nostrand, Team Leader  
Classification and Personnel Management

AN/JKIII

c: Sharon Pagano, Chief of Staff, OIT