



B-6

STATE OF NEW JERSEY

In the Matter of Marvin Felder,
Office of Information Technology

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2468

Classification Appeal

ISSUED: July 5, 2017 (CSM)

Marvin Felder, represented by Dudley Burdge, Senior Staff Representative, Communications Workers of America, Local 1032, appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Office of Information Technology is Data Processing Systems Programmer 2. The appellant seeks a Data Processing Systems Programmer 1, classification.

The record in the present matter establishes that at the time the appellant filed his request for a classification review, he was serving as a Data Processing Systems Programmer 2. The appellant's position is located in the Information Enterprise Support Service Unit he is supervised by Albert Walker, Manager 2, Information Processing. The appellant sought a reclassification contending that his position would be more appropriately classified as a Data Processing Systems Programmer 1. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performed. Agency Services reviewed all documentation supplied by the appellant including his PCQ. Based on its review of the information provided, Agency Services concluded that the appellant's position is properly classified as Data Processing Systems Programmer 2.

On appeal, the appellant states in the downsized IT work environment of 2017 in the State, it is typical that experienced individuals such as himself are assigned distinct areas of responsibilities with no subordinates or co-workers responsible for the same work assignment. Thus, supervision or lead worker responsibilities are not possible in a lean personnel environment with no

subordinates. Thus, individuals such as himself function independently as supervisors lack the detailed knowledge to give more than the most general type of direction. In this regard, he states that his independence of action is demonstrated in his role as the administrator of the CCA production and technical project lead for CA Configuration Automation integration of application from Cohesion version (5.0) to multiple (CCA) versions. The appellant attaches letters from Charles Gill, Manager 2, attesting to his role as the administrator of the CCA product and a statement from the Special Assistant to the Chief Technical Officer, Lisa Bauer, who agree that the appropriate title for him is Data Processing Programmer 1. It is noted that Ms. Blauer's March 13, 2017 correspondence indicates that "based on the restructuring of our organization and the duties [the appellant] is currently doing, I agree he should be in the title of Data Processing Systems Programmer 1." The appellant also provides a copy of his ePAR for the September 1, 2016 to August 31, 2017 rating period.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that classification appeals must be submitted in writing within 20 days of receipt of the decision letter and include copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for the appeal. *Information and/or argument which was not presented at the prior level of appeal shall not be considered.*

The definition section of the job specification for Data Processing Systems Programmer 2 states:

Under direction in the data center listed above or in a subordinate computer center in a State department, agency, or institution, controls and/or implements/maintains 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; does other related duties as required.

The definition section of the job specification for Data Processing Systems Programmer 1 states:

Under direction of one of the data centers listed above or in a subordinate computer center in a State department, agency, institution, or State college, controls and maintains the highly technical operating systems associated with the new generations of computers, and directs the operating system, system design, and programming function toward the optimum utilization of

available hardware/software; does other related work as required.

In the instant matter, it is clear that the appellant's position is properly classified as Data Processing Systems Programmer 2. The main difference between the two levels in the Data Processing Systems Programmer title series is the level of responsibility required more so than the general tasks and duties performed. The PCQ filed by the appellant in support of his request for reclassification is dated May 16, 2016. As correctly noted in Agency Services' determination, at the time the appellant filed his PCQ, his immediate supervisor indicated that he did not function totally independently and that he frequently required support from other team members. Although Ms. Blauer agrees that his position should be classified as Data Processing Systems Programmer 1, her March 13, 2017 correspondence indicates that she believes he is currently working at that level based on the restructuring of the organization. However, at the time the appellant submitted his request for classification review almost one year earlier, his then immediate supervisor disagreed with the proposed classification indicating that the appellant did not work totally independently and frequently needed support from other team members.

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. 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). Therefore, since classification reviews are based on a current review of duties, a change in the level of independence in the performance of the duties as a result of the subsequent restructuring of the organization after Agency Services' determination are new duties that cannot be considered in the context of this appeal.

Further, regardless, 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

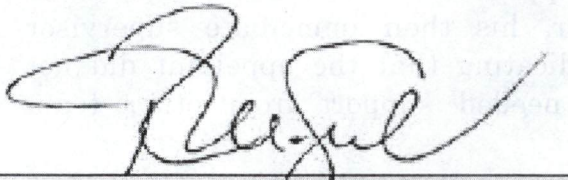
job specification is appropriately utilized. However, if the appellant feels his position is currently misclassified, he should file a new request for classification review of his position.

ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21st DAY OF JUNE, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Marvin Felder
Dudley Burdge
Kelly Glenn
Records Center



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

January 6, 2016

Mr. Marvin Felder
New Jersey Office of Information Technology
300 Riverview Plaza – PO Box 212
Trenton, New Jersey 08625-0212

Re: Classification Review – Marvin Felder
AS Log #06160140; EID: 000316544; position #925045

Dear Mr. Felder:

This is in response to the classification appeal dated June 9, 2016, submitted to this office on your behalf by former Chief of Staff Sharon Pagano. This determination is based upon a thorough review and analysis of all information and documentation submitted, including a position classification questionnaire (DPF-44S), organization chart and your most recent Performance Evaluation System (PES) agreement.

Issue:

You are appealing the current classification of your position Data Processing Systems Programmer 2 (53274C/P26). You allege that your duties are not appropriately classified and that you are seeking to reclassify your position to Data Processing Systems Programmer 1 (53275C/P29).

Organization:

Your position is located in the Information Enterprise Support Services unit of the New Jersey Office of Information Technology, and reports to Albert Walker, Manager 2, Information Processing (61619/&34).

Finding of Fact:

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

- Assists with integration of various applications
- Installs and upgrades required software
- Assists in evaluating existing computer efficiency

- Troubleshoots operating system errors as well as software errors
- Provides end user support for various operating systems

Review and Analysis:

You are permanently classified in the title Data Processing Systems Programmer 2 (53274C/P26). The definition section of the specification for this title states:

Under direction in the data center listed above or in a subordinate computer center in a state department, agency, or institution, controls and/or implements/maintains 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; does other related duties as required

The definition section of the requested title, Data Processing Systems Programmer 1 (53275C/P29), states:

Under direction in one of the data centers listed above or in a subordinate computer center in a state department, agency, institution, or state college, controls and maintains the highly technical operating systems associated with the new generations of computers, and directs the operating system, systems design, and programming function toward the optimum utilization of available hardware/software; does other related duties as required.

It was found that you do not assume any supervisory duties. The main difference between the two levels in the Data Processing Systems Programmer title series is the level of responsibility required more so than the general tasks and duties performed. The comments from your immediate supervisor agree that you possess the requisite skills to perform all of the duties you have outlined, but, stresses disagreement with the level of responsibility that you outline in your DPF-44s. It is found that you do not work, "totally independently" nor do you assign work or take the lead over lower level staff. Though some of your duties may overlap with those of the Data Processing Systems Programmer 1 title, none of these duties are considered to be out-of-title for your current permanent title. Also, the nature of work, the level of responsibility and supervision received more accurately align with that of a Data Processing Systems Programmer 2.

Marvin Felder
January 6, 2016

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Determination:

Based upon the findings of fact cited above, it has been determined that the assigned duties and responsibilities of this position are commensurate with your permanent title, Data Processing Systems Programmer 2 (53274C/P26).

The title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

If you wish to appeal this decision, you may do so within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Written Records Appeal Unit, Division of Appeals and Regulatory Affairs, NJ Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

Sincerely,



Scott Nance, Assistant Division Director
Division of Agency Services

SN/JKIII

C: Lisa Blauer, Special Assistant, OIT
Antoinette Sargent, Manager, HR

