

B-13



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Andrew Chou,
Department of the Treasury

Classification Appeal

CSC Docket No. 2016-4479

ISSUED: FEB 10 2017 (HS)

Andrew Chou appeals the attached decision of the Division of Agency Services (Agency Services), which found that his position with the Department of the Treasury is properly classified as a Software Development Specialist 2 (class code 26). He seeks a Software Development Specialist 3 (class code 29) classification in this proceeding.

The record in the present matter establishes that at the time of his request for classification review, the appellant was serving permanently in the title of Software Development Specialist 2. His position was assigned to the Division of Revenue and Enterprise Services, Enterprise Services, Solution Delivery. Agency Services received the request in January 2016 and performed a review of all submitted information, including a Position Classification Questionnaire (PCQ), organizational chart and the appellant's Performance Assessment Review (PAR) document.¹ On his PCQ, the appellant indicated that he supervised other employees; was responsible for the preparation of performance evaluations; assigned work; and reviewed completed work of employees supervised. On his PCQ, he indicated supervision of Michael Kildea, a Project Manager Data Processing (class code 30). However, on his PAR, supervisory responsibility, including preparation and administration of formal performance evaluations, was not listed as a job responsibility. In its decision, Agency Services found that the appellant met with clients to discuss matters relating to workload, priorities and client

¹ The appellant's PAR for the period from September 1, 2015 to August 31, 2016 lists Randall Kenner as the appellant's supervisor.

requirements; developed and monitored project plans and schedules; performed system studies for the development of new systems or the modification of existing systems; consulted with senior technical staff to resolve complex technical problems; supported, maintained and enhanced existing software applications and systems; researched issues related to the technical environment, platforms, software, hardware and communications; and programmed complex .Net applications built using three-tier architecture that meet user requirements. Agency Services noted that the duties of the appellant's position did not include supervisory duties. Based on the foregoing, Agency Services found that the appellant's assigned duties and responsibilities were commensurate with the title of Software Development Specialist 2, the title he currently holds.

On appeal to the Civil Service Commission (Commission), the appellant initially states that Agency Services incorrectly noted that his supervisor was Randall Kenner. Rather, he asserts his immediate supervisor is Michael Kildea. The appellant also claims that he supervises M.C., a Software Development Specialist 1, by assigning and managing his workload; approving his timesheets and leave requests; and performing numerous other supervisory tasks. The appellant relies on the organizational chart submitted with his request for classification review, which denotes the appellant reporting to Michael Kildea and M.C. reporting to the appellant. In support, he also submits a printout from the State Electronic Cost Accounting and Timesheet System (eCATS) concerning M.C.'s timesheet for the period ending July 22, 2016 and indicating the appellant as the supervisor.

In response, Agency Services indicates that a review of M.C.'s PAR document for the rating period September 1, 2015 to August 31, 2016 shows that S.S., a Software Development Specialist 3, was M.C.'s supervisor.

CONCLUSION

The definition section of the job specification for Software Development Specialist 2 stated:

Under limited supervision, performs analysis, consulting, design, programming, maintenance and/or support work on software for State or local government Information Technology services; participates in the resolution of complex problems through consultation with higher-level technical staff; may coordinate projects and serve as a technical mentor/coach to lower level staff; does other related duties.

The definition section of the job specification for Software Development Specialist 3 stated:

Under general supervision, performs analysis, consulting, design, programming, maintenance, and support work on software for State and local government IT services; coordinates and supervises work activities of lower level Software Development Specialists; does other related duties.²

It is noted that Software Development Specialist 3 is a supervisory title. The Commission and its predecessor, the Merit System Board, have consistently found that the essential component of supervision is the responsibility for the administration of formal performance evaluations for subordinate staff. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005). Supervisory experience includes responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005).

It is also noted that a classification determination is based upon the duties and responsibilities assigned at the time of the classification review. Although the appellant indicated on his PCQ that he supervised other employees and was responsible for the preparation of performance evaluations, such responsibility was absent from the appellant's PAR document. In addition, the appellant's appeal presents no substantive evidence that his position held supervisory responsibility, including administration of formal performance evaluations for subordinate staff, at the time of the classification review. Although he claims that he supervises M.C., M.C.'s PAR document for the September 1, 2015 to August 31, 2016 rating period indicates that another individual supervised M.C. Further, the eCATS printout presented on appeal concerns a timesheet for the period ending July 22, 2016. As this postdates Agency Services' decision, it does not provide a basis to disturb that decision. Accordingly, the record reflects that reclassification of the appellant's position is unwarranted. The appellant may file a new request for a classification review of his position if he believes that the duties of his position have changed. *See N.J.A.C. 4A:3-3.9.*

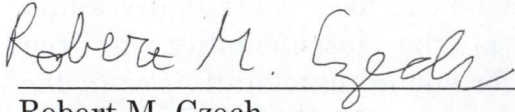
ORDER

Therefore, it is ordered that this appeal be denied.

² It is noted that verbiage changes for the Software Development Specialist 2 and Software Development Specialist 3 titles took effect after Agency Services' decision was rendered.

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 8TH DAY OF FEBRUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

- c. Andrew Chou
Douglas Ianni
Kelly Glenn
Records Center



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

April 28, 2016

Mr. Andrew Chou

RE: Classification Appeal - Software Development Specialist 2
AS Log# [REDACTED] Position# [REDACTED] EID# [REDACTED]

Dear Mr. Chou:

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 title of Software Development Specialist 2 (P25-10246) is not consistent with your current assigned duties and responsibilities. You contend that Software Development Specialist 3 (R29-10235) is consistent with the duties that you currently perform.

Organization:

Your position is located in the Division of Revenue and Enterprise Services, Enterprise Services, Solution Delivery. You report directly to Randall Kenner, Software Development Specialist 3 (R29-10235). Your position does not possess supervisory responsibility.

Finding of Fact:

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

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- Meeting with clients to discuss matters relating to workload, priorities, and client's requirements.
- Developing and monitoring project plans and schedules. Performing system studies for the development of new systems or the modification of existing systems.
- Consulting with senior technical staff to resolve complex technical problems.
- Supporting and maintaining, and enhancing existing software applications and systems.
- Researching issues related to the technical environment, platforms, software, hardware, and communications.
- Programming complex .Net applications built using three-tier architecture that meet user requirements.

Review and Analysis:

Your position is currently classified by the title Software Development Specialist 2 (P25- 10246). The definition section of the job specification for this title states:

“Under limited supervision, performs analysis, consulting, design, programming, maintenance, and/or support work on software for State or local government Information Technology services; participates in the resolution of complex problems through consultation with higher-level technical staff; may coordinate projects and serve as a technical mentor/coach to lower level staff; does other related duties”.

You contend that the title Software Development Specialist 3 (R29-10235) is an appropriate title for your position. The definition section of the job specification for this title states;

“Under general supervision, performs analysis, consulting, design, programming, maintenance, and support work on software for State and Local government IT services; coordinates and supervises work activities of lower level Software Development Specialists; does other related duties.”

A distinguishing classification factor between a Software Development Specialist 3 and a Software Development Specialist 2 is supervisory responsibility. A Software

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Development Specialist 4 is tasked with the coordination and supervision of the work activities of lower level Software Development Specialists. Your position has not been assigned duties and responsibilities of this nature.

The assigned duties and responsibilities of your position are significantly descriptive of the tasks assigned to the title Software Development Specialist 2.

Determination:

Based upon the finding above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current permanent title Software Development Specialist 2 (P25- 10246). Therefore, the classification of your position will remain unchanged.

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 being appealed 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/io

c: Ms. Laura Budzinski, Treasury, Human Resources

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Information

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Signature and stamp area

Date

Case name and reference number