STATE OF NEW JERSEY

In the Matter of John Seith, Office of Information Technology CSC Docket No. 2015-1229	: : : : : : : : : : : : :	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION Classification Appeal

ISSUED: **APR 2 0 2015**   (RE)

John Seith appeals the attached determination of the Division of Classification and Personnel Management (CPM)[1] that his position with the Office of Information Technology is properly classified as a Network Administrator 1. The appellant seeks a Data Processing Systems Programmer 1 designation in this proceeding.

The record in the present matter establishes that the appellant is presently provisionally serving in the title of Data Processing Systems Programmer 1, and his permanent title is Data Processing Systems Programmer 2.[2] He is assigned to work in the Office of Information Technology, Storage Management Unit, and reports directly to a Supervisor Information Technology. The appellant requested a review of the classification of his position to determine whether he was properly classified. CPM performed a classification review of all relevant documentation and performed an on-site audit with the appellant.

As a result, CPM found that the appellant's position was properly classified as a Network Administrator 1. Specifically, CPM found that the primary responsibilities of the position were: monitoring the allocation of storage to clients; participating in the design and conceptualization of the storage area network (SAN) design; administering the SAN; monitoring and up-dating storage hardware and software; recommending the purchase of essential hardware and software upgrades;

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[1] Currently the Division of Agency Services.
[2] The appellant's provisional appointment was effective September 20, 2014.

monitoring scheduled server backups; and troubleshooting of hardware and software storage backup issues. It indicated that SAN maintenance is an enterprise service unique to this particular unit of OIT. It assigned the title of Network Administrator 1 based on current Civil Service titles and definitions, the nature of the work and level of responsibility, and the administrative duties over the SAN.

In the instant appeal, the appellant argues that CPM's determination failed to account for the many supervisory and managerial duties that have been assigned to him; and his collaboration with OIT clients, providing solutions for their technical challenges while promoting OIT. He also argued that it falsely lists some duties as part of his routine responsibilities. Those duties include monitoring the allocation of storage to clients, administering the SAN, monitoring and updating storage hardware and software, and monitoring schedule server backups.

Additionally, the appellant states that the job specification for Network Administrator 1 was changed after the desk audit in order to add SAN duties to the description. Also, he states that his supervisor encouraged him to request a Network Administrator title as it had a more favorable chance of a promotion. Nevertheless, he states that he felt that his work was more closely aligned with the Data Processing Systems Programmer 1 title. The appellant notes that CPM's determination was inordinately delayed, and in the interim, he was promoted to Data Processing Systems Programmer 1. He states that he has been doing the duties of a Data Processing Systems Programmer 1 for more than two years and requests retroactive pay.

CONCLUSION

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

> Under direction in the data center listed above[3] or in a subordinate computer center in a State department, agency, institution, or State college, controls and/or implements/maintains highly technical operating systems associated with the new generations of computers, to function toward the 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 the title Data Processing Systems Programmer 1 states:

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[3] The data centers listed refer to variants in the Data Processing Analyst 1 job specification, the OIT data center and the Department of Higher Education including individual State college data centers.

Under direction in one of the data centers listed above[4] 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.

The definition section of the job specification for the title Network Administrator 1 as of September 11, 2014, the date of CPM's decision, states:

Under direction performs professional work, which includes development, implementation, and maintenance of multinetwork, multi-user Local Area Networks (LAN), Metropolitan Area Networks (MAN), and/or Wide Area Networks (WAN); maintains centralized, decentralized, and remote network services; maintains network security and data integrity; provides consultations and recommendations to infrastructure managers as required to troubleshoot and resolve network problems, monitor overall performance, and conduct upgrades as required; does other related duties.

It is noted that the job specification for the title Network Administrator 1 was changed on September 12, 2014. Although CPM's decision was dated September 11, 2014, it used this new definition:

Under direction performs professional work, which includes development, implementation, and maintenance of multinetwork, multi-user Local Area Networks (LAN), Metropolitan Area Networks (MAN), and/or Wide Area Networks (WAN); maintains centralized, decentralized, and remote network services; maintains network security and data integrity; provides consultations and recommendations to infrastructure managers as required to troubleshoot and resolve network problems, monitor overall performance, and conduct upgrades as required; may be assigned to the administration of Storage Area Networks (SANs); does other related duties.

This revised definition includes the phrase "may be assigned to the administration of Storage Area Networks (SANs)." The job specification was further amended to include a section regarding SANs. Specifically, it added the following to the examples of work section:

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[4] The OIT data center and the Department of Higher Education including individual State college data centers.

NOTE: when assigned to the administration of SANs, positions utilizing the title in this nature will be assigned the following duties:

Takes the lead over assigned SAN technical support team and others involved in the work of the unit

Installs, configures, supports, and maintains SANs and associated components

Administers SANs, servers and associated schedules; manages storage and related devices

Configures and administers data restore and disaster recovery

Responds to user requests for storage allocation

Prepares reports on storage administration best practices, new technologies, and recommended enhancements and configuration changes

Provides formal and informal storage administration training and mentoring.

In the instant matter, CPM found that the appellant's job duties were properly classified under the title of Network Administrator 1 based on the job specification change of September 12, 2014, one day after the issuance of the determination of this matter. In this respect, 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 review of assigned duties at the time of the audit. Duties which may have been performed in the past, or assigned after completion of the audit, cannot be or have not been reviewed or verified. Likewise, the duties should be compared to the job specification of record, and cannot be based on a job definition section of the job specification which was revised after the determination has been issued. That is, the job specification in effect at the time CPM receives the completed PCQ is utilized when conducting the classification study. *See In the Matter of Gloria Grant* (CSC, decided January 25, 2012), and *In the Matter of Quality Assurance Officer* CSC, decided September 17, 2014).

On his PCQ, the appellant indicated that the 35% of the time he provided clients with technical support related to storage technologies; for 30% of the time he assisted in organizing the reduction of costs related to storage technology; for 15% of the time he supervised the storage management group; and for 15% of the time he provided storage management support to ensure reliability and availability of client environments. He provided more detailed duties for each of these major areas as well as examples of work. The appellant's duties are unique, and at the time of the audit, were more commensurate with the Data Processing Systems Programmer title series than the Network Administrator title series. For example, the Data Processing Systems Programmer 2 title listed experience requirements as "three

years of experience in the generation, maintenance, and/or modification of System Software, in applications programming, and/or in performing technical support functions within a direct access device environment. ... NOTE: Technical support functions include experience and resolution of on-line production and/or Communications Network problems, and/or in debugging of program modules in an online environment, and/or space allocation and control of direct access storage devices (DASD)."

A comparison of the titles shows that Data Processing Systems Programmer 1 and 2 are very similar in nature. A holistic view of the job specifications indicates that, while the Data Processing Systems Programmer 2 performs the work, the Data Processing Systems Programmer 1 has more responsibility in decision making, policy guidance, discussions regarding plans and results, organization of the work, and interactions with others regarding software requirements and adequacy, and generally has a greater accountability for optimum utilization of hardware and software.
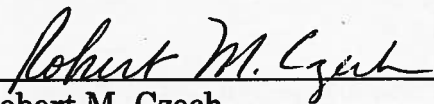
During the audit, the appellant indicated that he supervised in the absence of his supervisor, assisted in the budgeting process, purchasing decisions, and capacity planning, and declined a request to complete performance evaluations. He indicated that he met with upper management, clients, and vendors, and offered clients new solutions. The appellant works under limited supervision, which is defined as proceeding on his own initiative while complying with policies, practices and procedures described by the supervisor, and the supervisor generally answers questions on the more important phases of the work. The appellant indicated that he supervised occasionally, but was not responsible for preparation of performance evaluations, and he listed six employees for whom he assigned and reviewed work. During the audit he indicated that he performed supervisory duties such as directing activities, assigning work, delegating duties, reviewing work, setting deadlines, providing instructions and training, and involvement in the interview process with new employees. The appellant is in charge when his supervisor is absent, and performs lead worker duties. He is responsible for the entire SAN, and performs storage backup, recovery, and disaster recovery, and archives data. The sum of his duties indicates that he is responsible for the higher level duties listed in the Data Processing Systems Programmer 1 job specification. As the appellant has already received a provisional appointment to the subject title, the appellant should be provided with a retroactive provisional appointment and differential pay from the effective date of May 4, 2013. *See N.J.A.C.* 4A:3-3.9(e)3i.

ORDER

Therefore, it is ordered that this appeal be granted and the position of John Seith is properly classified as a Data Processing Systems Programmer 1. It is ordered that appellant's position be reclassified to that title effective May 4, 2013, and he be provided with differential pay.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15th DAY OF APRIL, 2015

Robert M. Czech

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
 and
Correspondence

Henry Maurer
Director
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Attachment

c: John Seith
      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 11, 2014

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

Re: Classification Appeal – John Seith
        CPM Log #04130216; EID: 000379542; position #933303

Dear Mr. Seith:

This is in response to the classification appeal received April 19, 2013, submitted to this office on your behalf by 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), supplemental information, on-site audit notes, organization chart, and your most recent Performance Evaluation System (PES) agreement.

Issue:

You are appealing the current classification of your position of Data Processing Systems Programmer 2 (53274/P26). You allege that your duties are not appropriately classified and that you are seeking to reclassify your position to Network Administrator 2 (10108/P29).

Organization:

Your position is located in the Storage Management unit of the New Jersey Office of Information Technology, and reports to John Herbert, Supervisor Information Technology (61454/R31).

Finding of Fact:

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

- Monitoring the allocation of storage to clients
- Participating in the design and conceptualization of the storage area network design
- Administrating the storage area network

- Monitoring and updating storage hardware and software
- Recommending the purchase of essential hardware and software upgrades
- Monitoring schedule server backups
- Trouble shooting of both hardware and software storage backup issues

Review and Analysis:

Your position is currently classified in the title Technical Support Specialist 1 (53063/P24). 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/maintain 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, Network Administrator 2 (10108/P29), states:

> Under direction performs professional work, which includes development, implementation, and maintenance of multi-network, multi-user Local Area Networks (LAN), Metropolitan Area Networks (MAN), and/or Wide Area Networks (WAN); maintains and/or supervises maintenance of centralized, decentralized, and remote network services; maintains and/or directs maintenance of network security and data integrity; provides and/or directs consultations and recommendations to infrastructure managers as required to troubleshoot and resolve network problems, monitor overall performance, and conduct upgrades as required; takes the lead in planning upgrades, capacity, and communication requirements; does other related duties.

The definition section of the Network Administrator 1 (10107/P26) title, states:

> Under direction performs professional work, which includes development, implementation, and maintenance of multinetwork, multi-user Local Area Networks (LAN), Metropolitan Area Networks (MAN), and/or Wide Area Networks (WAN); maintains centralized, decentralized, and remote network services; maintains network security and data integrity; provides consultations and recommendations to infrastructure managers as required to troubleshoot and resolve network problems, monitor overall performance, and conduct upgrades as required; may be assigned to the administration of Storage Area Networks (SANs); does other related duties.

Employees in the Storage Management unit are charged with the task of monitoring and allocating space on storage devices including, but not limited to, tape libraries, virtual tape libraries and disk-based devices. The storage area network maintenance is an enterprise service unique to this particular unit of OIT. Based on the current Civil Service titles and definitions, the nature of the work and the level of responsibility, most specifically the administrative duties over the storage area network, the Network Administrator 1 title is the most appropriate.

Determination:

By copy of this letter, the Appointing Authority is advised that we will reclassify this position to, Network Administrator 1 (10107/P26) effective May 4, 2013 unless they assign duties and responsibilities that are commensurate with this position's current title Data Processing Systems Programmer 2 (53274/P26), within thirty days of receipt of the determination letter.

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."

Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title Network Administrator 1 (10107/P26) 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
Division of Classification and Personnel Management

AN/JKIII
C: Sharon Pagano, Chief of Staff, OIT
CPM Log #04130216