



(PAR) for the Investigator 1, Taxation listed on the unofficial table organization as a subordinate of appellant.

### CONCLUSION

The definition section of the job specification for Supervising Investigator, Taxation states:

Under direction of a Chief, Assistant Chief, or other higher level supervisory officer in the Division of Taxation, Department of Treasury, supervises a group or team of subordinate investigators and clerical support staff in the performance of investigative work as it relates to the collection of tax revenues; delinquent and/or deficient taxes, abatements, and enforcement of tax statutes administered by the Division of Taxation; may be assigned to either a field or central office location; does related work as required.

The definition section of the job specification for Investigator 1, Taxation states:

Under the direction of a Supervising Investigator or other higher level supervisory officer in the Division of Taxation, Department of the Treasury, assists in the supervision of subordinate investigators; conducts independent investigations of a more complex nature as they relate to the collection of tax revenues, delinquent and/or deficient taxes, abatements, and enforcement of tax statutes administered by the Division of Taxation; trains new investigators; may be assigned to either a field or central office location; does related work as required.

In the instant matter, DAS appropriately found that the appellant's position was properly classified as Investigator 1, Taxation based on the information initially provided. It is clear that the title is at the primary supervisory level, and is included in the "R" Employee Relations Group. Moreover, there is nothing in the record establishing that the appellant provided evidence that she was a second-level supervisor at time of DAS' review.

Further, there is no such designation as an "acting" appointment under Civil Service rules. *N.J.S.A. 11A:4-13* and *N.J.A.C. 4A:4-1 et seq.* provide for regular, conditional, provisional, interim, temporary, and emergency appointments. See *In the Matter of Russell Davis* (MSB, decided August 10, 2005); *In the Matter of Michael Shaffery* (MSB, decided September 20, 2006). Therefore, the Department of the Treasury is precluded from appointing an individual in an acting capacity when the individual's appointment can be recognized under any one of the above classifications. The appellant is claiming that her supervisor is an Assistant Chief,

and she includes a table of organization which shows the supervisor's title to be "Assistant Chief Revenue Opportunity" and is undated. However, official records indicate his title is Supervising Investigator, Taxation, and classification determinations must be based on official records, not unauthorized designations.

Additionally, the same organizational chart shows that an Investigator 1 is reporting to the appellant, while ePAR records indicate that the Supervising Investigator, Taxation completes her ePAR. If the appointing authority denies the appellant the responsibility of evaluating ePARs, it should refrain from assigning the appellant the typical work of a supervisor over the Investigator 1, Taxation position. This includes assigning work, reviewing work, providing input on evaluations, and discipline. If the appellant is performing these duties, she has been inappropriately assigned tasks by her supervisor, who should be responsible for those tasks. It is simply unfair to allow the appellant to bear responsibility for higher level tasks specific to supervision, yet classify the position based on the fact that she does not technically supervise an Investigator 1, Taxation. In this regard, if the appointing authority chooses to allow Ms. Tormey-DiDomenico to continue with these duties, it should provide her with ePAR evaluation responsibilities and appoint her as a provisional Supervising Investigator, Taxation. Otherwise, supervisory duties over the Investigator 1, Taxation should be removed from the appellant and performed by her supervisor.

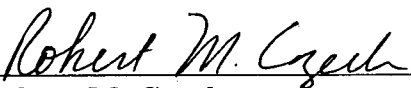
Accordingly, a thorough review of the entire record fails to establish that Evonne Tormey-DiDomenico has presented a sufficient basis to warrant a Supervising Investigator, Taxation classification of her position.

#### ORDER

Therefore, the position of Evonne Tormey-DiDomenico is properly classified as an Investigator 1, Taxation.

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  
THE 21<sup>st</sup> DAY OF DECEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Enclosure

c: Evonne Tormey-DiDomenico  
Douglas Ianni  
Kelly Glenn  
Records Center



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P. O. Box 313  
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Robert M. Czech  
*Chair Chief Executive Officer*

Chris Christie  
*Governor*  
Kim Guadagno  
*Lt. Governor*

**"CORRECTED LETTER"**

July 21, 2016

Ms. Evonne Tormey-DiDomenico  
Department of the Treasury  
Division of Taxation  
22-08 Route 208 South  
Fairlawn, New Jersey 07410

**RE: Classification Appeal – Investigator 1, Taxation  
AS# 03160181, Position# 006642, EID# [REDACTED]**

Dear Ms. Tormey-DiDomenico:

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 Investigator 1, Taxation (R25) is not consistent your current assigned duties and responsibilities. You contend that the title Supervising Investigator Taxation (S28) is consistent with the duties that you currently perform.

**Organization:**

Your position is located in the Division of Taxation, Compliance and Enforcement Activity, Field Revenue Opportunity. You report directly to Robert Gross, Supervising Field Investigations Taxation (S30), and you assist with the supervisory responsibility for four (4) Investigator 2, Taxation (P22) positions.

Ms. Evonne Tormey-DiDomenico

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**Finding of Fact:**

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

- Overseeing four (4) Investigator 2, Taxation positions which includes: reviewing incoming cases; checking and/or assigning cases; providing guidance and/or instruction; evaluating employee performance reviews and/or evaluations; and/or other tasks and/or job actions of other Investigators.
- Responding to all inquiries and/or comments from other staff Investigators including: reviewing of cases; abatement requests; and/or any other system and/or procedural questions.
- Training subordinate Investigators in field work and/or mainframe program operations.
- Managing and/or developing Rev Ops programs and projects focusing on unregistered out-of-state transient taxpayers, persons that are under report or participate in the underground economy deriving economic benefit from New Jersey sources.
- Approving requests for filing legal actions including: Certificates of Debt; serving Warrants of Execution; levies of located assets and/or accounts; and/or the collection of deficient and/or delinquent tax liabilities and/or returns.
- Compiling comprehensive monthly narrative and/or financial reports containing: revenue collection; enforcements statistics; abatement of penalty; interest statistics; and/or investigator performance.

**Review and Analysis:**

Your position is currently classified by the title Investigator 1, Taxation (R25-51594). The definition section of the job specification for this title states:

“Under the direction of a Supervising Investigator or other higher level supervisory officer in the Division of Taxation, Department of Treasury, assists in the supervision of subordinate investigators; conducts independent investigations of a more complex nature as they relate to the collection of tax revenues, delinquent and/or deficient taxes, abatements, and enforcement of tax statutes administered by the Division of Taxation; trains new investigators; may be assigned to either a field or central office location; does related work as required.”

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Incumbents classified by this title are utilized as primary or first level supervisors.

You contend that the title Supervising Investigator Taxation (S28-51355) is an appropriate title for your position. The definition section of the job specification for this title states:

“Under general direction of a Chief, Assistant Chief, or other higher level supervisory officer in the Division of Taxation, Department of Treasury, supervises a group or team of subordinate investigators and clerical support staff in the performance of investigative work as it relates to the collection of tax revenues, delinquent and/or deficient taxes, abatements, and enforcement of tax statutes administered by the Division of Taxation; may be assigned to either a field or central office location; does related work as required.”

The Supervising Investigator, Taxation administrative duties include: analyzing daily and weekly activity reports submitted by the members of the investigative staff and/or compiling composite reports; seeing to the preparation of a variety of other statistical, financial and narrative reports; ensuring the that needed equipment, materials and supplies are available; and/or supervising the activities of the assigned clerical staff.

This title is used as a second level supervisor. Incumbents functioning as a second level supervisor are responsible for supervising first level supervisors. While you approve eCATS, a further review of records does not support that you are completing and signing Performance Assessment Reviews (PAR) for any primary or first level supervisor. A review of records reveals that you conduct PAR reviews for four (4) Investigator 2, Taxation positions. None of the positions supervised are considered first level supervisors.

A careful analysis of the Position Classification Questionnaire (DPF-44S) and Performance Assessment Review (PAR) that you provided with this classification appeal was compared to the one previously submitted with your July 13, 2015 appeal. The result of this comprehensive review found there were not any substantive changes in duties and/or responsibilities. Further, the Division of Appeals and Regulatory Affairs under CSC Docket No. 2016-2305, dated March 7, 2016 determined that this position is properly classified as an Investigator 1,

Ms. Evonne Tormey-DiDomenico

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Taxation. Based upon this assessment and a current audit of this position, a substantive change in the assigned duties and/or responsibilities has not been demonstrated.

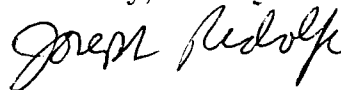
A comprehensive review and analysis of your position finds that the assigned duties and responsibilities of your position is properly classified by the title of Investigator 1, Taxation.

**Determination:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current title, Investigator 1, Taxation (R25-51594).

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 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/rmd

c: Ms. Laura Budzinski, Treasury, Human Resources