



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Antonio DiCandia,
Department of the Treasury

CSC Docket No. 2023-914

Classification Appeal

ISSUED: December 21, 2022 (RE)

Antonio DiCandia appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of the Treasury is Investigator 2, Taxation. He seeks a classification of Administrative Analyst 3.

By way of background, the appellant submitted a request for classification review arguing that his duties were not consistent with his permanent title of Investigator 2, Taxation. In support of that request, the appellant provided a Position Classification Questionnaire (PCQ) detailing the duties he performs in the position. Agency Services reviewed and analyzed the PCQ, as well as other information and documentation provided. The appellant is assigned to the Department of the Treasury, Division of Taxation, Office of the Director, Office of Criminal Investigation, Internal Security Administration, Intelligence Unit, reports to a Special Agent 1, and has no supervisory responsibility. In its October 11, 2022 decision, Agency Services found that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Investigator 2, Taxation.

On appeal, the appellant states that Agency Services' determination did not describe the primary functions of the position correctly, and that he is responsible for training and certifying individuals on two computer systems, maintaining training records, administering biennial security and training to OIT personnel, certifying proficiencies of operators of the systems and reviewing their compliance with mandates, maintaining physical security of terminals, and correcting all issues

between the two computer systems. He argues that he is not a lead worker over other Investigators, but rather trains those in higher titles, and is the lone worker doing these duties as a subject matter expert. He states that he continuously reviews mandates and procedures, assists with the purchase of new software, updates policy and procedures, and created a new record-keeping system. He explains how he updates criminal dossiers, utilizes operating systems, and provides recommendations to staff regarding compliance issues, and maintains that these are duties of an Administrative Analyst. He argues that he does not conduct investigations, nor assist in the prosecution of tax violations. He states that he assists Special Agents in the prosecution of tax violations using databases by reviewing and analyzing data. He contends that providing investigative reports is a duty found in the job specifications of both titles, and that this should not be used to classify the position. He argues that participating in Grand Jury investigations is not required of an Investigator 2, Taxation, and is out-of-title work. The appellant explains that a Special Agent left the Unit and he took over the duties of that position, and that his Performance Assessment Review is being updated to include those duties.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide 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 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 the title Investigator 2, Taxation states:

Under the direction of an Investigator 1, Taxation, Supervising Investigator, Taxation, or other supervisory official in the Division of Taxation, Department of the Treasury, performs 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; takes the lead over investigative staff and assists in the training of subordinate investigators; may be assigned to either a field or central office location; does related work as required.

The definition section of the job specification for Administrative Analyst 3 states:

Under general supervision of an Administrative Analyst 4 or other supervisor in a State department, institution or agency, performs the

review, analysis, and appraisal of current department administrative procedures, organization, and performance and helps to prepare recommendations for changes and/or revisions; does other related duties.

Incumbents in the Administrative Analyst title series review, analyze and appraise systems in order to determine recommendations for changes and improvements. They do such things as review department programs/activities and evaluate their administration, objectives, efficiency, effectiveness, and suitability to current conditions, costs, and accomplishments, determine whether department activities/programs are essential to good government and are carried out economically and efficiently, appraise the adequacy and effectiveness of operating systems, plan, conduct and develop analytical studies of operations for various areas, provide policy assistance to operating personal, develop and prepare budgets, and install reporting systems for assessing agency performance. In short, incumbents are involved in the *overall* operational analysis of a specialized area in the organization with the direct responsibility for the recommendation, planning, or implementation of improvements for the agency as a result of such analysis. *See In the Matter of Maria Jacobi* (MSB, decided June 8, 2005).

The use of occupational group categorizations, as recognized by the United States Department of Labor, was determined to be a reasonable and objective method for identification of job similarities as required by *N.J.A.C.* 4A:8-2.1 title rights criteria and the same criteria are uniformly applied to all titles in the State Classification Plan. Agency Services uses the Dictionary of Occupational Titles as a starting point for the development of 39 broad occupational groupings to enable the appropriate categorization of State job titles, which were customized to account for the uniqueness of occupations in the Civil Service. Additionally, job specifications were used as the basis for the categorization into occupational groups. The Investigator 2, Taxation title belongs in Occupational Group 0/1 (Occupations in Professional/Technical/Managerial) and in Family 17 (Occupations in Inspections & Investigations). Occupations in this family are concerned with, in pertinent part, jobs which involve working in a specific discipline, such as engineering, medicine, or the physical and life sciences, and which involve working for a governmental agency in the capacity as an inspector or investigator. Administrative Analyst 3 belongs in Occupational Group 0/1 (Occupations in Professional/Technical/Managerial) and in Family 16 (Administrative Specializations). Occupations in this family are concerned with, in pertinent part, a variety of professional administrative specializations related to internal operations and supporting agency goals and objectives involving utilization of new resources other than fiscal, such as formulating and recommending policies and administering programs; human resources management and labor relations; and program compliance review. Thus, these titles have dissimilar duties and responsibilities.

Next, in making classification determinations, emphasis is placed on the definition section of the job specification to distinguish one class of positions from another. The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan. Also, issues such as the historical organization of the work unit are not to be considered. Classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past or which may be performed in the future cannot be reviewed or verified.

On his PCQ, the appellant listed that for 25% of his time, he performed the training duties for taxation operating systems as listed above; for 25% of his time, he prepared criminal dossiers; for 25% of the time, he did intelligence research by using taxation operating systems, and creating reports after analyzing data; for 10% of the time, he was a liaison, responsible for the review of potential new investigations, by performing research, utilizing programs, and requesting data; and for 5% of the time each, he was a lead investigator, preparing Situational Awareness Bulletins, and participating in meetings to exchange information and provide assistance.

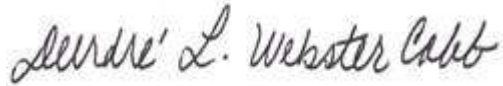
The duties of the appellant's position involve complex, technical, specific duties regarding training, research, preparing criminal dossiers, and other duties involving investigations and collection of taxation data regarding investigations. It is noted that how well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Lastly, classification determinations list only those duties which are considered to be the primary focus of appellant's duties and responsibilities that are performed on a regular, recurring basis. See *In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). The primary focus of this position is not administrative, regardless of how complex or specialized the duties. While the training duties on operating systems are significant, 25%, they are not the majority of duties performed. The position focuses more on the work of the unit to achieve organizational objectives, and not on administrative work which improves the functioning of the unit. Preparing criminal dossiers is not the work of an Administrative Analyst, but is an investigative duty as are the remaining duties on the PCQ. Investigator 2, Taxation is the best fit for the given duties.

ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21st DAY OF DECEMBER, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Antonio DiCandia
Antoinette Sargent
Division of Agency Services
Records Center