

B-22



STATE OF NEW JERSEY

In the Matter of Donald Huber,
Department of the Treasury

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-1458

Classification Appeal

ISSUED: OCT 03 2014 (CAG)

Donald Huber appeals the attached decision of the Division of Classification and Personnel Management (CPM) which found that his position with the Department of the Treasury is properly classified as Assistant Chief of Operations, Treasury. The appellant seeks a Chief of Operations, Treasury, classification in this proceeding.

The record in the present matter establishes that the appellant received a regular appointment to the title of Assistant Chief of Operations, Treasury, on July 5, 2001. This position is located in the Division of Taxation, Office of the Chief of Staff, Management Services, and the position reports to Anthony Valenzuela, Assistant to the Director, Division of Taxation. This position supervises three positions: one Technical Assistant 2, Treasury, one Principal Clerk Typist, and one Building Management Services Specialist 1. The appellant seeks a reclassification of his position to Chief of Operations, Treasury. CPM performed a detailed analysis of the appellant's Position Classification Questionnaire (PCQ) and gathered information during a telephone audit with appellant and his immediate supervisor, Mr. Valenzuela, conducted on October 8, 2013.

The audit review found that appellant's assigned duties and responsibilities, as detailed in CPM's attached decision, were commensurate with the title of Assistant Chief of Operations, Treasury. CPM found that the area and scope for which this position has management, supervision, and control over is not suitable for the title of Chief of Operations, Treasury, since it is a subset of the management within the Office of the Chief of Staff, Division of Taxation. It also found that the added functions of performing analysis in support of building operations, services,

and/or maintenance does not support a change in classification as these tasks are not performed by positions classified as Chief of Operations, Treasury. CPM noted that the position under review is supervised by a title with the same range as the title that was requested by appellant, which makes the reclassification of this position to the title of Chief of Operations, Treasury, unsuitable. As such, CPM concluded that Chief of Operations, Treasury, is not an appropriate classification for this position and that the position is properly classified as Assistant Chief of Operations, Treasury.

On appeal, Mr. Huber argues that, at the time the original appeal was submitted, the Management Services Activity in the Division of Taxation reported to a Deputy Director of Operations, who reported to the Director of the Division of Taxation. He states that the Deputy Director of Operations position has since been vacated and has not been filled. Therefore, management relocated the Management Services Activity under the Office of the Chief of Staff due to familiarity with the Management Services Activity and to ensure operations continued efficiently. Appellant submits new four organization charts related to the Office of the Chief of Staff and the area where the Management Service Activity was formerly under before the Deputy Director of Operations position was vacated. He states that his position reports to both the Deputy Chief of Staff and the Chief of Staff as required. He argues that the reclassification of his position to Chief of Operations, Treasury, should not be adversely affected due to Taxation management decisions made to ensure continued effective operations of the organization. In addition to the duties detailed in his PCQ, appellant submits new job duties. Specifically, he argues that the Management Services Activity under his direction is also responsible for management of the electronic mail and tracking system utilized by the Division of Taxation for processing, mailing and tracking certified mail including the majority of the hundreds of thousands of tax notices mailed to taxpayers; and transition to the Management Services Activity of management of the Division of Taxation's vehicle fleet of over 90 vehicles.

CONCLUSION

The definition section of the job specification for Assistant Chief of Operations, Treasury, states:

Under direction of a supervisory official in the Department of the Treasury in a major taxation operation, revenue collection, or support program, is directly responsible for a subset of the management, supervision, and control of work programs, operations, and staff of such areas as: Processing Operations, Taxpayer Accounting, Taxpayer Registration, Technical Services, Property Administration, Revenue Management, and any other major program support area; does related work as required.

The definition section of the job specification for Chief of Operations, Treasury, states:

Under direction of a supervisory official in the Department of the Treasury in a major revenue generating, collection or enforcement operation or support program, is directly responsible for the management, supervision, and control of work programs, operations, and staff of such areas as: Processing Operations, Taxpayer Accounting, Taxpayer Registration, Technical Services, Property Administration, Revenue Management, and any other major program support area; does other related work.

In the instant matter, the appellant's position is properly classified as Assistant Chief of Operations, Treasury. Appellant was performing functions that were appropriate to his permanent title of Assistant Chief of Operations, Treasury. The information gathered from his PCQ and subsequent telephone audit revealed that the position was responsible for a subset of management, supervision, and control of work programs, operations and staff within the Office of the Chief of Staff, that subset being the area of Facilities Management. Therefore, the position's area of oversight did not rise to the scope of Chief of Operations, Treasury. The position under review supervises three positions including a staff consisting of one Technical Assistant 2, Treasury, one Principal Clerk Typist, and one Building Management Services Specialist 1. The position was supervised by a title with the same range as that requested by appellant, which is also unsuitable. Regarding appellant's argument that his appeal should not be adversely affected due to Taxation management decisions made to ensure continued effective operations of the organization, although changes occurred in the organization and subsequent changes occurred in duties which followed the audit, these changes cannot be considered since they occurred after the time of the audit. Based upon the information provided at the time of the audit, the position under review was properly classified as Assistant Chief of Operations, Treasury.

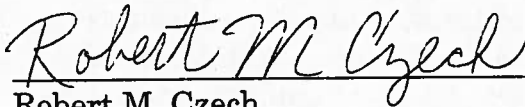
A thorough review of the entire record establishes that the appellant has failed to present a sufficient basis to warrant a Chief of Operations, Treasury, classification of his position. The appellant has not shown that the duties he performed at the time of the audit were not properly performed by an incumbent in the Assistant Chief of Operations, Treasury title.

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 1ST DAY OF OCTOBER 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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Attachment

c: Donald Huber
Douglas Ianni
Kenneth Connolly
Joseph Gambino



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Governor
Kim Guadagno
Lt. Governor

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Robert M. Czech
Chair/Chief Executive Officer

October 22, 2013

Mr. Donald Huber
Department of the Treasury
Division of Taxation
Management Services
P.O. Box 269
50 Barrack Street
Trenton, New Jersey 08646-0269

**RE: Classification Appeal-Assistant Chief of Operations Treasury,
CPM Log# 04130254, EID [REDACTED]**

Dear Mr. Huber:

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 submitted and a telephone audit conducted on October 8, 2013 with you and your immediate supervisor, Mr. Anthony Valenzuela, Assistant to the Director Division of Taxation (V32).

Issue:

You contend that the duties or your position are inconsistent with your current title of Assistant Chief of Operations, Treasury (M30) and that the title Chief of Operations Treasury (M32) is an appropriate title for the duties that you perform.

Organization:

Your position is located in the Department of the Treasury, Division of Taxation, Office of the Chief of Staff, Management Services; you report to Mr. Anthony Valenzuela, Assistant to the Director Division of Taxation (V32). Your position

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supervises the following positions: one Technical Assistant 2, Treasury, one Principle Clerk Typist, and one Building Management Services Specialist 1.

The Department of the Treasury, Division of Taxation, Management Services provides delivery of services related to facilities management including mail services and records management to support the Division's activities and ensure the maximum achievement of voluntary compliance within the tax statutes and the health and safety of employees and the general public in Taxation occupied office and warehouse space.

Findings of Fact:

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

- Evaluating building issues and property matters and recommending and overseeing corrective action; following up with the Division of Property Management & Construction on building maintenance issues; and providing senior management monthly reports on related issues.
- Ensuring that staff maintains adequate levels of office supplies for division employees; setting policy guidelines for storage, retrieval, and disposition of surplus equipment stored within the Taxation warehouse facility; and managing repair staff responsible for ensuring the proper working conditions of office furniture.
- Conducting reviews of office space needs and making recommendations to management for additional use of office and warehouse space; preparing space planning requests for DPM&C; and ensuring supervisors enforce proper safety protocols.
- Approving courier schedules and setting policy guidelines for the Division of Taxation and its 11 field offices; overseeing and responding to building emergencies for main building and field offices; and is the liaison for the proper authorities in resolution of building crisis.

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- Reviewing and submitting tenant service requests to the Division of Property Management and Construction for procurement of vendor required services for all the 11 leased buildings for Taxation; assisting with managing projects together with the Division of Property Management and Construction; and overseeing maintenance of hard copy tax records, tax reports, tax correspondence, and other tax related files.

Review and Analysis:

Your position is currently classified by the title Assistant Chief of Operations, Treasury (M30-51442). The definition section of the job specification states:

"Under direction of a supervisory official in the Department of the Treasury in a major taxation operation, revenue collection, or support program, is directly responsible for a subset of the management, supervision, and control of work programs, operations and staff of such areas as: Processing Operations, Taxpayer Accounting, Taxpayer Registration, Technical Services, Property Administration, Revenue Management, and other major program support area; does related work as required."

You contend that title Chief of Operations Treasury (M32-57757) is an appropriate title for this position. The definition section of the job specification states:

"Under direction of a supervisory official in the Department of the Treasury in a major revenue generating, collection of enforcement operation or support program, is directly responsible for the management, supervision, and control of work programs, operations, and staff of such areas as: Processing Operations, Taxpayer Accounting, Taxpayer Registration, Technical Services, Property Administration, Revenue Management, and any other major program support area; does other related work."

A review of duties and responsibilities for this position finds that the position maintains proper staffing for the work units under facilities management services activity; evaluates, investigates, and assesses building issues including

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recommending and overseeing corrective actions; reviewing and approving tenant service requests; reviewing and maintaining tax record retention schedules; developing Taxation building emergency evacuation plan; works with health and safety issues within the taxation buildings; acts as point of contact for security access card system; liaison for OTT internal security system within Taxation; manages Taxation photo ID system; and emergency security contact for taxation facilities and state police and fire.

The duties and responsibilities assigned to this position demonstrate work that is performed for the management, supervision; and control of work programs, operations, and staff over Management Services within the Office of the Chief in the Division of Taxation. The position also performs highly complex or difficult administrative work to provide and support the provision of building operations, services, and maintenance. The area and scope for which the position has management, supervision, and control over is not suitable for the title, Chief of Operations Treasury in that it is a subset of the management within the Office of the Chief, Division of Taxation. Additionally, the added functions of performing analysis in support of building operations, services, and/or maintenance does not support a change in classification as they are not tasks performed by positions classified as a Chief of Operations Treasury.

During the analysis of the position it was also observed that the position under review is supervised by a title with the same range as the title that was requested in the appeal; this factor also makes the reclassification of this position to the title Chief of Operations Treasury unsuitable.

The preponderance of your assigned duties and responsibilities are significantly descriptive of tasks assigned to the title Assistant Chief of Operations, Treasury (M30-51442).

Determination:

Based on the findings of fact above, it is my determination that the assigned duties and responsibilities performed by the position are appropriately classified by the title Assistant Chief of Operations, Treasury (M30-51442). Therefore, the classification of your position will remain unchanged.

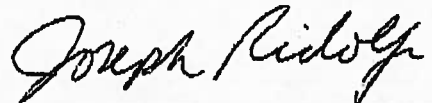
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Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, 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,

A handwritten signature in cursive script that reads "Joseph Ridolfi".

Joseph Ridolfi, Team Leader
Classification and Personnel Management

JR/ts

c: Ms. Laura Budzinski, Treasury

