



provide a written policy or procedure to back up the claim.<sup>1</sup> He notes that the term supervisor is not defined in the Administrative Code, but that the Performance Assessment Review (PAR) Handbook distributed by DOC, and the Commission's Dictionary of CSC Terms, states that a Rater is an immediate supervisor, and defines an immediate supervisor as the person who receives and/or dispenses the work. As such, he argues that DAS' determination was arbitrary and subjective. He states that he received, dispensed, assigned, and reviewed work, and the DOC was unjust by not allowing him to perform PARs.

Further, Mr. Poling argues that the job specification for a higher title does not list evaluating subordinates in the examples of work, as it does for Assistant Chief Investigator Secured Facilities, and that his supervisor completes PARs for staff but has no idea what work they perform on a daily basis. He states that DAS' determination focuses on his not functioning as a primary qualified narcotic expert, but neglects the majority of the definition of the title which he meets. Mr. Poling argues that "qualified narcotic expert" is not defined, and that serving as such is an option to the remaining part of the definition, as indicated by the conjunction "or." He states that there are no Principal Investigators who meet all the parts of the definition, and inquires how so many individuals could have been promoted to the title. He believes that all employees must meet the definition for Principal Investigator Parole and Secured Facilities before they can be promoted. Nevertheless, he states that he indicated he has conducted narcotics investigations in the past, and assists with drug investigations currently.

## CONCLUSION

The definition section of the job specification for Senior Investigator Parole and Secured Facilities states:

Under direction of a supervisory officer responsible for internal affairs investigations for adult correctional or juvenile treatment facilities or county correctional facilities; or other investigations involving parolees and the facilities/contractors providing services to parolees, assists in supervising investigations of alleged criminal activities and disciplinary charges at the institutions, satellite units of the institutions and at facilities/vendors providing services to the employing agency; does related work.

The definition section of the job specification for Principal Investigator Parole and Secured Facilities states:

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<sup>1</sup> The appellant and one Senior Investigator Parole and Secured Facilities constitute the Technical Services Unit.



Under direction of an administrative officer responsible for internal affairs investigations for adult correctional or juvenile treatment facilities or county correctional facilities; or other investigations involving parolees and the facilities/contractors providing services to parolees, supervises investigations of alleged criminal activities and disciplinary charges at the institutions, satellite units of the institutions and at facilities/vendors providing services to the employing agency, or serves as a qualifying expert in the field of fingerprinting, photography, narcotics and polygraphs; does related work as required.

A significant classification consideration is the level of supervisory authority within the organizational structure. First, there is the issue of whether or not the Senior Investigator Parole and Secured Facilities title is a lead worker or a supervisory title. Clearly, DAS' determination indicates that it is a lead worker title, and the sum of information regarding the title indicates that it is a lead worker title and not a supervisory title. The requirements are a Bachelor's degree and a two years of experience, indicating that it is a professional level title. Although the definition portion of the job specification for Senior Investigator Parole and Secured Facilities indicates that an incumbent "assists in supervising investigations of alleged criminal activities and disciplinary charges at the institutions, satellite units of the institutions and at facilities/vendors providing services to the employing agency," this does not establish that an incumbent in the position is required to supervise staff. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that work is performed only by one person, but involves mentoring others in work of the title series. See *In the Matter of Henry Li* (CSC, decided March 26, 2014).

Nevertheless, it is well established that supervisory duties include 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). See also, *In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997).<sup>2</sup>

Conversely, the Principal Investigator Parole and Secured Facilities title is a supervisory title with full responsibility for the supervision of staff. The job specification indicates that incumbents supervises investigations of alleged criminal activities and disciplinary charges at the institutions, satellite units of the institutions and at facilities/vendors providing services to the employing agency. It is well established that it is not appropriate for an employee to supervise positions classified by titles at the same or higher level. Further, the Commission has found that the essential component of supervision is the responsibility for formal performance evaluation of subordinate staff. See *In the Matter of Timothy Teel* (MSB, decided November 8, 2001). As such, in order to be classified at the level of Principal Investigator Parole and Secured Facilities, an incumbent must have the responsibility for completing formal performance evaluations of subordinate staff. The job specification for Principal Investigator Parole and Secured Facilities is replete with examples of work which states that use incumbent supervises various activities and indicates responsibility for supervision of work operations and effectively recommending the hiring, firing, promoting, demoting and disciplining employees. There is no doubt that this is a supervisory title. It is also uncontested that the appellant does not complete PARs of lower level investigators.

While the current job specification does not specifically indicate that incumbents are responsible for employee performance evaluations, it clearly states that incumbents supervise the work operations and/or functional programs and has the responsibility for effectively recommending the hiring, firing, promoting, demoting, and/or disciplining of employees. In this regard, performance evaluation of subordinates, and its myriad of potential consequences to the organization, is the key function of a supervisor which distinguishes the position from that of a lead worker. See *In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). Nevertheless, DAS should review the job specification for Principal Investigator Parole and Secured Facilities and make changes consistent with this decision.

Lastly, the appellant is simply mistaken in his assertion that all employees must perform all the duties in the definition for Principal Investigator Parole and Secured Facilities before they can be promoted. Examination announcements are based on the experience section of the job specifications, not the definition section, or are open to specific titles.

Accordingly, a thorough review of the entire record fails to establish that appellant has presented a sufficient basis to warrant a Principal Investigator Parole and Secured Facilities classification of his position.

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<sup>2</sup> It is noted that a definition of "supervisor" in a PAR handbook is not controlling.

ORDER

Therefore, the position of Jeffrey Poling is properly classified as Senior Investigator Parole and Secured Facilities.

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 19<sup>th</sup> DAY OF APRIL, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

C: Jeffrey Poling  
Lisa Gaffney  
Kelly Glenn  
Records Center





STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
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P. O. Box 313  
Trenton, New Jersey 08625-0313

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Robert M. Czech  
Chair/Chief Executive Officer

September 12, 2016

Mr. Jeffrey Poling  
[REDACTED]

**RE: Classification Appeal – Senior Investigator Parole and Secured  
Facilities AS# 04160254, Position# [REDACTED] EID# [REDACTED]**

Dear Mr. Poling:

This is to inform you, and the Department of Corrections, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted and a telephone audit with you and your immediate supervisor, Duane Grade, on August 31, 2016.

**Issue:**

You are appealing your current title of Senior Investigator Parole and Secured Facilities is not consistent your current assigned duties and responsibilities. You contend that the title Principal Investigator Parole and Secured Facilities is consistent with the duties that you currently perform.

**Organization:**

Your position is located in the Department of Corrections, Special Investigations Division – Technical Services Unit. You report directly to Duane Grade, Assistant Chief Investigator Secured Facilities and do not possess supervisory responsibility.

**Finding of Fact:**

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

Mr. Jeffrey Poling  
Page 2  
September 12, 2016

- Reviewing and evaluating requests for investigations which includes all forensic examination of video and photographic evidence as well as requests for Crime Scene Investigation (CSI) processes (i.e. lifting latent fingerprints and then matching those prints to known subjects).
- Reviewing and approving all requests for polygraph examinations.
- Training staff involved in digital, computer, video forensics and/or polygraph investigations.
- Overseeing the preservation and processing for all evidence received by Technical Services Unit (TSU).
- Compiling and preparing information for investigative and statistical reports which includes: reporting number of digital device examinations; computer storage device examinations; polygraphs; and crime scene processing requests completed by the TSU.
- Facilitating NJDOC's in-service training programs for all custody personnel.

#### Review and Analysis:

You contend that the title Principal Investigator Parole and Secured Facilities is an appropriate title for your position. The definition section of the job specification for this title states:

“Under direction of an administrative officer responsible for internal affairs investigations for adult correctional or juvenile treatment facilities, or county correctional facilities; or other investigations involving parolees and the facilities/contractors providing services to parolees, supervises investigations of alleged criminal activities and disciplinary charges at the institutions and satellite units of the institutions and at facilities/vendors providing services to the employing agency, or serves as a qualified expert in the field of fingerprinting, photography, narcotics and polygraph; does related work as required.”

The definition for the Principal Investigator Parole and Secured Facilities has two (2) parts. The first part includes the supervision of investigations of alleged criminal activities and disciplinary charges.

Supervision includes ensuring that assigned tasks are performed efficiently on a day-to-day basis and the training of subordinates. As such, in order to be classified



Mr. Jeffrey Poling  
Page 3  
September 12, 2016

at the level Principal Investigator Parole and Secured Facilities, an incumbent must supervise subordinate staff, including having the responsibility for completing formal performance evaluations. To be considered a supervisor, the individual must be the person actually administering and signing off on the evaluation as the subordinate's supervisor. In this regard, only the individual who signs the evaluation as the supervisor can be considered to have the ultimate decision-making responsibility for that subordinate's ratings.

The supervision of staff is not an assigned duty and/or responsibility included in either your Position Classification Questionnaire (DPF-44S) or Performance Assessment Review (PAR).

The second part of the definition states: "serves as a qualified expert in the field of fingerprinting, photography, narcotics and polygraph; does related work as required." A review of your DPF-44S does not include duties and/or responsibilities related to narcotics. Additionally, during the telephone audit it was stated that your position does not function as the primary qualified narcotics expert. Those investigations are handled by narcotics experts in the Drug Interdiction Unit (DIU). After the DIU has concluded the narcotics testing and has determined additional investigation is required they will then transfer the item to the Technical Services Unit (TSU) for fingerprinting.

The assigned duties and/or responsibilities of the position under review are consistent with the established standards for incumbents functioning in the title Senior Investigator Parole and Secured Facilities.

**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 of Senior Investigator Parole and Secured Facilities. 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



Mr. Jeffrey Poling  
Page 4  
September 12, 2016

well as 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  
Agency Services

JR/rmd

c: Elizabeth Whitlock, Director, Department of Corrections  
John Elfo, Manager, Department of Corrections

