

B-47



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Changes in the State
Classification Plan and Job Banding
Request, Department of
Transportation

CSC Docket Nos. 2016-778 and
2016-779

Changes in the State
Classification Plan and
Job Banding Request

CORRECTED

ISSUED: SEP 25 2015

On behalf of the Department of Transportation (DOT), the Division of Agency Services (Agency Services) requests changes to the State Classification Plan, which includes the establishment of new titles, verbiage changes to existing titles, consolidation of title series, inactivation of titles, and the cross walk of employees to new or existing titles to accommodate the proposed reorganization of DOT. Additionally, Agency Services requests that the new titles of Highway Operations Technician 3, Highway Operations Technician 2, and Highway Operations Technician 1 be approved for job banding in accordance with *N.J.A.C. 4A:3-3.2A(b)*.

By way of background, DOT's Division of Operations has proposed to reorganize its operations in an effort to "right-size" its human resources, enhance training, and equip operational facilities. The Division of Operations has operated on a staffing model that is based on approximately 2,000 or more personnel. However, current staffing levels are at a significant lower level with approximately 1,300 employees. Thus, in order to increase highway operations crew staffing counts and reduce individual specialization so that the future workforce is more efficient and effective, DOT has requested a broad title restructuring in the functional areas of Highway Operations, Overhead Signs/Sign Shop, Buildings and Grounds, and Rest Areas.

Agency Services has reviewed the proposed title restructuring and, in the attached memorandum, detailed the specific modifications and mechanisms to implement the changes, effective October 3, 2015. Agency Services supports the restructuring and notes that the changes will result in a net decrease of three titles

in the State Classification Plan. Further, the Communications Workers of America (CWA) and the International Federation of Professional and Technical Engineers (IFPTE) have been notified in compliance with *N.J.A.C.* 4A:3-3.3(f). Therefore, based on the foregoing, the Civil Service Commission (Commission) grants the request for changes to the State Classification Plan.

Regarding the job banding request, it is initially noted that *In the Matter of Job Banding for Human Resource Consultant, Personnel and Labor Analyst, State Budget Specialist, and Test Development Specialist Title Series* (CSC, decided May 16, 2012), the Commission established a job banding pilot program for titles utilized exclusively by the Commission and the Department of the Treasury to facilitate advancement appointments of qualified employees to the next higher title level within a job band when a vacancy occurs. The pilot program, which ran from July 1, 2012 to June 30, 2013, is similar to the system that has been successfully used in the Judiciary for over 15 years.¹ As a result of the success of the Judiciary job banding model and the pilot program in the Executive Branch, the Commission promulgated rules to implement job banding procedures, where deemed appropriate, for titles utilized in State service. In adopting these rules, the Commission emphasized that the determination regarding the appropriateness of placing certain titles or title series in bands would be done on a case-by-case basis and proceed slowly and carefully. *See* 46 *N.J.R.* 1342.

Therefore, in reviewing titles and title series in State service to determine whether they are appropriate for job banding, *N.J.A.C.* 4A:3-3.2A(b)1 specifically requires that the determination be guided by whether a movement from one position to a higher level position may be achieved based on an evaluation of relative knowledge, skills and abilities (KSAs) without resorting to competitive examination procedures, while still satisfying the State Constitutional and statutory mandate for merit and fitness in selection and appointments. Further, *N.J.A.C.* 4A:3-3.2A(b)2 states that the Chairperson of the Commission or designee shall approve a specific number of competencies for each title level that an employee must attain to advance from a lower level title to the next higher level title.

In the present case, as set forth above, the Commission approves the petition of Agency Services to establish certain titles within DOT. Among other titles, the titles of Highway Operations Technician 3, Highway Operations Technician 2, and Highway Operations Technician 1 were created. Agency Services, on behalf of DOT, has also requested that these titles be banded. DOT indicated that based upon informal feedback received and observations made during 14 regional meetings attended by over 500 impacted employees, it was "clear that banding is being embraced by the rank and file as a positive new tool . . . The traditional Civil

¹ The Classification and Compensation System for a Unified Judiciary, as approved by the Commissioner of Personnel Janice Mitchell Mintz, June 30 1998.

Service examination and selection processes are well known to these employees and they have expressed what they believe will be the benefits of banding, including additional opportunities to train, career development and advancement based upon skill, competency and merit.” Accordingly, DOT proposed a banded job specification for the subject titles, namely, the Highway Operations Technician Band, which includes a band summary, definitions, tasks associated with each band level, competencies associated with each band level, and minimum requirements.

Upon review, Agency Services states that it evaluated the relative KSAs as set forth in the proposed job specification and has determined that movement to a higher level within the band can be accomplished outside of competitive examination procedures while satisfying the mandate that appointments and promotions be based on merit and fitness. In this regard, its review of the job specification for the levels within the series demonstrates that the key differences between each level relate to the complexity of work performed and the level of supervision received by the incumbent. Moreover, it notes that while written examinations may be useful to assess basic skills, such tests are less effective at measuring the attributes and behaviors that are indicative of an employee’s ability to perform more complex work under less supervision. Agency Services maintains that a direct assessment of these qualities via an evaluation of the employee’s attainment of predetermined competencies and job performance is a better predictor of future performance and ability to function at a higher level within this title series. Those employees who attain the requisite predetermined competencies can then compete for higher level positions within the band when vacancies occur. Thus, the State Constitutional and statutory requirement to determine relative merit and fitness for advancement, via competition, if practicable, is satisfied by job banding as it is based on the attainment of competencies and performance in the workplace. Additionally, Agency Services indicates that in accordance with *N.J.A.C. 4A:3-3.2A(b)* and *N.J.A.C. 4A:3-3.2A(d)3*, DOT will submit the specific competencies and the advancement appointment selection process to this agency for review and approval prior to the October 3, 2015 effective date. Furthermore, Agency Services has provided notice to IFPTE, the anticipated collective negotiations unit of incumbents in the Highway Operations Technician Band. Therefore, based on the foregoing, the Commission approves the request for job banding, as it is in substantial compliance with *N.J.A.C. 4A:3-3.2A(b)*.

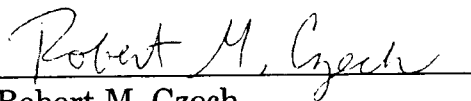
It is noted that IFPTE, represented by Arnold Shep Cohen, Esq., objects to DOT’s restructuring efforts, stating that DOT’s proposal “will lead to improper banding, avoiding seniority and experience in job assignments and promotions, limiting chances for advancement, and making promotional decision non-objective.” However, Agency Services and the Commission have carefully reviewed DOT’s proposal, including its job banding request, and the Commission does not find that IFPTE has submitted a sufficient basis to reverse the Commission’s approvals in the instant matters.

ORDER

Therefore, it is ordered that the request for changes to the State Classification Plan be approved and the request for banding of the Highway Operations Technician 3, Highway Operations Technician 2, and Highway Operations Technician 1 titles be granted.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

**DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF AUGUST, 2015**



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment

c: Michele A. Shapiro
Arnold Shep Cohen, Esq.
Timothy Rudolph
Hetty Rosenstein
Kenneth Connolly
Joseph Gambino

MEMORANDUM

DATE: September 24, 2015

TO: Civil Service Commission

FROM: Kenneth Connolly, Director
Division of Agency Services 

SUBJECT: Change in State Classification Plan - Revised

DEPARTMENT OF TRANSPORTATION

The Department of Transportation (DOT) requests title restructuring of several of its functional areas. DOT is undergoing an agency wide reorganization to right-size their human resources, enhance training, and effectively equip operational facilities. The impacted functional areas are: Highway Operations, Overhead Signs/Sign Shop, Buildings and Grounds, and Rest Areas.

Changes requested for each functional area are as follows:

Highway Operations

For its Highway Operations, the Department seeks to consolidate and/or restructure the specialty crew titles into a new generalized Highway Operations Technician (HOT) title series. This would help increase the efficiency of operations as well as provide greater lateral as well as promotional mobility.

In accordance with *N.J.A.C. 4A:3-3.2A(b)*, DOT also requests the new HOT series be approved for job banding. Following is the proposed structure of the new banded series:

- Highway Operations Technician 3
- Highway Operations Technician 2
- Highway Operations Technician 1

In this case, our evaluation of the relative knowledge, skills, and abilities (KSA's) as set forth in the job specifications demonstrates that the movement to the higher level within the band can be accomplished outside of competitive examination procedures, while satisfying merit and fitness mandates. A review of the job specifications for the levels within the series reveals that the key differences between each level relates to the complexity of the work performed and the level of supervision received. Although written examinations may be useful to assess basic skills such as reading ability, they are less effective at measuring other attributes and behaviors that are indicative of an employee's ability to perform more complex work under less supervision. A direct assessment of these qualities via an employee's attainment of predetermined competencies and job performance is a better predictor of future performance

and ability to function at a higher level within a title series. Of course, such evaluations are best made by supervisors who are in a position to observe performance on a daily basis.

In addition, DOT requests to create a new Highway Operations Technician Trainee title, which would serve an entry level to the HOT series.

To summarize, the title structure of the Highway Operations function would be as follows:

- Crew Supervisor, Highway Operations
- Crew Leader, Highway Operations
- Highway Operations Technician 3
- Highway Operations Technician 2
- Highway Operations Technician 1
- Highway Operations Technician Trainee

Overhead signs/Sign Shop

For its Sign Shop function, DOT proposes to retain its current title structure. They request to renumber the Sign Technician series in accordance with current practices, with the numerical suffix "1" representing the lowest level to "3" representing the highest level (lead worker level).

To provide an entry to the Sign Technician series; a Trainee level title is being requested.

To summarize, the title structure of the Sign Shop function would be as follows:

- Crew Supervisor, Signs
- Crew Leader, Signs
- Sign Technician 3
- Sign Technician 2
- Sign Technician 1
- Sign Technician Trainee

Buildings and Grounds

For the Buildings and Grounds (including Rest Areas) two titles are being created to function as Team Lead and Supervisors to the Grounds workers and the Trades crew.

- Crew Supervisor, Building and Grounds
- Crew Leader, Building and Grounds

All new and restructured title series will be numbered in accordance with current practices, with the numerical suffix "1" representing the lowest level (entry level) to "3" representing the highest level (lead worker level).

The title actions will be processed as lateral employee movements; appointment type to appointment type, with retention of existing status.

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The current and proposed collective negotiation representatives have been notified. Copies of these notices are attached.

For titles being consolidated, upon successful completion of the consolidation process, the consolidated titles involved will be inactivated. Any existing eligibility lists for these variant titles shall be processed as follows:

- Promotional and open competitive lists issued from pending announcements for any affected title in which employees with provisional appointments are serving will be certified for one time use only in order to effect permanent appointment(s) and will be declared expired upon disposition of the certification; excluding PS8932T.
- A complete list that has never been used and contains no employees with current provisional appointments for the title and unit scope specified shall be declared expired.
- A complete list which contains employees with current provisional appointments for the title and unit scope specified (with the exception of such employees currently on active military duty) will be processed for one time use and will be declared expired upon the disposition of the certification.
- An incomplete list containing no employees with current provisional appointments for the title and unit scope specified shall be declared expired.
- Any employee currently on active military duty will be afforded all applicable rights under Federal and State law upon their release from active duty and given the opportunity to apply and compete for any announcements for which they would otherwise have been eligible but for their military service.
- Eligibility lists for affected titles and unit scopes which have expired will be revived as necessary to address unanticipated situations which may arise.
- Provisionals in the non-impacted titles having permanent status in titles being consolidated; if unsuccessful in becoming permanent shall be returned to the appropriate consolidated title.
- Symbols which have been announced but the lists have not been promulgated may be re-announced to include the specialty crew titles.

Bargaining units of the new titles will be assigned by the Governor's Office of Employee Relations once the changes to the Classification plan are approved by the Board.

As the following Trainee titles do not require any education or experience; and testing for these is not practicable due to the knowledge, skills and abilities associated with the job, we request these to be assigned to the non-competitive division of the career service per *N.J.S.A. 11A: 3-2.1(d)* and *N.J.A.C. 4A: 3-1.2(c)*.

- Highway Operations Technician Trainee
- Sign Technician Trainee

Following are the changes required to the State Classification Plan to accommodate DOT's request and assist them in attaining their reorganizational goals. With these changes the State Classification plan will result in a net decrease of three (3) titles. NOTE – Where the term 'Career' is used below it means the title is in the Competitive Division of the Career Service.

Effective date: October 3, 2015

ESTABLISHMENT OF TITLES

Highway Operations Technician 3
__ 15 - _____ Career O 4012

Highway Operations Technician 2
__ 13 - _____ Career O 4012

Highway Operations Technician Trainee
__ 95 - _____ Non-Competitive O 4012

Sign Technician Trainee
__ 95 - _____ Non-Competitive O 4012

Crew Supervisor, Building and Grounds
__ 19 - _____ Career O 4012

Crew Leader, Building and Grounds
__ 17 - _____ Career O 4012

VERBIAGE CHANGE

FROM

Regional Maintenance Supervisor
Transportation
S 24 – 42346 Career O 4E12

Area Supervisor Highway Maintenance
S 21 – 42345 Career O 4012

Crew Supervisor, Highway Maintenance
R 19 – 42125 Career O 4012

Assistant Crew Supervisor, Highway Maintenance
R 17 – 42124 Career O 4012

Highway Construction & Bridge Repairer 2
O 11 – 41937 Career O 4012

Supervisor of Highway Marking
S 22 – 42046 Career O 4012

Crew Supervisor, Sign Shop
R 19 – 41845 Career O 4012

Assistant Crew Supervisor, Sign Shop

TO

Regional Operations Supervisor
Transportation
S 24 – 42346 Career O 4E12

Area Supervisor Highway Operations
S 21 – 42345 Career O 4012

Crew Supervisor, Highway Operations
R 19 – 42125 Career O 4012

Crew Leader, Highway Operations
__ 17 – 42124 Career O 4012

Highway Operations Technician 1
O 11 – 41937 Career O 4012

Supervisor of Highway Sign Operations
S 22 – 42046 Career O 4012

Crew Supervisor, Signs
R 19 – 41845 Career O 4012

Crew Leader, Signs

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R 17 – 41844 Career O 4012

FROM

Sign Technician 1
C 16 – 41843 Career O 4012

Sign Technician 3
C 12 – 41842 Career O 4012

__ 17 – 41844 Career O 4012

TO

Sign Technician 3
C 16 – 41843 Career O 4012

Sign Technician 1
C 12 – 41842 Career O 4012

CONSOLIDATION OF TITLE SERIES

FROM

Crew Supervisor

Crew Supervisor, Highway Marking
R 19 – 42035 Career O 4012

Crew Supervisor, Highway Construction & Bridges
R 19 – 41936 Career O 4012

Crew Supervisor, Landscape Highway Maintenance
R 19 – 42135 Career O 4012

Assistant Crew Supervisor

Assistant Crew Supervisor, Highway Marking
R 17 – 42034 Career O 4012 Common

Assistant Crew Supervisor, Highway Construction & Bridges
R 17 – 41939 Career O 4012

Highway Operations Technician

Highway Marker
O 11 – 42032 Non-Competitive O 4012

Maintenance Worker 1, Transportation
O 10 – 42112 Non-Competitive O 4012

TO

Crew Supervisor, Highway Operations
R 19 – 42125 Career O 4012

Crew Leader, Highway Operations
__ 17 – 42124 Career O 4012 Common

Highway Operations Technician 1
O 11 – 41937 Career O 4012

TITLES TO BE MADE ARCHAIC

No further appointments will be permitted to this title and the title will be inactivated once vacated.

Highway Construction & Bridge Repairer 1
C 16 – 41938 Career O 4012

Maintenance Worker 2
O 08 – 42111 Non-Competitive O 4012

TITLES TO INACTIVATED

The following titles can be inactivated as they are unencumbered and the Department has no plans to use these in the future.

Crew Supervisor Highway Drilling Operations
R 19 – 42245 Career O 4012

Assistant Crew Supervisor Highway Drilling Operations
R 17 – 42244 Career O 4012

CROSS WALK OF EMPLOYESS

In addition, as part of this consolidation process and for appropriate classification the DOT requests cross walk of employees in the following titles, in these operational areas.

The title actions will be processed as lateral employee movements; appointment type to appointment type, with retention of existing status

Highway Operations

FROM

Landscape Technician
C 15 – 42133 Career * 4012

Equipment Operator
O 12 – 42022 Career * 4012

Truck Driver Single Axle
O 11 – 42132 Non-Competitive * 4012

TO

Highway Operations Technician 3
___ 15 - _____ Career O 4012

Highway Operations Technician 2
__ 13 - _____ Career O 4012

Highway Operations Technician 1
O 11 – 41937 Career O 4012

Buildings and Grounds (including Rest Area)

FROM

Truck Driver Single Axle
O 11 – 42132 Non-Competitive * 4012

Maintenance Worker 1, Transportation
O 10 – 42112 Non-Competitive O 4012

TO

Repairer
O 11 – 41242 Non-Competitive * 4012

Grounds Worker
O 10 – 42744 Non-Competitive * 4012

KC/JT/PM