



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Christopher Naddeo,
Camden County

CSC Docket No. 2019-1716

Classification Appeal

ISSUED: JUNE 14, 2019

(SLK)

Christopher Naddeo appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with Camden County is Registered Environmental Health Specialist, Public Health (REHS, PH). The appellant seeks a Senior Registered Environmental Health Specialist, Public Health (Senior REHS, PH) classification.

The record in the present matter establishes that the appellant's permanent title is REHS, PH. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of a Senior REHS, PH. At the time of the classification review, the appellant reported to Paschal Nwako, County Health Officer. The appellant has no direct supervisory responsibility. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performs. Agency Services reviewed and analyzed the PCQ completed by the appellant and all information and documentation submitted. Additionally, Agency Services conducted telephone interviews with the appellant, Nwako, and Ann Biondi, Director. Agency Services found that the appellant's primary duties and responsibilities entailed, among other things, reviewing and approving construction plans for sewage disposal systems, non-community and non-public water systems, reviewing and providing written response water testing results and real estate inspection reports, conducting inspections on installation subsurface sewage disposal systems and individuals public community and non-public water systems, conferring with Engineers, Well Drillers, Septic Installers, Township Officials, Department of Environmental Protection representatives and other concerned

parties during the processing of individual subsurface sewage disposal systems and individual public non-community and non-public water systems, and replying to calls for non-hazardous material emergency response. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for REHS, PH.

On appeal, the appellant states that he has taken the lead over REHS, PHs, trainees, interns, and nurses. He indicates that he has trained them and reviewed and corrected their work. The appellant presents that not only does he lead in his own unit, but he also leads REHS, PHs in another unit. The appellant highlights that previously, the appointing authority employed Senior REHS, PHs. However, due to retirements, promotions, and other employee movements, the appointing authority has not employed a Senior REHS, PHs in the Health Department since 2012. He asserts that it was the appointing authority's past practice to appoint employees to either a Senior or Principal REHS, PH if that employee reviewed plans. The appellant indicates that he reviews plans as well as responds to inquiries from concerned parties. He submits an e-mail from his former retired immediate supervisor, who was a former Section Supervisor Environmental Compliance, indicating that he agreed that the appellant was performing the duties of a Senior REHS, PH. However, he complains that his current superiors, who do not have significant experience working with him and do not know his daily duties since 2012, were the ones interviewed by Agency Services. The appellant states that his current superiors do not have a Senior REHS, PH assisting them, and he believes the current announcements for Principal and Senior REHS, PH are evidence that there is a need for a Senior REHS, PH in his department. He presents that Nwako stated during a meeting that he should have been promoted to Senior REHS, PH years ago based on his experience as Nwako had been automatically been promoted to Senior REHS, PH when he had five years of experience as a REHS, PH.

In reply, the appointing authority submits a statement from Nwako indicating the appellant's duties consist of reviewing and approving plans, conducting inspections and investigations, updating records and documentation, preparing reports and findings for court cases, reviewing and implementing policies, educating and communicating to the public, assisting concerned parties, inspecting suspected disease outbreaks, keeping current with professional developments, conducting surveys and investigations, reviewing and analyzing records and reports and making recommendations, and assembling, reviewing, and using information concerning various phases of environmental sanitation. Nwako presents that he is qualified to attest to the daily duties that the appellant performs based on his experience as a REHS, PH and a Senior REHS, PH. He opines that the appellant is not currently performing the duties of a Senior REHS, PH, although he may be eligible for the current promotional examination for that title.

In further response, the appellant reiterates that it was the appointing authority's past management's practice to appoint employees who were reviewing plans to the Senior REHS, PH title regardless of the job specification for that title. He indicates that he started reviewing plans in 2011 as it was known that there were going to be many retirements in December 2012. He presents that he was an acting supervisor for two and one-half weeks in February 2012 until an acting Principal REHS, PH was named. The appellant states that he never stated that Nwako was not qualified and he was only stating that since he was never his immediate supervisor, he did not know his daily duties and could not make a true evaluation of his job performance. In fact, his former supervisor told him that Nwako said that he was working out-of-title. Additionally, the appellant highlights he is the first ranked candidate for current examinations for Senior and Principal REHS, PH.

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 REHS, PH states:

Under direction, performs sanitary inspection and environmental health work involving in the enforcement of relevant sanitary, environmental, and public health laws and rules within the concerned jurisdiction; conducts inspections, investigations, and educational outreach activities; performs other related duties as required and/or necessary.

The definition section of the job specification for Senior REHS, PH states:

Under direction, takes the lead over Registered Environmental Health Specialists and Registered Environmental Health Specialist trainees; performs sanitary inspection work involving the enforcement of relevant sanitary, environmental, and public health laws and rules within the concerned jurisdiction; conducts inspections, investigations, and educational outreach activities; performs other related duties as required and/or necessary.

In this present matter, a review of the job specification definitions for REHS, PH and Senior REHS, PH indicates that the main differences between these two titles is that an incumbent serving as a Senior REHS, PH is a lead worker while a

REHS, PH is not. 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 the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014).

A review of the record indicates that the appellant is not a lead worker. On the appellant's PCQ, the appellant does not indicate that he assigns work. Instead, he only indicates that he occasionally reviews completed work of employees. Further, he does not indicate any specific employees that he is currently regularly and on a recurring basis assigning and reviewing work. Additionally, his PCQ indicates that he spends 50 percent of his time reviewing plans, 30 percent of his time conducting inspections, and 20 percent of his time responding to emergency inquiries. Taking the "lead" in reviewing plans, conducting inspections, and responding to inquiries is not the same as leading employees by assigning and reviewing work on a regular and recurring basis. Similarly, the fact that others in his unit and other units may go to him for assistance is not the same as leading specific employees by being responsible for the assigning and reviewing their work on a regular and recurring basis.

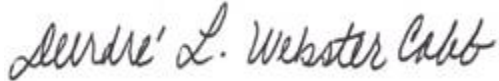
With respect to the appellant's assertion that it was the appointing authority's past practice to appoint employees to the Senior REHS, PH title based on having the responsibility for reviewing plans, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. *See In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). *See also, In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998). Concerning the appellant's former supervisor's belief that he was performing the duties of a Senior REHS, PH, it is this agency that is responsible for determining the classification of a position. Regarding the appellant's statement that there is a need for a Senior REHS, PH in his department and that he is eligible for current Senior and Principal REHS, PH promotional examinations, the fact that his department may need a Senior REHS, PH and his meeting the eligibility requirements for a Senior REHS, PH examination is not the same as him currently performing the duties of this title.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Christopher Naddeo is properly classified as Registered Environmental Health Specialist, Public Health.

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 12th DAY OF JUNE, 2019



Deidre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Christopher Naddeo
Emeshe Arzon
Kelly Glenn
Records Center