



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jaison Alex, Bergen
County

Classification Appeal

CSC Docket No. 2020-6

ISSUED: JULY 31, 2020 (SLK)

Jaison Alex appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with Bergen County is Senior Engineer, Traffic (Senior Engineer). The appellant seeks a Principal Engineer, Traffic (Principal Engineer) classification.

The record in the present matter establishes that the appellant’s permanent title is Senior Engineer. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of a Principal Engineer. The appellant is assigned to the Department of Planning and Economic Development and reports to Joseph Baladi, County Division Head. He 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 as a Senior Engineer. Agency Services reviewed and analyzed the PCQ and all information and documentation submitted. Additionally, Agency Services conducted phone interviews. Agency Services found that the appellant’s primary duties and responsibilities entailed, among other things: reviewing plans by municipalities and ensuring that they are in compliance with the American with Disabilities Act (ADA); conducting traffic studies to evaluate impacts resulting from proposed site plans; making recommendation to the County Planning Board and review teams to improve mobility and safety; identifying potential corridor safety problems on County roads and proposing counter measures; monitoring and inspecting construction projects; reviewing traffic reports; and analyzing fair share contribution. 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 Senior Engineer.

On appeal, the appellant argues that the ADA Coordinator position is a totally separate leadership position with additional managerial responsibilities that do not fall under the Senior Engineer title. He presents that he has been working as the County ADA Coordinator since February 2012. The appellant states that the ADA Coordinator title was added to his original hired title Senior Engineer. He complains that he has been holding two titles since February 2012 without a promotion. The appellant highlights that he is the sole County ADA Coordinator for Bergen County as there was no one doing this job before him and he is the only one with ADA certification and the knowledge and information about the ADA to do the work efficiently and consistently. The appellant asserts that his duties as an ADA Coordinator are different from the duties for which he was hired. The appellant explains that as the ADA Coordinator, he coordinates the County's 70 municipal entities' efforts to comply with the ADA and investigates any alleged violations. Additionally, the appellant indicates that he coordinates compliance measures and can be instrumental in ensuring that compliance plans moves forward. He presents that he takes the lead in auditing the local government's programs, policies, activities and services along public right-of-way facilities for ADA compliance.

The appellant highlights the County's four different methods to coordinate the ADA work within the public right-of-way. These include Transition Program: ADA Cooperative Engineering Design and Construction Program where he coordinates the county's 70 municipalities to design and execute the programs to upgrade existing pedestrian facilities to meet ADA compliance; Self-Evaluation Program which involves ADA compliance design and enforcement on government project including roadway/intersection improvement projects; Community Development which involves coordinating with municipalities for ADA compliance in community development projects; and Site-Plan and Sub-Division projects which involves ramp design review, recommendation and enforcement for compliance with federal regulations and guidelines. He further summarizes that his duties as the ADA Coordinator include the design of pedestrian facilities and coordinating overall compliance efforts, managing ADA projects, enforcing ADA compliance on public right-of-ways, coordinating self-evaluations and transition plans, and working with community leaders, individuals with disabilities and other stakeholders to achieve compliance and establishing credibility and resources. The appellant believes that it is unfair to keep his official title as Senior Engineer without a promotion when he handles the managerial and leadership role as the County ADA Coordinator in addition to his responsibilities as Senior Engineer.

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 Senior Engineer job specification states:

Under direction of a supervisory official, outlines operations, prepares and conducts various studies having to do with traffic engineering; does other related duties as required.

The definition section of the Principal Engineer job specification states:

Under direction of a Supervising Engineer or other supervisory official, organizes, and takes the lead in, various traffic engineering studies, the design, installation, maintenance and construction of traffic control systems for the regulation and flow of traffic; in some jurisdictions, may supervise a staff conducting traffic engineering work; does other related work.

In this present matter, a review of the job specification definition sections indicates that the main distinguishing characteristic between the two titles is that Principal Engineers are lead workers (or supervisors), while Senior Engineers are 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).

In this matter, a review of the appellant's PCQ indicates that the appellant indicated that he occasionally assigned and reviewed the work of certain named staff. In other words, he is not primarily acting as a lead worker as these duties are not being regularly performed. It is noted that auditing, coordinating and managing municipal projects, programs and policies is not the same as being a lead work to specific named employees on a regular and recurring basis. *See In the Matter of Gloria Burnett-Harrison, et al.* (MSB, decided February 22, 2006) (Supervision of

clients or projects is not the same as supervision of staff). Further, a review of the appellant's PCQ indicates that he spends less than half of his time (40 percent) on ADA Coordinator duties. Moreover, the appellant's duties as an ADA Coordinator include Senior Engineer duties such as roadway, intersection and curb ramp design. Therefore, the record indicates that the appellant is primarily performing Senior Engineer duties.

Concerning the appellant's statement that the ADA Coordinator duties have been added to his duties since he was hired and other similar statements, 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). Referring to his comments that he is the sole person with ADA training, certification and knowledge, being the sole expert in a particular area does not establish that the appellant's position should be classified by a lead worker title. See *In the Matter of John Freise* (CSC, decided May 1, 2013).

Regarding the appellant's statement that it unfair that he has been given the ADA Coordinator "title" in addition to his Senior Engineer title without a promotion, a position classification is not to provide a career path to the incumbent, but rather to ensure that the position was classified in the most appropriate title available within the State's classification plan. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). It is noted that ADA Coordinator is not a Civil Service title. As such, from a classification perspective, the appellant was not given a second title. Instead, he was given additional responsibilities under his existing Senior Engineer title. The fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Jaison Alex is properly classified as Senior Engineer, Traffic.

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 29TH DAY OF JULY, 2020

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