



STATE OF NEW JERSEY

In the Matter of Maria Tsakiridis,
Essex County

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

CSC Docket No. 2022-1749

Classification Appeal

ISSUED: April 4, 2023 (ABR)

The Essex County Superior Officers' Association (Association) appeals the December 20, 2021, classification decision of the Division of Agency Services (Agency Services), which found that Maria Tsakiridis' position with the Essex County Department of Corrections was properly classified as Investigator Secured Facilities. Tsakiridis seeks a Senior Investigator Parole and Secured Facilities classification.

The record in the present matter establishes that at the time of the Association's request for a classification review on behalf of Tsakiridis in March 2021, she was serving in her permanent title of Investigator Secured Facilities with the Essex County Department of Corrections. In support of the classification review request, Tsakiridis submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performed. In her PCQ, Tsakiridis stated, in relevant part, that she functioned as a law enforcement officer for the detection, apprehension, arrest, custody and prosecution of offenders; trained and oversaw entry-level investigators; provided instruction and guidance to entry-level investigators and coordinated their work activities; reviewed, evaluated and conducted investigations of alleged criminal acts and administrative violations committed by staff, inmates and visitors to the facility; reviewed and evaluated complaints filed by or against staff, inmates and visitors; obtained, secured, preserved and processed evidence; prepared investigative and other reports containing findings, conclusions and recommendations; generated criminal charges and/or summonses against staff, inmates and visitors to secured facilities through the court system; interviewed and

investigated persons charged with indictable and administrative offenses; compiled reports and materials to substantiate arrests and in preparation for hearings; and prepared formal records and statements covering all phases of assigned investigations.

Agency Services conducted a review of Tsakiridis' PCQ and a telephone audit. Agency Services found that the primary responsibilities of Tsakiridis' position included, but were not limited to, conducting investigations of alleged criminal acts and administrative violations committed by staff, inmates and visitors to the facility; compiling investigative and statistical reports, findings, conclusions, recommendations, case logs, and other reports utilized and required by the facility; conducting fact finding and preparing disciplinary action reports and documents, ensuring the creation and maintenance for each case and investigation file used in hearings or substantiated for an arrest; evaluating and conducting investigations of violations of rules, regulations, standards and laws by adult inmates, juveniles, residents, vendors, residents, vendors, the public and employees; obtaining, securing, preserving and processing evidence; generating criminal charges and/or summonses against staff, inmates and visitors to secured facilities through the court system; interviewing and investigating persons charged with indictable and administrative offenses; compiling reports and materials to substantiate arrests and in preparation for hearings; conducting intelligence and evaluation of information from the juvenile detention facility to utilize and disseminate information and correspondence to appropriate law enforcement agencies; and taking the lead over other investigators by providing instruction and guidance, and coordinating their work activities.

Based upon these findings, Agency Services determined that while Tsakiridis, at times, provided guidance to other investigators, the primary function of her position was to perform investigations consistent with the Investigator Secured Facilities title. Since she did not serve as a lead worker on a regular, recurring basis, Agency Services found that the title of Senior Investigator Parole and Secured Facilities was not suitable for her position. Rather, based upon the preponderance of the duties she performed, Agency Services concluded that Tsakiridis' position was appropriately classified as Investigator Secured Facilities.

On appeal, the Association argues that Tsakiridis' position is properly classified as Senior Investigator Parole and Secured Facilities. In this regard, it presents that her duties and responsibilities are the same as those of another incumbent whose position Agency Services found was appropriately classified as Senior Investigator Parole and Secured Facilities. The Association states that the other individual is junior to Tsakiridis in terms of both time in grade and overall service time with the appointing authority. Furthermore, the Association maintains that at the time of the subject classification reviews, Tsakiridis was overseeing the workload and cases of three provisional investigators while the incumbent classified as a Senior Investigator Parole and Secured Facilities only oversaw two. The

Association suggests Tsakiridis' comparatively humble mannerisms and greater use of passive terminology during her interview, relative to that of the other individual, may have given Agency Services an inaccurate impression that her duties and responsibilities were different, when, in fact, she performed Senior Investigator Parole and Secured Facilities duties to a greater extent. The Association also argues that the January 6, 2016, appointment date referenced in Agency Services' determination is incorrect, as an April 2018 settlement agreement between the appointing authority and the Association involving unfair labor practice allegations before the Public Employment Relations Commission (PERC) provided, in relevant part, that the appointing authority would dispose of the May 19, 2016 certification (PL151206) from the Investigator Secured Facilities (PC1032T), Essex County eligible list setting forth a retroactive appointment date of December 13, 2014 for Tsakiridis.¹ It maintains this issue is germane to the present matter because the subject classification review has revealed that the appointing authority has failed to satisfy the terms of the April 2018 settlement agreement. It further presents that the foregoing speaks to a pervasive pattern of improper conduct on the appointing authority's part relative to employees who have filed classification appeals. The Association also expresses concern about the impact the recorded appointment date could have on Tsakiridis' seniority score on the Senior Investigator Parole and Secured Facilities (PC4969D), Essex County examination.

In response, the appointing authority, represented by Sylvia Hall, Esq., Director of Labor Relations, argues that Tsakiridis' County and Municipal Personnel System (CAMPS) record is consistent with the April 2018 settlement agreement, as it shows that she was provisionally appointed pending promotional examination to the Investigator Secured Facilities title, effective December 13, 2014, and a conversion of appointment type based upon her permanent appointment to that title, effective January 5, 2016, through the disposition of the October 29, 2015, certification (PL151206) from the Investigator Secured Facilities (PC1032T) eligible list. The appointing authority denies the Association's claim that it retaliated against Tsakiridis for seeking the subject classification review. With regard to the Association's arguments related to the PC4969D examination, the appointing authority contends that those claims are anticipatory, speculative, and should not have any bearing on the determination in the instant matter.

In reply, the Association reiterates its contention that Tsakiridis is functioning as a Senior Investigator Parole and Secured Facilities. It contends that she was one of only two properly trained and certified investigators and that, as of the time of the instant appeal, the two of them had more time in internal affairs than the provisional investigators. It again maintains that Tsakiridis simply did not properly articulate her level of involvement in the training and oversight of entry-level investigators.

CONCLUSION

¹ Both the PL151206 certification and the April 2018 settlement agreement reflect Tsakiridis' then-surname of Theodoridis.

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.

N.J.A.C. 4A:3-3.1(b)1 provides that positions shall be assigned by the Civil Service Commission (Commission) and be assigned the title which describes the duties and responsibilities to be performed and the level of supervision exercised and received.

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

Under the direction of a supervisory official responsible for internal affairs investigations for a state adult correctional or juvenile treatment facility, or county correctional facility, performs the field and office work involved in the investigation of alleged criminal activities and disciplinary charges at the institution and satellite units; does other related duties as required.

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

Under the limited supervision of a supervisory officer responsible for internal affairs investigations in a state department, institution or agency, or in a local government agency 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 overseeing 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 other related duties as required.

In the instant matter, the Association argues that the proper classification of Tsakiridis' position was Senior Investigator Parole and Secured Facilities. Namely, it avers that her duties are markedly similar to those of another incumbent serving in the Senior Investigator Parole and Secured Facilities title and it suggests that Agency Services may have failed to recognize this because of Tsakiridis' relatively humble demeanor during her telephone interview. Critically, in her PCQ, she indicated that she trained and oversaw entry-level investigators eight percent of the time; provided instructions and guidance to entry level investigators and coordinated their work activities eight percent of the time; and took the lead over lower level

investigators two percent of the time. In other words, Tsakiridis indicated that she acted as a lead worker approximately 18 percent of the time. The Association's arguments on appeal fail to establish that she performed such duties a greater percentage of the time. As Agency Services correctly observed, the quintessential difference between the Investigator Secured Facilities and Senior Investigator Parole and Secured Facilities title is that the latter typically acts as a lead worker who regularly provides assignment, instruction and guidance to entry-level investigators. Tsakiridis' performance of lead worker duties 18 percent of the time is not sufficiently routine to be considered part of the primary focus of her duties. As such, Agency Services determination that the proper classification of Tsakiridis' position was Investigator Secured Facilities was correct and it cannot be said that the Association has met its burden of proof in this matter.

With regard to the effective date of Tsakiridis' appointment to the title of Investigator Secured Facilities, the record does not show that the Commission was a party to the PERC settlement and there is no indication that the foregoing agreement was presented to the Commission for acknowledgment. It is observed that the Investigator Secured Facilities (PC1032T) eligible list at issue in that underlying matter promulgated on October 29, 2015, and that the PL151206 certification was issued on November 5, 2015, with a disposition due date of January 5, 2016. As such, it would not have been possible to provide Tsakiridis with a December 13, 2014, permanent appointment date from the PC1032T eligible list. Additionally, there is no evidence that the issue date of the PL151206 certification was unreasonably delayed relative to the promulgation of the PC1032T eligible list and it is further observed that the effective date recorded for Tsakiridis' appointment to the title of Investigator Secured Facilities was the January 5, 2016, due date for the return of the PL151206 certification. Further, it is observed that the December 13, 2014, date referenced in the PERC settlement agreement is reflected in Tsakiridis' CAMPS record as the effective date of her provisional appointment to the title of Investigator Secured Facilities. Accordingly, the record does not establish a basis to approve a retroactive appointment date for Tsakiridis' permanent appointment to the title of Investigator Secured Facilities.

ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED ON
THE 3RD DAY OF April, 2023

Allison Chris Myers

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Acting Chair/Chief Executive Officer
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