



STATE OF NEW JERSEY

In the Matter of Victor Vazquez,
Essex County

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

CSC Docket No. 2022-1710

Classification Appeal

ISSUED: April 4, 2023 (ABR)

The Essex County Superior Officers' Association (Association) appeals the determination of the Division of Agency Services (Agency Services), which found that Victor Vazquez's position with the Essex County Department of Corrections was properly classified as County Correctional Police Officer. The Association seeks an Investigator 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 Vazquez, Vazquez was serving in his permanent title of County Correctional Police Officer. In March 2021, the Association requested a classification review of Vazquez's position with the Essex County Department of Corrections. In support of the classification review request, Vazquez submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performed. In his PCQ, Vazquez stated, in relevant part, that he spent his time as follows: 40 percent observing inmates directly and indirectly through visual and electronic monitoring to check for unusual or abnormal activity and to ensure the safety, security and welfare of inmates, facility personnel and the public; 20 percent gathering intelligence, collecting contraband introduced into the facility and working with the Internal Affairs Bureau to investigate the source of such contraband; 10 percent reporting information in accordance with established policies, regulations, and procedures; and 10 percent assisting with Internal Affairs Bureau investigations.

Agency Services conducted a review of Vazquez's PCQ and a telephone audit. Agency Services found that 40 percent of the primary responsibilities of Vazquez's position were observing inmates directly and indirectly through visual, audio and video monitoring; checking for unusual and abnormal activities; and ensuring the security, safety, and welfare of inmates, facility, personnel and the public. It found that a further 40 percent of his responsibilities included conducting cell and dormitory searches in accordance with established policies, regulations and procedures; assisting in monitoring incoming and outgoing mail per established policies; reporting information in accordance with established policies, procedures and regulations; photographing and collecting evidence for investigative purposes within the correctional facility; and assisting in performing investigations and preparing detailed, cohesive information with the Internal Affairs Bureau. Finally, it found that the remaining 20 percent of his responsibilities involved gathering intelligence and contraband introduced into the facility, conducting further investigation and partnering with the Internal Affairs Bureau to ascertain the source.

Agency Services determined that the primary focus of Vazquez's duties was inconsistent with the Investigator Secured Facilities title series and was instead commensurate with the title of County Correctional Police Officer. In this regard, Agency Services found that that the position was primarily responsible for maintaining the care, custody and control of inmates. It observed that while Vazquez assisted with gathering information related to internal affairs investigations, the PCQ demonstrated that it was not his primary responsibility. It also noted that the examples of work section in the job specification for County Correctional Police Officer, while used for illustrative purposes, included duties like collecting contraband introduced in the facility, investigating the source of such contraband, and that incumbents may photograph and/or collect evidence for investigative purposes within a correctional facility or institution.

On appeal, the Association argues that Vazquez's work on internal affairs investigations is more than an occasional aspect or function of his position and that the record demonstrates that such duties constitute approximately 60 percent of his responsibilities. It avers that that the appointing authority has a long-standing pattern of assigning employees Investigator Secured Facilities duties while improperly keeping them in the County Correctional Police Officer title series, as demonstrated by a series of decisions by the Public Employment Relations Commission (PERC), the Civil Service Commission (Commission) and the Commission's predecessor, the Merit System Board. It further presents that in *In the Matter of Investigator, Penal Institution, et al.* (MSB, September 16, 1997), the Merit System Board stated that "investigative activities, *except as a minor or occasional aspect or function of a position*, would correctly warrant classification under [the titles of Investigator Penal Institution or Investigator, Internal Affairs]." It submits that Vazquez's assignment to the Criminal Investigations Bureau (CIB) within the appointing authority's Department of Corrections distinguishes his position from

those of other County Correctional Police Officers, as the unit has generally operated outside of the traditional chain of command and personnel within that unit wear a uniform that is distinct from those in the County Correctional Police title series. It adds that his regular access to the internal affairs offices would be inconsistent with the New Jersey Attorney General's Internal Affairs Policies and Procedures if he was not assigned to that unit. Accordingly, the Association contends that Vazquez should be classified as an Investigator Secured Facilities. It further requests that the appointing authority be directed to either reassign all those currently assigned to the CIB duties consistent with their permanent titles or provisionally assign them to the Investigator, Secured Facilities title series.

In response, the appointing authority, represented by Sylvia Hall, Esq., Director of Labor Relations, avers that Agency Services clearly found that Vazquez was primarily "responsible for performing duties regarding the care, custody, and control of inmates," consistent with the County Correctional Police Officer job specification. It argues that the Association's assertions about the appointing authority's "pattern of behavior" are conclusory in nature and empty allegations. The appointing authority further asserts that the Association's claims about the CIB's operation within the chain of command and reporting relationships must be disregarded, as they are not supported by a certification from a person with direct and/or personal knowledge or completed PCQs.

In reply, the Association reiterates that *In the Matter of Investigator, Penal Institution, et al., supra*, was not given adequate consideration when Agency Services conducted Vazquez's classification review. It maintains that the five cases it cited from PERC, the Merit System Board and the Commission demonstrate the appointing authority's pattern of behavior and can properly be considered in the review of the instant matter. Finally, the Association contends that the appointing authority deliberately created the CIB to willfully circumvent the Investigator Secured Facilities title series.

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.

N.J.A.C. 4A:3-3.1(b)1 provides that positions shall be assigned by the 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 County Correctional Police Officer states:

Under supervision during an assigned tour of duty within an adult county correctional facility or institution, performs a wide variety of tasks in support of the safety, security and welfare of inmates, facility personnel and visitors; performs other related duties as required.

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.

In the instant matter, the Association asserts that the primary focus of Vazquez's duties is consistent with the title of Investigator Secured Facilities. However, a thorough review of the information presented in the record establishes that Vazquez was properly classified as a County Correctional Police Officer. It is evident that 80 percent of Vazquez's duties are consistent with the definition and examples of work in the County Correctional Police Officer job specification and that the remaining 20 percent of his duties were appropriately considered "other related duties" or "a minor or occasional aspect or function" of his position by Agency Services. Accordingly, a thorough review of the record fails to establish that the Association has presented a sufficient basis to warrant an Investigator Secured Facilities classification for Vazquez's position.

ORDER

Therefore, the position of Victor Vazquez is properly classified as County Correctional Police Officer.

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

Allison Chris Myers
Acting Chair/Chief Executive Officer
Civil Service Commission

Inquiries
and
Correspondence

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

c: Victor Vazquez
James Troisi
Catherine M. Elston, Esq.
Jacqueline Jones
Sylvia Hall, Esq.
Division of Agency Services
Records Center