



STATE OF NEW JERSEY

In the Matter of Kelvin Brooks,
Department of Health

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

CSC Docket No. 2025-1527

Classification Appeal

ISSUED: August 28, 2026 (EG)

Kelvin Brooks appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Health is Investigator 1. The appellant seeks an Investigator 2 classification.

The record in the present matter establishes that the appellant's permanent title is Investigator 1. The appellant sought reclassification of his position, alleging that his duties were not commensurate with his current title and that the title of Investigator 2 more appropriately reflected the duties he performed. The appellant's position is in the Department of Health's Criminal Background Investigation Unit. He is under the supervision of Robert Stemmer, Supervisor of Investigation. The rest of the unit consisted of one Investigator 3, one Investigator 2, and one vacant Investigator Trainee. The appellant did not prepare any performance evaluations and had no supervisory responsibility. Agency Services reviewed the information provided by the appellant and appointing authority, including an organizational chart, a Performance Assessment Review (PAR), and a Position Classification Questionnaire (PCQ), which included comments from the appellant and appointing authority.

Agency Services found that the duties the appellant performed most closely matched the job description and examples of work performed by an Investigator 1. It indicated that a key difference between Investigator 1 and Investigator 2 was that an Investigator 2 acts as a lead worker. It noted that such a role refers to those persons

whose titles are non-supervisory in nature but are required to act as leader of a group of employees in titles at the same or a lower level than themselves within the same unit. The duties and responsibilities would include training, assigning, and reviewing work of other employees on a regular basis and recurring basis, such that the lead worker acted in an advisory position for other employees. Agency Services found that the appellant's position did not function as a team leader. It determined that the appellant did not have regular and recurring responsibilities overseeing lower-level investigators and/or lower-level staff performing related job duties in his unit. Therefore, Agency Services concluded that the appellant's duties were not consistent with those of an Investigator 2.

On appeal, the appellant argues that since December 2022, he was charged with developing a training program for Investigator Trainees. He asserts that later that same month he began training his first trainee, S.W., which included training, assigning, and reviewing her work. Additionally, he states that as the senior Investigator 1 in his unit, he continues to provide advisory leadership and direction for his former trainee, while being assigned to the same squad. Further, he adds that since he filed his request for position classification review, he has trained, assigned and reviewed work for another trainee. He states that he continues to act in an advisory role to this other trainee as well. The appellant stresses that his team leader role is continuing and thus is recurring.

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 Investigator 1 job specification states:

Under the close supervision of an Investigator 3, Supervisor of Investigations, or other supervisory official in a State department or agency, or local government agency, conducts routine investigations in the field or from the central office, involving alleged non-compliance with State statutes and regulatory requirements; does other related duties as required.

The definition section of the Investigator 2 job specification states:

Under the limited supervision of an Investigator 3, Supervisor of Investigations, or other supervisory official in a State department or agency, or local government agency, conducts complex investigations in

the field or from the central office, involving alleged non-compliance with State statutes and regulatory requirements; takes the lead over investigative staff; does other related duties as required.

In the present matter, a review of the job specifications indicates that the differences in the titles are the type of supervision that incumbents work under, the complexity level of investigations conducted, and whether the incumbent is a lead worker. Agency Services' determination found the key difference between the two titles is that Investigator 2s take the lead over investigative staff while Investigator 1s are not lead workers. In this regard, Agency Services determined that the appellant did not act as lead worker in his unit because he did not have regular and recurring responsibilities overseeing lower-level investigators and/or lower-level staff performing related job duties in his unit. On appeal, the appellant argues that since December 2022, he was assigned to provide training, assigning, and reviewing work of Investigator Trainees. Specifically, the appellant indicates that he trained his first trainee starting in December 2022 and the second after he had filed his request for position classification review. Additionally, he maintains that as the senior Investigator 1 in his unit, he continues to provide advisory leadership and direction for his former trainee, while being assigned to the same squad.

As set forth in Agency Services' determination, a lead worker 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 responsibility for the preparation of performance evaluations. In the instant matter, the record indicates that in the appellant's August 8, 2024 letter to the appointing authority where he first requested that his position be reclassified to Investigator 1, he states that he began to train an Investigator Trainee and developed training curriculum and he continued to mentor the trainee, but he does not indicate that he regularly assigned and reviewed and was otherwise responsible for the work of this trainee on a regular and recurring basis. Further, in the appellant's PCQ, under the first duty that is listed as 30 percent of his time, he states that he offered training and "supervision" to a new investigator. It is noted that there is nothing in the record that indicates that the appellant signed any PARs, and as such, the appellant would not be considered a supervisor. *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). Additionally, the appellant indicates that under a duty that takes 10 percent of his time, that he "[s]erves as the lead when surveillance activities require a team of investigators when no supervision is present." In other words, the appellant did not clearly indicate on his PCQ that he assigns and reviews the work of investigators on a regular and recurring basis. Further, the statements from the appellant's supervisor on his PCQ indicate that he agrees with the statements made by the appellant. However, he does

not state that being a lead worker is one of the appellant's primary duties. Moreover, the appellant's PAR does not indicate that being a lead worker is a primary duty for the appellant.

Additionally, while the appellant has trained and may have assigned and reviewed the work of an Investigator Trainee at certain points, these duties do not rise to the level of lead worker as they are not regular and recurring. Since 2022, the appellant indicates that he has trained one other person in his unit. However, training duties, without the responsibility of assigning and reviewing the work of employees on a regular and recurring basis, does not establish that an incumbent is a lead worker. *See In the Matter of Loretta Creggett* (CSC, decided August 1, 2018). *See also In the Matter of Jackeline Egan* (CSC, decided December 1, 2021) and *In the Matter of Lily Hill* (CSC, decided December 1, 2021). Further, while the appellant indicates on appeal that he acts in an advisory capacity to S.W., he does not indicate that he is responsible for assigning or reviewing her work on a regular and recurring basis. Thus, as he is not performing the duties of a lead worker, Agency Services correctly determined that the appellant's position is properly classified as an Investigator 1.

Accordingly, there is not a sufficient basis to disturb the determination of Agency Services.

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 25TH DAY OF AUGUST, 2026



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