



STATE OF NEW JERSEY

In the Matter of Kenneth Vehrkens,
Department of Law and Public Safety

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

CSC Docket No. 2026-651

Classification Appeal

ISSUED: March 5, 2026 (SLK)

Kenneth Vehrkens appeals the determination of the Division of Agency Services that the proper classification of his position with the Department of Law and Public Safety, Division of Consumer Affairs, Office of Weights and Measures, is Weights and Measures Inspector 2 (Inspector 2). The appellant seeks a Weights and Measures Inspector 3 (Inspector 2) classification.

The record in the present matter establishes that the appellant's permanent title is Weights and Measures Inspector 1 (Inspector 1). Further, he was provisionally appointed as an Inspector 2, effective August 27, 2022.¹ The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of an Inspector 3. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that he performs as an Inspector 2. Agency Services reviewed and analyzed the PCQ, and comments provided by the appellant, his immediate supervisor, Chief of Staff, and the appointing authority.

On appeal, the appellant presents that he has been working in Weights and Measures for 25 years including 15 years as an Assistant Superintendent of Weights and Measures with Bergen County and then intergovernmentally transferring to the State in 2015. He indicates that when he intergovernmentally transferred his title

¹ Agency records indicate that the appellant's provisional appointment was based on a September 1, 2023, classification appeal approval letter.

was Inspector 3 and was immediately assigned instructor duties. Further, he presents that in 2022, he was appointed as the only Statewide head instructor. The appellant also provides that in 2022, the Civil Service Commission (Commission) denied his classification appeal to be an Inspector 2 because he did not clearly demonstrate that he performed “moderately complex” duties as opposed to “routine” duties. However, he states that in July 2021, the job specifications for the Inspector titles were revised eliminating the “assist” language that triggered classification reviews in 2020. Additionally, he presents that in October 2021, the Superintendent confirmed the revised job specifications were in effect, but his pending classification appeal was not addressed. The appellant also claims that, in April 2021, there was an email that indicated that his classification was being “held” with the intention to deny, reflecting alleged administration collusion to avoid recognizing out-of-title duties.

Regarding his current duties, the appellant indicates that he spends 40 percent of his time on enforcement, 30 percent on training, 10 percent on policy, 10 percent on coordination, and 10 percent involving court proceedings, and he describes his duties in these areas in more detail.

The appellant requests a retroactive placement with pay to Inspector 2, effective March 14, 2020, since no duty review was conducted during the title realignment and he claims that his duties had already met Inspector 2 or higher duties at that time. Additionally, he requests that his position be reclassified to Inspector 3, which recognizes his current portfolio of complex, specialized and supervisory duties, including being in a Statewide head instructor role, cannabis enforcement, protocol authorship, “NCWM²” leadership, and expert-level enforcement and court work. Further, the appellant requests that if it is determined that his duties are not considered “complex,” he requests a clarification of the definition of “complex” versus “moderately complex” work under the Inspector title series.

Finally, the appellant submits a copy of his 2025 Performance Assessment Review (PAR) to highlight the complexity of his duties and his 2026 PAR³ to demonstrate that the Job Expectations reflect his expanded leadership, the complexity of his duties, and the independent nature of his work. He asserts that these duties are relevant to his appeal for an Inspector 3 classification.

² The record indicates that “NCWM” refers to the National Council on Weights and Measures.

³ It is noted that the appellant presents his 2026 PAR for purposes of his Job Expectations which he agreed to and signed on December 12, 2025, as the PAR does not yet include a rating of his work performance. It is for the 2026 rating period, which for his agency, is from November 1, 2025 through October 31, 2026.

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

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 Inspector 2 job specification states:

Under the general supervision of [an]Inspector 3 or other supervisory official in the Department of Law and Public Safety, may function as a lead worker, providing guidance to staff of lower levels and taking the lead on work-related matters; performs and coordinates moderately complex office and metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations; does other related duties as required.

The definition section of the Inspector 3 job specification states:

Under the direction of a supervisory official in the Department of Law and Public Safety, performs complex work and supervises the office and metrology laboratory work and field investigations within an assigned unit involving the enforcement of weights and measures statutes and regulations; supervises staff and work activities; prepares and signs official performance evaluations; does other related duties as required.

Initially, concerning the appellant's request for a retroactive appointment as an Inspector 2, effective March 14, 2020, because there was no review of his duties at the time the Inspector titles series was renumbered, the request is untimely. In other words, if he believed that there should have been a position classification review based on the renumbering of the title series, he should have requested one at that time and appealed within 20 days of the determination if he disagreed with it.⁴ Further, his claim of administration collusion from April 2021 to avoid recognizing out-of-title duties is also untimely. It is emphasized that the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed *at a given point in time* as verified by this agency

⁴ The appellant submitted a classification position review request that was received by this agency on May 4, 2021, which is well after 20 days from March 14, 2020, and his claims were addressed in *In the Matter of Kathleen Belknap, et al.* (CSC, decided March 23, 2022).

through an audit or other formal study. Classification reviews are thus based on a current review of assigned duties, and any remedy derived therefrom is prospective in nature. This agency's established classification review procedures in this regard have been affirmed following formal review and judicial challenges. *See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M62780), and Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004); *In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992); and *In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993). Regardless, contrary to the appellant's claim that he was performing Inspector 2 duties as far back as March 2020, the Commission found in *In the Matter of Kathleen Belknap, et al.* (CSC, decided March 23, 2022) that the appellant's position was properly classified as an Inspector 1.

In this present matter, a review of the job specifications indicates that the distinguishing factor between the two titles is that Inspector 2s may be lead workers while Inspector 3s are supervisors. A review of the appellant's PCQ indicates that while he assigns and reviews the work of named employees, he is not responsible for signing any employee's PAR. Therefore, the record indicates that the appellant's position is properly classified as an Inspector 2 as he is a lead worker and not a supervisor. 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). Further, in determining supervisory responsibility, performance evaluation authority is a reasonable standard because it is the means by which it can be demonstrated that a supervisor can exercise his or her authority to recommend hiring, firing, and disciplining of subordinate employees. Simply stated, the actual authority and exercise of performance evaluation of subordinate staff is what makes a supervisor a supervisor. Performance evaluation of subordinates, and its myriad of potential consequences to the organization, is the key function of a supervisor which distinguishes the employee from a "lead worker," *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005).

Concerning the appellant's request to distinguish between "complex" and "moderately complex" work in the Inspector title series, the Commission need not make this determination as one cannot be in a supervisory title without performing supervisory duties, *i.e.*, having PAR responsibility. With regard to any claim that the appellant is making that he performs job duties that align with the Inspector 3

Examples of Work, in making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the Examples of Work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). 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.

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 BY
THE 4TH DAY OF MARCH, 2026

Allison Chris Myers

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Chair/Chief Executive Officer
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