



STATE OF NEW JERSEY

In the Matter of Anthony Cox, Sr.,
Atlantic City

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

CSC Docket No. 2025-2343

Classification Appeal

ISSUED: November 25, 2025 (SLK)

Anthony Cox Sr. appeals the determination of the Division of Agency Services (Agency Services) that floodplain administrator and Community Rating System coordinator duties are appropriate for his position as a Construction Official. The appellant seeks to remove these duties from his responsibility as out-of-title.

The record in the present matter establishes that the appellant's permanent title is Construction Official. The appellant sought reclassification of his responsibilities, alleging that his floodplain administrator and Community Rating System coordinator duties as a Construction Official were out-of-title. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that he performs as a Construction Official. Agency Services reviewed and analyzed the PCQ, and all information and documentation submitted.

Agency Services found that the appellant's primary duties and responsibilities entailed, among other things, administering and enforcing the State Uniform Construction Code Act (State UCC), ensuring compliance with regulations and handling administrative duties; evaluating, reviewing, and approving development projects in flood hazard areas, ensuring compliance with floodplain management regulations, including requirements for permits and certifications; inspecting and enforcing floodplain regulations, including maintaining flood hazard area boundaries; reviewing hydrologic and hydraulic analyses, and requiring additional flood hazard data when necessary; ensuring that all developments in flood hazard

areas meet safety requirements and obtain necessary permits from federal and State agencies, including those related to watercourse alterations and floodway encroachments; and managing tasks to the Community Rating System for the National Flood Insurance Program, including certifying compliance, reviewing elevation certificates, and documenting flood mitigation efforts for rate reductions or compliance grants. 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 Construction Official.

On appeal, the appellant states that only the first duty that Agency Services indicated is a primary duty of a Construction Official, and the remaining duties are either floodplain administrator or Community Rating System coordinator duties. He states that the determination indicates that floodplain administrator and Community Rating System coordinator duties are secondary duties for a Construction Official. However, the appellant submits documentation to demonstrate that when he was promoted in 2018, the paperwork only indicated that he was a Construction Official and did not include additional duties.

The appellant indicates that Agency Services stated that floodplain administrator and Community Rating System coordinator duties are common secondary duties for Construction Officials in shore communities due to the connection between building regulations and flood hazard mitigation. Additionally, he provides that the determination referenced a city ordinance designating the Construction Official as the floodplain administrator and Community Rating System coordinator as contributing factors in its conclusion. However, while he acknowledges that this might be a reason to reclassify Construction Official titles in shore communities in the future, he contends that it is arbitrary, precedent setting, and skirts Civil Service's own procedures and regulations to find that these are in-title duties for his position. Moreover, the appellant presents that in February/March 2024, Agency Services previously reviewed the floodplain administrator and Community Rating System coordinator duties and determined that they were out-of-title for a Construction Official, and it advised that he should work with his human resources department to either remove these duties or seek additional compensation. However, he states that Atlantic City has refused to do either of these. The appellant reiterates his position that until this agency revises the Construction Official job specification definition to include floodplain administrator and Community Rating System coordinator duties for shore communities, he is entitled to relief from performing these duties. He indicates that his duties have not changed since the March 2024 assessment, and he requested that Agency Services have a telephone conversation with him prior to issuing its determination, but it did not. As a result, the appellant believes that he incorrectly underestimated the amount of time he spends on additional duties as being 30 percent when such duties are more likely around 45 percent. Consequently, he requests that the Civil Service Commission

(Commission) order the appointing authority to remove these additional duties from his responsibility.

Specifically, the appellant requests that all duties as a floodplain administrator, as indicated in the city's ordinance, with the exception of coordination with the Construction Official, be removed from his responsibility as these duties are outside the scope of the Civil Service job specification for Construction Official and are not listed under the State UCC. *See N.J.A.C. 5:23-4.5(h)*. Similarly, he requests that almost all duties as Community Rating System coordinator be removed. The appellant states that these are not exclusively Construction Official duties as the City Engineer previously was assigned these duties and other coastal communities have designated their Business Administrator, Planning and/or Public Works Director, and/or outside consultants to perform this work. He notes that these duties require specialized training, continuing education, and certifications, which are not required to be a Construction Official by the Department of Community Affairs and, therefore, these duties are "factually" out-of-title for a Construction Official.

In response, the appointing authority, represented by Michael J. Ruffu, Esq., states that it is primarily relying on Agency Services' determination that the additional duties in question are in-title and the appellant's supervisor's statement. The supervisor states that the job specification clearly indicates that not all job duties may be listed. Further, he notes that there is no specific Civil Service title for these additional duties. Additionally, the supervisor presents that these duties are listed as Construction Official duties in the city's ordinance and have been assigned to Construction Officials well before the appellant was appointed to this title in 2018. Also, the supervisor emphasizes that these duties were advertised as being Construction Official duties when the appellant accepted appointment as a Construction Official and these duties were considered when determining the position's compensation. Further, as acknowledged in the determination, the supervisor indicates that most, if not all shore communities assign these duties to its Construction Officials. Also, the supervisor presents that the appellant stated that he spent 20 percent of his time as a Construction Official performing these duties.

The appointing authority adds that these duties are intrinsically linked to the broader scope of a Construction Official, especially in a shore community, as administering and enforcing the State UCC involves ensuring compliance with all relevant building regulations, which in flood-prone areas, necessarily includes floodplain management. Also, while the appellant argues that when he was appointed in 2018 these duties were not Construction Official duties, it indicates that in the city's municipal code these duties have always been Construction Official duties, and the appellant obtained the necessary certification to perform these duties and did perform them until his recent demand for additional compensation and subsequent refusal to perform said duties.

Moreover, the appointing authority states that contrary to the appellant's assertion, the determination was not arbitrary as this agency made its decision after reviewing all relevant information. It reiterates that these duties directly overlap a Construction Official's responsibility to ensure that structures meet both construction and flood safety standards. As such, the appointing authority contends that the determination was a sound decision supported by law and long-standing practices common throughout shore communities.

Regarding the appellant's reference to this agency's March 2024 correspondence that initially stated that the subject duties were out-of-title for a Construction Official, the appointing authority underscores that the correspondence noted that this was an initial assessment based solely on the information that the appellant provided, and for a comprehensive review, he needed to submit a request for a position classification review which would include his completion of a PCQ, and input from his supervisor and other relevant parties. Thereafter, a formal review was conducted by Agency Services, and it was determined that these duties were in-title for a Construction Official. The appointing authority emphasizes that if the appellant continues to refuse to perform these duties, he could be subject to disciplinary action, including removal. Concerning the appellant's statement that he underrepresented his time performing these additional duties, it provides that the appellant only claims this after receiving the subject determination.

In reply, the appellant states that the appointing authority has refused to release certain documents that he requests. Further, he notes that his immediate supervisor's statement in response to his appeal is not signed, dated, and certified to be true and accurate. Therefore, he questions whether the statement is admissible. Additionally the appellant asserts that the determination misapplies Civil Service rules, is an unjustified reversal of precedent, involves procedural irregularities, does not comply with governing statutes and guidelines, shows evidence of bias and was influenced by unfair or discriminatory practices, and overreaches the legal framework that govern such classifications, which has hurt him financially, eroded his professional standing, and undermined public safety. He cites legislation and case law to support his position. He notes that despite his superiors' failure to sign and date his PCQ, this agency proceeded with the determination. The appellant believes that the determination was arbitrary based on the laws governing a Construction Official and the duties of a floodplain administrator and Community Rating System coordinator, as it ignored legislative intent. He notes that Construction Officials are not required to be familiar with certain floodplain administrator responsibilities. He makes assertions to support his position that this agency was biased against him when it made its determination. The appellant claims that this agency's refusal to provide him the documentation it used to make its determination is further evidence of impropriety. The appellant asserts that the determination conflicts with State law as the Department of Community Affairs governs Construction Official duties. He states that the determination was a denial

of his liberty and property rights and submits case law which he believes supports his position. The appellant contends that the appointing authority and this agency retaliated against him for asserting his rights. Therefore, he believes that he has a legal entitlement to retroactive compensation.

Additionally, the appellant challenges the statement that most coastal communities assign these duties to Construction Officials. He presents several coastal communities where these duties are assigned to someone besides the Construction Official. The appellant argues that due to the specialized knowledge that the additional duties require, these duties are not incidental to the Construction Official title. The appellant reiterates his contention that these duties used to be assigned to the City Engineer prior to his appointment in the subject title. He disputes that these duties are included in determining his salary. The appellant emphasizes his position that the determination does not comply with State law. He requests that these duties be determined out-of-title and removed from his responsibility; be found that the assignment of these duties to the Construction Official conflict with the State UCC and Title 11A; he receive retroactive compensation for the alleged out-of-title work; there be an order affirming his protected rights and a restoration of procedural integrity requiring the classification unit to provide all materials involved in a position classification request; and Atlantic City be enjoined from further retaliatory or disciplinary actions related to this matter.

In further reply, the appointing authority states that the appellant has an overly broad reading of the State UCC and other legal authority. It notes that it used the State's Department of Environmental Protection Model Ordinance in assigning these duties to a Construction Official. The appointing authority emphasizes that assigning floodplain administrator duties to the Construction Official is consistent with the State UCC, the Civil Service Construction Official job specification definition, and administrative practices by State coastal communities. It indicates that such assignment of duties is integral to the city complying with State and federal laws. The appointing authority explains that floodplain management regulations dictate where, how, and under what conditions structures can be built or modified within designated flood hazard areas and that these regulations are enforced through the issuance and review of building permits, which is a core duty of a Construction Official.

The appointing authority provides that while the appellant contends that the State UCC vests exclusive authority to the Department of Community Affairs to define the duties of a Construction Official, there is nothing that strips a municipality of its right to assign ancillary, administrative, and coordinating duties to its Civil Service employees through a local ordinance. It contends that its ordinance simply reflects a legitimate and efficient organizational structure to place the oversight of flood zone permitting compliance under the person responsible for all permitting. It reiterates that Agency Services did not reverse itself when it first indicated that the

additional duties were not Construction Official duties as Agency Services clearly indicated that this was an “initial assessment” based solely on information provided by the appellant. However, after a comprehensive evaluation, Agency Services’ determination indicated that the subject duties are in-title for a Construction Official. Therefore, the appointing authority asserts that the appellant’s claims that Agency Services acted arbitrarily, with bias, in retaliation, and committed procedural errors are without merit. Similarly, it argues that the appellant’s claim that he was denied a protected right and is entitled to retroactive compensation has no basis as Agency Services did not deny the appellant compensation. Further, it states that the appellant only has a property interest in current compensation and not anticipated or expected future compensation, which is solely based on his belief that he is entitled to it.

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 Construction Official job specification states:

Under direction has chief administrative responsibility for administering and enforcing the provisions of the New Jersey Uniform Construction Code; does other related duties as required.

NOTE: The examples of work for this title are for illustrative purposes only. A particular position using this title may not perform all duties listed in this job specification. Conversely, all duties performed on the job may not be listed.

In this matter, on the appellant’s PCQ, he indicated that he spent 80 percent of his time performing duties pursuant to the State UCC and 20 percent of his time performing floodplain administrator/Community Rating System coordinator duties. Agency Services found that the appellant spent 20 percent of his time performing floodplain administrator duties and 10 percent of his time performing Community Rating System coordinator duties. Further, Agency Services noted that floodplain administrator duties are common secondary duties for Construction Officials, particularly for shore communities, where floodplain management is a particular concern because there is a direct connection between building regulations and flood hazard mitigation. Additionally, Agency Services indicated that Community Rating System coordinator duties support the floodplain management function. Specifically, Agency Services stated that “these responsibilities are closely related to construction

oversight and ensuring building safety-core aspects of the Construction Official's role."

It is noted that there is no floodplain administrator or Community Rating System coordinator Civil Service title. Additionally, even if there was, the appointing authority apparently does not have the need for a full-time position that is primarily dedicated to floodplain administration and/or Community Rating System coordination duties based on the appellant's PCQ and the determination's findings.¹ Also, job specifications are not intended to be all inclusive or restrictive since job specifications are intended to be utilized throughout State and local service. Job descriptions are not prepared with the intent to classify a singular position. If that were the case, this agency would have to prepare a job description for several hundred thousand State and local employees. Thus, the fact that an employee performs tasks not specifically listed in a job description is not, in itself, evidence of position misclassification. Legislative direction and agency policy militate against the establishment of new titles, especially when an existing title can be correctly utilized. *See In the Matter of Charles Phillips* (Commissioner of Personnel, decided January 20, 1993). 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.² Additionally, as indicated above, examples of work are for illustrative purposes only, and all duties performed on the job may not be listed. A disputed task not specifically addressed in this agency's job specification may be considered acceptable related work based on nature and frequency so long as there is a nexus between the disputed task and the primary focus of the job specification. Conversely, when a disputed task bears no relationship to the primary duties of the position, such task is inappropriately assigned. *See In the Matter of Morris County Snow Removal Policy* (Commissioner of Personnel, decided February 19, 2003). In this case, as the duties in question are closely related to construction oversight and ensuring building safety, which are core aspects of the Construction Official's role, it was appropriate for Agency Services to find that the appellant's floodplain administrator and Community Rating System coordinator duties were "other related" in-title Construction Official duties.

Concerning Agency Services' "initial assessment" which found that the subject duties were out-of-title, as indicated by Agency Services, that assessment was based solely on the information that the appellant provided and now, after a comprehensive position classification review, Agency Services correctly determined that these duties are in-title. Additionally, while the appellant argues that because the State UCC does not specifically list the subject duties as Construction Official duties, he cannot

¹ The appellant's statement on appeal that he now spends 45 percent of his time performing these duties cannot be considered as they were not presented at the time he submitted his classification. *See In the Matter of Jose Quintela* (CSC, decided June 21, 2017). However, even if this was considered, it would not change the outcome of this matter.

² Although the appellant indicates that a floodplain administrator requires licensing, continuing education, and certification, the record is unclear as to whether these duties are considered the same, lower, or higher-level duties as compared to the duties defined under the State UCC.

perform these duties as “in-title” duties, the appellant has provided no statute, regulation, case law or other legal authority indicating that a Construction Official cannot perform “other related” duties because said duties are not specifically listed pursuant to the State UCC.

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 24TH DAY OF NOVEMBER, 2025



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