



STATE OF NEW JERSEY

In the Matter of Thomas Leone,
Hunterdon County

CSC Docket No. 2024-183

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

Classification Appeal

ISSUED: October 11, 2023 (SLK)

Thomas Leone appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with Hunterdon County is Equipment Operator. The appellant seeks a Heavy Equipment Operator classification.

The record in the present matter establishes that the appellant’s permanent title is Equipment Operator. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of a Heavy Equipment Operator. The appellant reports to Bryan Stem, County Road Supervisor. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that he performed as an Equipment Operator. Agency Services reviewed and analyzed the PCQ, an organizational chart, and all information and documentation submitted. Agency Services found that the appellant’s primary duties and responsibilities entailed, among other things: operating general equipment to push or load materials, leveling earth, excavating, clearing leaves and refuse, performing snow removal, and repairing roads and pavement; loading, securing, and unloading equipment or large materials to job sites; training others on the importance of proper tie down procedures for equipment and materials to be transported safely; and occasionally operating larger equipment to perform more complex tasks that requires a higher-level skill set. 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 Equipment Operator.

On appeal, the appellant states that the machines that he operates are ones that are listed under the job specification for Heavy Equipment Operator. Specifically, he presents that 95 to 98 percent of his time, he operates front-end loaders, motor grades, backhoes, grad-alls, excavators, and skid steers. Further, the appellant indicates that in addition to regular duties, he operates equipment in tight and confined spaces, extreme terrain, and around utilities and buildings. He describes in more detail how he operates these machines performing complex duties. Additionally, the appellant explains that he is responsible for ensuring that the machinery is in proper working order and safe to load and transfer to the job site. Further, he provides that he attends training classes on his own time to expand his knowledge regarding the safety and operation of this equipment. Finally, the appellant highlights that this agency requested that he administer and score a test for Equipment Operator and Heavy Equipment Operator. He believes that if he can score a Heavy Equipment Operator test, his position should be classified as Heavy Equipment Operator.

In response, the appointing authority relies on the information that was initially submitted to Agency Services for its review.

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 Equipment Operator (05) job specification states:

Under direction, operates one or more types of gasoline or diesel powered equipment to perform assignments to push, pull, pile, lift, and load materials; clears brush and debris; levels earth to rough specification on simple, rolling terrain and/or level surfaces; inspects equipment daily and reports unsafe conditions; services and makes minor emergency repairs in garage or field; lubricates/oils equipment; does other related duties.

The definition section of the Heavy Equipment Operator (06) job specification states:

Under direction, operates one or more types of gasoline or diesel powered equipment to perform the more complex and demanding assignments to fine grade slopes, inclines, ramps, curves, and excavations by scrapping, scooping, rolling, lifting, or leveling on all types of terrain; works to fine specifications from grade stakes set by survey party; inspects machinery daily and reports unsafe conditions; services and makes minor emergency repairs to equipment in garage or field; may occasionally perform a variety of manual or unskilled tasks; does other related duties as required.

In this present matter, a review of the job specifications indicates that the distinction between the two titles lies in the degree of skill and precision required to perform the principal tasks of each title and the type of equipment operated. Positions assigned to Heavy Equipment Operator operate equipment, which is larger, more complex, and/or used on varied types of terrain requiring more skill and greater motor coordination to manipulate, and/or in more confined spaces where the consequences of error and potential for danger are greater, and for which additional certification and/or licensure may be required. Heavy Equipment Operators may also perform the less complex duties performed by Equipment Operators. Agency Services found that while on occasion the appellant performs Heavy Equipment Operator duties, the preponderance of his time is spent performing Equipment Operator duties. Further, the appellant's superiors indicated that while he spends some of his time operating heavy equipment, he spends more of his time operating general equipment. Therefore, the record indicates that while the appellant may perform some Heavy Equipment Operator duties, he spends the majority of his time performing Equipment Operator duties. While the appellant states that he uses equipment that is listed under the Heavy Equipment Operator examples of work, it is also noted that some of the same equipment and duties, such as using front-loaders and performing excavations are also listed as Equipment Operator examples of work. Regardless, 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.

Concerning the appellant's comments that he obtains training on his own time regarding the use and safety of heavy equipment, while this is commendable, this does not demonstrate that he spends most of his time performing Heavy Equipment Operator duties. Similarly, referring to his statement that he has been asked to score Heavy Equipment Operator examinations for this agency, even if true, this only signifies that the appellant is knowledgeable about the use of heavy equipment and

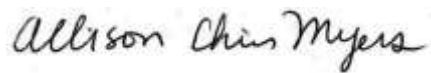
Heavy Equipment Operator duties, and it does not signify that he spends most of his time performing Heavy Equipment Operator duties.

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
THE 11TH DAY OF OCTOBER, 2023



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Chair/Chief Executive Officer
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