



STATE OF NEW JERSEY

In the Matter of Greg Bartelloni,
Essex County

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

CSC Docket No. 2023-2125

Classification Appeal

ISSUED: October 3, 2023 (ABR)

The Essex County Superior Officers' Association (Association) appeals the March 16, 2023, classification decision of the Division of Agency Services (Agency Services), which found that Greg Bartelloni's position with the Essex County Department of Corrections was properly classified as County Correctional Police Lieutenant. The Association seeks a Principal Investigator Parole and 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 Bartelloni in March 2021, he was serving in his permanent title of County Correctional Police Lieutenant with the Essex County Department of Corrections. In support of the classification review request, Bartelloni submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performed. On December 20, 2021, following completion of a desk audit and a thorough review of all documentation, Agency Services issued a final classification determination which found that Bartelloni's position should be reclassified from County Correctional Police Lieutenant to Principal Investigator Parole and Secured Facilities, effective January 20, 2022, unless he was assigned duties commensurate with his permanent title. The appointing authority subsequently appealed this determination to the Civil Service Commission (Commission) which affirmed the determination that Bartelloni's position was properly classified as Principal Investigator Parole and Secured Facilities. *See In the Matter of Greg Bartelloni* (CSC, decided January 18, 2023). The Commission

indicated in its January 18, 2023, decision that if Bartelloni or the appointing authority believed that Bartelloni's duties had changed since March 2021, such that the primary focus of his assigned duties was more consistent with another title, they could request a new classification review under *N.J.A.C. 4A:3-3.9*. Thereafter, the appointing authority, by letter dated February 6, 2023, submitted a new PCQ for Bartelloni's position to the Division of Appeals and Regulatory Affairs (DARA) which was referred to Agency Services for further review. Based upon its review of this PCQ, Agency Services issued a March 16, 2023, decision which found that Bartelloni had been reassigned duties which were commensurate with his permanent title of County Correctional Police Lieutenant. Accordingly, Agency Services found that Bartelloni's position was properly classified as County Correctional Police Lieutenant, effective January 25, 2023.

On appeal, the Association argues that Agency Services' March 16, 2023, determination was improper, as the matter of Bartelloni's classification was pending before the Commission. The Association also maintains that the true reasoning behind Bartelloni's reclassification and the removal of his internal affairs supervisory function was likely the appointing authority's failure to enroll him in the requisite academy for proper training in accordance with the Police Training Act.

Specifically, the Association presents that the appointing authority has indicated that Bartelloni is ineligible to hold any title in the Investigator title series because he failed to take the Basic Training Course for Investigators (BCI). The Association alleges that the appointing authority has been making a concerted effort to avoid placing anyone permanently in the Principal Investigator Parole and Secured Facilities title. In this regard, it avers that Bartelloni's failure to take the BCI is attributable to the appointing authority's failure to enroll him and that Bartelloni could not enroll himself because it would have required the approval of the Director of the Essex County Department of Corrections. It further alleges that the appointing authority was aware of the foregoing requirement, but had failed to send any candidates to the BCI between June 2018 and July 2022. The Association concedes that Bartelloni has been performing duties commensurate with his permanent title of County Correctional Police Lieutenant since late December 2022. Nevertheless, it alleges that his removal from internal affairs without replacement supervisors in the titles of Principal Investigator Parole and Secured Facilities or Senior Investigator Parole and Secured Facilities within the internal affairs unit was retaliatory.

It also notes that as of its February 13, 2023, submission that the appointing authority had not disposed of the November 21, 2022, certification (PL221670) from the Senior Investigator Parole and Secured Facilities (PC4969D), Essex County eligible list. The Association also expresses concern that the appointing authority will seek to cancel an announced promotional examination for the title of Principal Investigator Parole and Secured Facilities (PC4931D) based on a 2021 cancellation of an examination for that title. The Association also proffers that the appointing

authority argued in its original submissions that Bartelloni could supervise its internal affairs unit as a County Correctional Police Lieutenant, but has now reversed itself by arguing that Bartelloni cannot serve in that role without statutorily required training and certification. The Association also complains that it was not brought into a teleconference between the appointing authority and representatives of this agency on August 12, 2022, regarding this and other matters.

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:3-3.5(a)1 provides that when duties and responsibilities of a position change to the extent that they are no longer similar to the duties and responsibilities set forth in the specification and the title is no longer appropriate, the Chairperson or designee, shall after review:

1. Reclassify the position to a more appropriate title if there is one;
2. Establish a new title to which the position shall be reclassified; or
3. Take other appropriate action based on the organizational structure of the appointing authority.

N.J.A.C. 4A:3-3.5(c) states that no reclassification of any position shall become effective until notice is given to affected permanent employees and approval is given by an appropriate Commission representative. *N.J.A.C.* 4A:3-3.5(c)1 indicates that within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules. *N.J.A.C.* 4A:3-3.5(c)2 provides that should an employee in the career or unclassified service in State or local service, or an appointing authority in local service, disagree with a reclassification determination, an appeal may be filed in accordance with *N.J.A.C.* 4A:3-3.9.

In the instant matter, the Commission indicated in its January 18, 2023, decision that if Bartelloni or the appointing authority believed that Bartelloni's duties had changed since March 2021, such that the primary focus of his assigned duties was more consistent with another title, they could request a new classification review

under *N.J.A.C.* 4A:3-3.9. Further, *N.J.A.C.* 4A:3-3.5(c)1 indicates that within 30 days of receipt of a reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Following the Commission's January 18, 2023, decision, the appointing authority initiated a new classification review through the submission of a new PCQ by letter dated February 6, 2023. Here, the Association concedes that Bartelloni's duties since December 2022 have been consistent with his permanent title of County Correctional Police Lieutenant. Accordingly, the Association has failed to sustain its burden of proof in this matter and Bartelloni's position is properly classified as County Correctional Police Lieutenant, effective January 25, 2023.

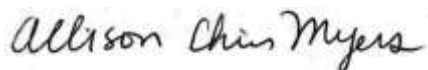
The Association's remaining concerns have no bearing on the propriety of Bartelloni's classification. However, it is noted that four applicants were deemed eligible for the promotional examination for Principal Investigator Parole and Secured Facilities (PC4931D), Essex County, which was administered on September 14, 2023¹. As to the title of Senior Investigator Parole and Secured Facilities, the disposition of the PL221670 certification was recorded on May 17, 2023, and since the certification was incomplete, the appointing authority did not effectuate a permanent appointment and was not required to do so. *See N.J.A.C.* 4A:4-4.2.

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 26TH DAY OF SEPTEMBER, 2023



Allison Chris Myers
Chair/Chief Executive Officer
Civil Service Commission

¹ An eligible list for this symbol has not yet promulgated.

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