



STATE OF NEW JERSEY

In the Matter of Michael Gagliano,
Department of the Environmental
Protection

CSC Docket No. 2023-2589

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

Classification Appeal

ISSUED: October 3, 2023 (SLK)

Michael Gagliano appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Environmental Protection is Geologist 2, Environmental Protection (Geologist 2). The appellant seeks a Research Scientist 3 classification.

The record in the present matter establishes that the appellant’s permanent title is Geologist 2. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of a Research Scientist 3. The appellant reports to Brian Buttari, Geologist 3, Environmental Protection. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that he performed as a Geologist 2. Agency Services reviewed and analyzed the PCQ and all information and documentation submitted. Agency Services also interviewed the appellant and Buttari about the appellant’s duties. Agency Services found that the appellant’s primary duties and responsibilities entailed, among other things: conducting field-based scientific research on the geophysics of New Jersey; conducting field work throughout the year to collect raw data; collecting raw analytical data and preparing this information to generate new maps and reports; and researching, designing, and conducting geophysical investigations pertaining to geologic mapping, hydrogeology, pollutants, underground storage tanks, salt water intrusion, and landfills. 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 Geologist 2.

On appeal, the appellant submits letters of support for his appeal from Raymond Bousenberry, Section Chief, Environmental Protection, and Buttari. The appellant asserts that his classification position review was not evaluated with the level of consideration needed for the job duties that he performs. He claims that the determination letter contains multiple content errors that reflect a fundamental misunderstanding of his job duties, which he contends demonstrates that this agency failed to properly prepare for his interview and interpret his PCQ. He believes that the reviewer misunderstood his PCQ and the nature of his work which led to the erroneous conclusion to not reclassify his position. The appellant presents eight statements from the determination letter which he disputes and/or has additional commentary, and he explains why he disputes each claim or how his additional commentary supports his appeal.

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 Geologist 2 (P22) job specification states:

Under the limited supervision of a Geologist 3, Environmental Protection, or other supervisory official in the Department of Environmental Protection, performs professional work relating to the collection/analysis of geological, hydrogeological, or geophysical data pertaining to environmental problems including groundwater resources, geological hazards pollution, and subsurface migration of pollutants; provides technical expertise, instruction, assistance, and consultation; does other related duties as required.

The definition section of the Research Scientist 3 (P25) job specification states:

Under direction of a Research Scientist 1 or other supervisory official in a state department, institution, or agency, conducts or participates in research projects or developed programs in a specified professional field; does other related work.

Regarding the support letters submitted in conjunction with the appellant's request, it is noted that the appellant's program manager disagreed with the appellant's requested title. Regardless, while these opinions may be considered in making a determination, it is this agency that is responsible for determining position classification based on its review of the duties presented.

In this matter, the determination found that the appellant's primary duties were conducting field-based scientific research on the geophysics of New Jersey; conducting field work throughout the year to collect raw data; collecting raw analytical data and preparing this information to generate new maps and reports; and researching, designing, and conducting geophysical investigations pertaining to geologic mapping, hydrogeology, pollutants, underground storage tanks, salt water intrusion, and landfills. It is noted that while the appellant disputes some of the claims in the determination letter, the appellant has not disputed the findings of fact regarding his primary duties. Further, while the determination letter indicates that the appellant conducts scientific research, the majority of the appellant's primary duties are consistent with the Geologist title series, and more specifically, the Geologist 2 title. *See In the Matter of Zachary Schagrin* (Chair/CEO, decided August 24, 2023). As such, there is no basis to grant the reclassification of his position.

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 25TH DAY OF SEPTEMBER, 2023



Allison Chris Myers
Chair/Chief Executive Officer
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