



## 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 job specification for Road Repairer 3 states:

Under direction, takes the lead over and works with a group of employees performing tasks involving the maintenance, repair, resurfacing, and/or construction of roads within a jurisdiction and/or assists in the installation and/or maintenance of traffic lines and traffic signs; maintains grounds; does other related duties as required.

The definition section of the job specification for Road Repair Superintendent states:

Under direction, has charge of and directs staff engaged in the maintenance, repair, resurfacing, and/or construction of roads, and/or staff responsible for the installation and maintenance of traffic lines and traffic signs; directs and oversees the maintenance of grounds; does related duties as required.

Agency Services indicated the duties of the position as: serving as liaison between the Director of Public Works and the Division of Streets; coordinating scheduling for road projects; providing assignments to Laborers in the Division of Streets; and ensuring that Laborers are following standard safety regulations and procedures. Agency Services stated that the position does not have supervisory responsibility and duties and concluded that the proper classification of the position was Road Repairer 3, a lead worker title.

A review of the duties of the appellant's PCQ indicates that he stated that he supervised 25 individuals, including a Supervisor of Mechanics, Road Repair Supervisors, Keyboarding Clerks, Motor Broom Operators, Truck Drivers, Mechanics, and Laborers. He indicated that he regularly supervised others, including completing performance evaluations, assigning work, and reviewing completed work of these employees.

The appellant's supervisor, a Municipal Department Head (Director of Public Works), stated that the appellant is assigned the position because "there are four Supervisors of Street," and he is just working "with other supervisors with Laborers to accomplish a task of maintaining the effectiveness of cleaning the city. The

appointing authority agreed with the Director of Public Works. However, an organizational chart indicates that the appellant supervises all the individuals he named. Moreover, on appeal, the appellant provided numerous work documents. Among them are many invoices for materials, equipment and supplies which he approved; overtime sheets with his signature as supervisor; time off request forms submitted to him as the supervisor; memos from the appellant to his supervisor regarding disciplinary actions needed for various employees; a memo requesting the appellant's and his supervisor's appearance at a *Loudermill* hearing for an employee; a request from the appellant to his supervisor for a *Loudermill* hearing for an employee; written warnings to employees from the appellant; Preliminary Notices of Disciplinary Actions for employees and served by the appellant as supervisor; an Employment Information Form for a new employee indicating that the appellant was the immediate supervisor; a notice of a promotion to an employee signed by the appellant as supervisor; the first pages of current performance evaluations, dated January 2023, for various employees, although they have no ratings on them; and a completed performance evaluation for an employee for 2021.

Among the most compelling documents were a warning to the appellant from his supervisor which states, "As Supervisor you are aware that incident reports must be completed as well as proper disciplinary actions taken such as written warnings. I understand that you are extremely busy with paving, but you have to make sure that you properly utilize your office staff and advise them that their assistance is needed while you're out in the field to ensure assignments given by your Director is completed in a timely fashion." Another was a warning notice to the appellant from the Director of Public Works for not reporting an accident involving "one of your truck drivers," and "your clerical staff." As such, it is difficult to see how the Director of Public Works and the appointing authority maintain that the job is just to work with other supervisors with Laborers. Clearly, the position involves supervisory duties, and a lead worker title is inappropriate. At this juncture, the file establishes that the position had supervisory duties at the time of the review.

Accordingly, a thorough review of the entire record indicates that the appellant has presented a sufficient basis to warrant a Road Repair Superintendent classification of his position.

### **ORDER**

Therefore, it is ordered that this appeal be granted, and the position of Garland Barber be classified as Road Repair Superintendent effective June 8, 2022.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED ON  
THE 5<sup>TH</sup> DAY OF SEPTEMBER, 2023

*Allison Chris Myers*

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