



B-9

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kevin Dick,
Millville School District

CSC Docket No. 2015-2780

Classification Appeal

ISSUED: **NOV 10 2015**

(RE)

Kevin Dick appeals the attached decision of the Division of Agency Services (DAS) which found that his position with the Millville School District is properly classified as Building Maintenance Worker/Maintenance Repairer. Mr. Dick seeks a Maintenance Repairer job classification in this proceeding.

Mr. Dick was hired as a Building Maintenance Worker on November 14, 2011. In October 2014, he requested a classification review of his position located in the Facilities Department, Millville School District. Mr. Dick reports to a Supervisor Building Services/Maintenance Supervisor Grounds and does not have supervisory responsibilities. DAS conducted an interview with the appellant and his supervisor and all related documents were reviewed.

This review found that Mr. Dick's assigned duties and responsibilities, as detailed in DAS' attached decision, were commensurate with the title of Building Maintenance Worker/Maintenance Repairer. This is a dual title, one that combines two separate titles into one classification.

On appeal, Mr. Dick argues that he was hired by the Millville Board of Education in November 2011 as a Building Maintenance Worker. The responsibilities for this position were to "perform skilled multi-craft work to maintain and repair physical structure and associated equipment of school buildings and grounds." The language in the job posting to which he replied also required "a minimum of (5) five years of multi-trade experience in facilities maintenance or construction. ... Should have repair experience in more than one of

the following trades: plumbing, electrical, carpentry, locksmithing, HVAC, welding and general repair of buildings. Commercial plumbing or electrical experience preferred." Mr. Dick states that there was another job posting for Custodian. That position was also entitled Building Maintenance Worker, but was responsible for "cleaning and minor maintenance at assigned school including classrooms, offices, cafeterias, hallways, gymnasiums, laboratories, auditoriums, health offices, bathrooms and rest rooms. Distributes supplies; sweeps, mops, and waxes floors; sanitizes bathrooms; performs minor maintenance tasks such as light bulb, ceiling tile and filter replacements and furniture/equipment assembly; corrects and reports unsafe building conditions; collects trash, lifts trash cans, recycling bins, and cardboard into dumpsters; moves and sets up classrooms/cafeteria furniture." He argues that each of these job functions is separate and distinct, and the duties are not shared and do not overlap.

He contends that the Building Maintenance Worker job definition more closely matches custodial duties than his duties, which include electrical, plumbing, HVAC, carpentry, masonry, painting, locksmithing, snow removal (equipment operator), and roofing work, in varying percentages. In support, the appellant submits a listing of work orders assigned to him for one year. He states that he does not perform any cleaning or custodial duties, nor does he assist carpenters, electricians, painters, and plumbers, but he performs those duties himself. He believes that the title which best fits his actual job duties is Maintenance Repairer.

CONCLUSION

The definition section of the job specification for Maintenance Repairer states:

Under direction, performs a variety of routine maintenance and repair tasks involved in masonry, plastering, carpentry, painting, plumbing, steam fitting, sheet metal, electrical, glazing, mechanical, and/or other types of maintenance work; does related work.

The definition section of the job specification for Building Maintenance Worker states:

Under direction of a supervisory official, performs varied simple and moderately physically strenuous tasks involved in cleaning and maintaining offices, furniture, buildings, and grounds; may assist in making minor repairs to buildings or equipment; does other related duties as required.

Based upon a review of the information presented in the record, it is clear that Mr. Dick's position is properly classified as Maintenance Repairer. In making classification determinations, emphasis is placed on the definition section to

distinguish one class of positions from another. The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the "examples of work" portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). A disputed task not specifically addressed in a 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 the instant matter, there is no dispute regarding the duties which are listed in DAS' determination and by the appellant. Generally, a dual title is assigned to positions which have the responsibility of performing two different sets of duties for approximately 50% of the time each. In this case, the majority of the appellant's duties fall directly into the Maintenance Repairer definition. The appellant is not performing varied simple and moderately physically strenuous tasks involved in cleaning and maintaining offices, furniture, buildings, and grounds, and he *performs*, rather than assists, in making repairs to buildings or equipment, which are not necessarily minor repairs. For example, a Building Maintenance Worker may assist carpenters, electricians, painters, plumbers, and steam fitters by carrying tools and materials, by placing and removing ladders, by cleaning up after work has been done, and by doing other varied tasks of a simple nature. Also, the incumbent may move and control heavy equipment, carry and set up ladders and scaffolding, and work from ladders and scaffolds to change light bulbs, replace venetian blinds, and wash walls. The appellant may perform these duties, but he does so in the performance of higher level work. For example, the appellant performs all phases of carpentry including planning, material purchasing, construction and finishing. He routinely purchases all painting supplies, and paints walls, ceilings, trim and floors.

Another example of work for a Building Maintenance Worker is to make minor repairs to the heating, electrical, and other systems of varied types of buildings, and service bathrooms and restrooms. The appellant does not clean bathrooms and restrooms and the repair work that he performs cannot be considered to be minor. Instead, for example, his electrical responsibilities include repairing or replacement of switches, outlets, cords, fuses, breakers, motors, lights, bulbs, sockets, transformers, wiring, ballasts, boxes, conduits, and fans; troubleshooting and repairing electrical circuits; researching, planning and purchasing all tools and materials. His HVAC work includes repairing, replacing and conducting preventative maintenance for air handling equipment. His

plumbing duties include all phases of new construction and repairing and replacement of existing plumbing. For new construction, he adds drains, water lines, sinks, toilets, garbage disposals, faucets, hose bibs, and air and natural gas lines. He also repairs and replaces existing plumbing including cast iron drains, toilet flanges, floor drains, slop sink strains, water lines, valves, hose bibs, toilets, urinals, sinks and showers; troubleshoots and cleans drains to find blockages and obstructions; performs irrigation system repair of sprinkler heads and water lines; repairs, replaces, and installs new drinking fountains; repairs and replaces hot water heaters; and makes all plumbing connections.

According to the appointing authority, the appellant's duties in electrical, HVAC and plumbing constitute 53% of his time. He also performs carpentry for 18% of his time. His carpentry duties include, for new construction, planning and constructing walls, room dividers, shelves, and cabinetry; remodeling classrooms and offices including designing, planning and purchasing materials; repairing and replacing doors as well as building Dutch and half doors; repairing and replacing drop ceilings with tracks, tile and lights; installing and repairing all types of trim; replacing and installing flooring and wall ceramic tile; replacing roofing and cleaning and repairing roof drains. For another 3% of the time, the appellant performs masonry, painting, and roofing duties, which are applicable for Maintenance Repairer. The appellant spends 22% of his time in locksmithing and 3% of his time in snow removal. While these last two duties may be considered Building Maintenance Worker duties, locksmithing is not specifically listed on that job specification. Moreover, such duties are performed less than 25% of the time. In sum, the duties are not sufficiently weighted to warrant a dual title for this position.

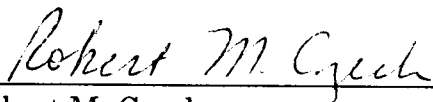
Accordingly, based on a thorough evaluation of all the information provided, the record establishes that the proper classification of the appellant's title is Maintenance Repairer, effective October 6, 2014.

ORDER

Therefore, the position of the Kevin Dick is properly classified as a Maintenance Repairer, effective October 6, 2014.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 5th DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

Enclosure

c: Kevin Dick
David Gentile
Kenneth Connolly
Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313
(609) 984-1901

Robert M. Czech
Chair/Chief Executive Officer

March 27, 2015

Mr. David Gentile



Re: Classification Appeal, Kevin Dick, Millville Board of Education, Facilities Department, City of Millville School District, Log # [REDACTED]

Dear Mr. Gentile:

This is to inform you of our determination concerning the classification appeal of the position held by Kevin Dick in the Millville Board of Education, Facilities Department. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire and telephone interview on February 24, 2015 with Mr. Dick and his immediate supervisor, Timothy Brunetta, Supervisor Building Service/Maintenance Supervisor Grounds.

Issue:

Mr. Dick is permanent as a Building Maintenance Worker since November 14, 2011. Mr. Dick contends that his duties and responsibilities are inconsistent with his permanent title of Building Maintenance Worker and is requesting that the Civil Service Commission perform a desk audit on his position. Mr. Dick feels his job duties are more in line with the title of Maintenance Repairer, Electrical Heating and Air Conditioning (02336).

Organization:

Mr. Dick is assigned to the Facilities Department and works under general supervision. He does not supervise any employees. Mr. Dick reports directly to Timothy Brunetta, Supervisor Building Service/Maintenance Supervisor Grounds.

Findings of Fact:

The primary responsibilities of the position include, but are not limited to the following:

- Repairs cracked and broken concrete walks and pads by mixing and pouring concrete.
- Repairs plaster walls, ceilings and trim with block and brick; repairs pot holes in asphalt parking lots and driveways.
- Installs and/or replaces new hardwood and carpet floorings; replaces drop ceilings including tiles and lights.
- Replaces interior/exterior doors; installs all types of trim including wood, foam, concrete and vinyl; patches leaks on roofs from asphalt shingles.
- Paints walls, ceilings, and floors including drywall, stucco and trim.
- Repairs/replaces damaged door locks; and is responsible for the installation of rim cylinders.
- Replaces switches and outlets; repairs high/low voltage electrical circuits; tests circuits for voltage and ohm reading; installs new circuits and makes all necessary connections.
- Repairs and/or replaces existing plumbing; utilizes snakes to clear blockages and obstructions; repairs leaks from broken pipes; and installs plumbing fixtures such as toilets, sinks and urinals.
- Repairs air conditioner electric motors; replaces circulator pumps; aligns circulator pumps to motor and installs couplers.

Review and Analysis:

The duties that are currently being performed were reviewed to determine if the permanent title, Building Maintenance Worker is appropriate.

The definition section of the job specification for the title, Building Maintenance Worker (00929) states:

“Under direction of a supervisory official, performs varied simple and moderately physically strenuous tasks involved in cleaning and maintaining offices, furniture, buildings and grounds; may assist in making minor repairs to buildings or equipment; does other related duties as required.”

Incumbents in this title make minor repairs to buildings and equipment; cleans rooms, offices, bathrooms and other facilities; dusts and polishes furniture and woodwork; washes and cleans windows; makes minor repairs to the heating, electrical and other systems in varied types of buildings; may make beds, change household linens and sort laundry; services coin machines and empties ashtrays and wastebaskets; moves heavy furniture supplies and equipment and assist carpenters, electricians, painters and plumbers by carrying tools and materials.

The duties that are currently being performed were reviewed to determine if the requested title, Maintenance Repairer, Electrical Heating and Air Conditioning, is appropriate.

The definition section of the job specification for the title, Maintenance Repairer, Electrical Heating and Air Conditioning (02336) states:

“Under direction, performs a variety of routine general maintenance/repair tasks involved in electrical heating and air conditioning systems; may be called on to do other types of general maintenance work; does other related duties as required.”

The position performs duties and responsibilities that are not consistent with the title Maintenance Repairer, Electrical Heating and Air Conditioning in that the incumbent performs not only the maintenance of electrical, heating and air conditioning systems but a wide variety of repair, installation and maintenance tasks which include masonry, carpentry, painting, plumbing and locksmithing.

The definition section of the title, Building Maintenance Worker/Maintenance Repairer (06756) states:

“Under direction of a supervisory official, performs varied simple and moderately physically strenuous tasks involved in cleaning and maintaining offices, furniture,

buildings and grounds; may assist in making minor repairs to buildings or equipment; does other related duties as required.” (Building Maintenance Worker)

“Under direction performs a variety of routine maintenance and repair tasks involved in masonry, plastering, carpentry, painting, plumbing, steam fitting, sheet metal, electrical, glazing, mechanical, and/or other types of maintenance work; does related work.” (Maintenance Repairer)

A thorough review of the primary job duties indicates the responsibilities of the position include making minor repairs to the heating, electrical as well as other systems in various types of buildings. In addition, the position also involves repairing cracked concrete walks and pads by mixing and pouring cement; repairing plaster walls, ceiling and trim with block and brick; repairing pot holes in asphalt parking lots and driveways; installing new hardwood and carpet floorings; replaces drop ceilings including tile and lights; replaces interior and exterior doors; paints walls, ceilings and floors; replaces switches and outlets; installs new circuits; repairs existing plumbing and repairs air conditioning motors.

Determination:

As a result of this review, it has been determined that the duties being performed by this position are commensurate with the job specification for the title, Building Maintenance Worker/Maintenance Repairer (06756). This action shall be effective October 6, 2014. Since the education and experience levels of this title are similar to those of his current permanent title, Building Maintenance Worker, the appointment of Mr. Dick to the title of Building Maintenance Worker/Maintenance Repairer, is considered to be a provisional lateral title change appointment. Pending the successful completion of a qualifying examination (PAQ), he will receive a (RAQ) appointment to the title, Building Maintenance Worker/Maintenance Repairer. Please have Mr. Dick complete the enclosed application for Qualifying Examination (DPF-1C Qual) and have the signed and completed application forwarded to Kimberly King by April 20, 2015.

This specification is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of related tasks not specifically listed. The relevancy of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Mr. David Gentile
March 27, 2015

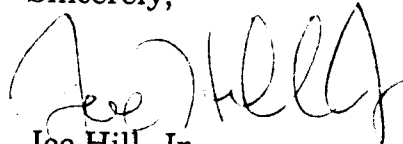
Page 5

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 application rules.

Please be aware that an incumbent's eligibility in meeting specification requirements is not the same as properly classifying the duties of a position. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment to the title.

Please be advised that in accordance with *N.J.A.C.:3-3.9*, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to **Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312**. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the documentation being disputed and the basis for the appeal.

Sincerely,



Joe Hill, Jr.,
Assistant Director

JH/MSG/gw

C: Kevin Dick
Kimberly King
Gene Ward
Team Files