

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Kevin Morrissey,  
Department of Law and Public  
Safety, Division of State Police

Classification Appeal

CSC Docket No. 2015-2675

ISSUED: **NOV 10 2015** (RE)

Kevin Morrissey appeals the attached decision of the Division of Agency Services (DAS) which found that his position with the Department of Law and Public Safety's Division of State Police is properly classified as Senior Planner, Emergency Management. He seeks a Supervising Planner, Emergency Management job classification in this proceeding.

Mr. Morrissey received a regular appointment to the title Senior Planner, Emergency Management on October 9, 2007. He requested a classification review of his position as he believed that he was working out-of-title. Accordingly, all relevant documentation was reviewed, including the completed Position Classification Questionnaire (PCQ). This position is located in the Department of Law and Public Safety's Division of State Police, reports to a Police Lieutenant, and does not have supervisory responsibilities. The classification review found that Mr. Morrissey's assigned duties and responsibilities, as detailed in DAS' attached decision, were commensurate with the title of Senior Planner, Emergency Management.

On appeal, Mr. Morrissey argues that he has in excess of 2,300 hours of training and submits a record of training, with advanced courses highlighted. He also holds several Supervisory Level Instructor Certifications and supervises training operations for the New Jersey State Police Urban Search and Rescue (USAR) Training Program at Lakehurst Headquarters, including preparing and reviewing reports for this program on a weekly basis, managing database programs and budgets, and supervising schedules for full-time, part-time and volunteer

members. He argues that he has developed a higher understanding of emergency management and preparedness through his training, and he has the ability to interact with various disciplines and understand the complex workings of each, and to establish better planning strategies and perform supervisory roles as designated by the USAR Unit Head. The appellant states that he assumed the duties of Supervising Planner, Emergency Management upon retirement of the incumbent in 2011, and that a prequalification indicated that he met the requirements for the title.

He argues that he: supervises the development and drafting of response plans and various annexes required for submission to federal USAR partners; has been designated by the Office of Homeland Security & Preparedness as the National State Priority Chair/Subject Matter Expert for Urban Search & Rescue Capabilities; coordinates and develops integrated tiered emergency management planning for federal, State and local response agencies; approves all Homeland Security Grant Program (HSGP) as well as Urban Area Security Initiative (USAI) Grant Program submissions from county working groups; recommends improved techniques for emergency response; provides advice to local, county and State officials in the interpretation of federal and State emergency planning/response and grant guidance; as Target Capability Chair, has authority in moving requests for funding forward annually; supervises the Target Capability working group to ensure projects are completed and requests for funds and reimbursements are processed, and reviews written reports and approval final submission; reviews local emergency search and rescue response plans for standardization and capability and provides recommendations for improvement; is the State Supervisor to the Metro USAR Strike Team Exercise Committee, which directs exercises for 11 UASI Fire Departments; as a Homeland Security Exercise Evaluator, provides the subject matter expert oversight to observe and evaluate compliance with required federal standards; provides State advisory actions, reviews all submissions for reimbursements, and approves all requests for State sponsored logistics support; provides testimony to federal grant providers on the status of awarded federal grant funds, provides facts on grant requests based on gap analysis identified by subordinates in applicable plans and annexes, and provides recommendations to improve emergency operations, methods and techniques consistent with state and federal policies and practices; is designated as an "essential employee" and on-call 24 hours a day / 7 days a week; responds to actual emergency situations and performs the role of a response supervisor/team leader; supervises and manages communications with local, county, State and federal officials on response roles and capabilities for highly complex situations; provides feedback to subordinates on performance and communicates corrective actions; supervises the completion of incident reporting documentation from team subordinates and the completion of After Action Reviews to include reports, plans, identified deficiencies and lessons learned.

The appellant also supervises 13 temporary employees, and he indicates that his position, and that of another Senior Planner, are considered equal and do not present a tiered structure of supervision and management as in the past. He believes that his classification review was inadequate and he requests a face-to-face interview.

### CONCLUSION

The definition section of the job specification for Supervising Planner, Emergency Management states:

Under direction, supervises the complex technical planning related to emergency management and emergency management assignments for environmental, natural and other disasters in accordance with guidelines set forth by the State and federal government, for and in behalf of, the State of New Jersey and its political subdivisions; supervises the response to operation difficulties around the clock; does other related duties.

The definition section of the job specification for Senior Planner, Emergency Management states:

Under direction of the Director, Office of Emergency Management, Office of Homeland Security, Department of Law and Public Safety, or the Board of Public Utilities, performs technical planning related to emergency management in accordance with guidelines set forth by the state and federal government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; does related work as required.

A review of the duties of Mr. Morrissey's position indicates that they fall within the parameters of the job description for Senior Planner, Emergency Management. The Supervising Planner, Emergency Management job specification *requires* an incumbent to supervise other planners in complex technical planning related to emergency management and emergency management assignments for disasters. Mr. Morrissey's position is not responsible for the performance of those duties. It is uncontested that the appellant does not have the responsibility for administering formal performance evaluations. However, it is well established that supervisory duties include responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for

particular tasks. They provide on-the-job training to subordinates when needed, *and make employee evaluations based on their own judgment*. In fact, the Civil Service Commission has found that the essential component of supervision is the responsibility for formal performance evaluation of subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 8, 2001). They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). In the absence of supervisory duties over personnel, the position is not properly classified as a Supervising Planner, Emergency Management.

Next, the appellant's training has no bearing on this determination. It is noted that the outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the state's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). How well or efficiently an employee does his or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. The courses that the appellant has taken are not germane to the classification of the position.

While the duties of Mr. Morrissey's position indicate that they fall within the parameters of the job description, many of the tasks he performs are above the level of those normally performed by a Senior Planner, Emergency Management. At this juncture, it is also informative to review the intermediate title Principal Planner, Emergency Management. The definition section of the job specification for Principal Planner, Emergency Management states:

Under direction of the Director, Office of Emergency Management, Department of Law and Public Safety, or the Director of Service Evaluation, Board of Public Utilities, performs and supervises the more complex technical planning related to emergency management according to guidelines set forth by the State and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments designed to provide adequate communications and working capabilities, responds to operation difficulties around the clock; does other related work.

As noted in DAS' determination, the Supervising Planner, Emergency Management title is considered to be a secondary or second-level supervisory title. That said, the Principal Planner, Emergency Management is a first level supervisory title. 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. It is long-standing policy that upon review of

a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. The job definition for Principal Planner, Emergency Management indicates that this incumbent, aside from being a supervisor, performs *more complex* technical planning related to emergency management. The Examples of Work section of the job specification elucidate this. For example, duties on this job specification which are not on the job specification for Senior Planner, Emergency Management include:

Coordinates and supervises the work activities and staff of the Centralized Communications Center in Trenton involving all department communications relating to emergency response situations including fires, toxic releases, radiation accidents, chemical spills, and atmospheric pollution;

Provides policy recommendations for improving emergency communications operations, methods, and techniques regarding emergency response notification and communication consistent with state and federal laws, rules, regulations, policies and procedures, including those of the FCC;

Interprets federal and state emergency planning legislation;

Investigates potential violations of law, non-compliance with statutes, administrative codes, rules and policies;

Coordinates, conducts, and/or monitors communication activities of a highly complex scientific nature with particular regard for emergency response situations associated with catastrophic incidents;

Reviews or supervises the documentation of all verbal communication associated with incidents in question, and the modification(s) of original reports on file; and

Assists in the development of an integrated emergency management system for the planned interaction of federal, state, and local response organizations.

Thus, the complex technical planning responsibilities are performed by incumbents higher in the title series. The difficulty in the current matter, is that classification to the higher title *requires* supervision. There is no title in the series responsible for performing the complex technical planning tasks without the supervisory responsibility. The appellant and one other individual are the only

Senior Planners in the unit. The other individuals in the unit are the Unit Head, the Assistant Unit Head, and the Supervisor, as well as temporary employees supervised by the Assistant Unit Head. As there are no incumbents in the supervisory titles in the series, *all* of the non-supervisory complex duties have fallen to the two remaining Senior Planners, Emergency Management. The appellant's supervisor has indicated that, since the retirement of a Supervising Planner, the appellant has been the training field coordinator; drafted standard operating guidelines (SOGs), annexes and plan formats; managed time and planning tasks for another Senior Planner and 13 temporary employees; developed and provided technical guidance for search and rescue strike teams; and acted as liaison to the emergency medical services community.

This situation is inequitable. It is simply unfair to allow the Senior Planners, Emergency Management to bear responsibility for higher level tasks not specific to supervision, yet classify the position based on the fact that they do not technically supervise. It is, at the very least, management's duty and responsibility to ensure that supervisory tasks are performed by supervisors. The appointing authority is not precluded from removing identifiable out-of-title duties from a position to effect a correct position classification. Higher-level responsibilities include such duties as listed in the examples of work on the job specifications for Supervising and Principal Planner, Emergency Management which exceed those of the Senior Planner, Emergency Management. Some illustrations include those listed above and also supervision of any tasks, assigning work, training, and planning work of the unit. In light of this, if the appointing authority seeks to continue to assign such duties to the appellant, it must also give him actual supervisory duties requiring him to complete performance evaluations. Should it do so, the appellant would then be considered to be at the Principal Planner, Emergency Management level, and should be placed provisionally, pending promotional examination procedures in that title. Otherwise, these tasks should be assigned to supervisory personnel.

As to the type of classification review performed, classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). The chosen method in this case was a paper review, which is a valid way of collecting information about a position and is not by any means considered to be inadequate or improper. The appellant's dissatisfaction with the method of classification review is not a reason to conclude that the audit results were inaccurate.

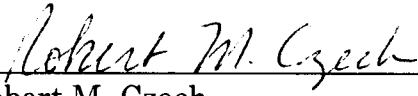
Accordingly, a thorough review of the entire record fails to establish that Kevin Morrissey has presented a sufficient basis to warrant a Supervising Planner, Emergency Management classification of his position.

ORDER

Therefore, the position of Kevin Morrissey is properly classified as a Senior Planner, Emergency Management.

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 5<sup>th</sup> DAY OF NOVEMBER, 2015

  
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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 Morrissey  
Letrecia Littles  
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

Robert M. Czech  
Chair/Chief Executive Officer

February 27, 2015

Mr. Kevin W. Morrissey



**Subject:** Classification Review – Mr. Kevin W. Morrissey (Employee Id#: 000326670); Division of State Police; CPM#: 04140060.

Dear Mr. Morrissey:

A member of my staff has completed a review of your permanent position in the title of Senior Planner Emergency Management (16473I, P22). This review involved a detailed analysis of the Position Classification Questionnaire; the table of organization; and other supporting documents provided.

**Issue:**

You are currently serving with a permanent appointment in the title, Senior Planner Emergency Management (16473I, P22) but contended you are performing duties and responsibilities commensurate to that of a Supervising Planner Emergency Management (16475H, S27). As a result, the Division of Agency Services has conducted a review of the duties and responsibilities of your position in order to determine an appropriate title classification.

**Organization:**

Your position is located in the Urban Search and Rescue Unit of the Division of State Police. You take a lead role over thirteen (13) temporary service employees, but have no supervisory responsibilities. You have been serving permanently in the title of Senior Planner Emergency Management (16473I, P22) since January 9, 2007.

**Findings of Facts:**

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

- Prepares grant investment justifications for the Urban Area Security Initiative grant and State Homeland Security grant program for the New Jersey Urban Search and Rescue Unit, Metro Urban Strike Team and Regional Urban Search and Rescue Teams.
- Reconciles requisition paper, funding, purchases alongside with existing grant status of each recipient.
- Supervises tracking and maintenance of existing inventory with purchases and scheduled deliveries.
- Attend planning meetings, responds to actual emergency situations and supervises the deployment and transportation of emergency resources.
- Supervises evaluation of situational problems and develop resolution plans.



- Assigns duties and supervises the jobs of temporary service employees in the unit.

**Review and Analysis:**

Based on the materials received during the classification review process, specific alternative titles were considered. In addition to the employee's current permanent title of Senior Planner Emergency Management (16473I, P22) the Civil Service Commission considered the requested title of Supervising Planner Emergency Management (16475H, S27).

The definition for the requested title of Supervising Planner Emergency Management (16475H, S27) states:

"Under direction, supervises the complex technical planning related to emergency management and emergency management assignments for environmental, natural and other disasters in accordance with guidelines set forth by the state and federal government, for and in behalf of, the State of New Jersey and its political subdivisions; supervises the response to operation difficulties around the clock; does other related duties."

An employee serving in the title of Supervising Planner Emergency Management demonstrates a higher level of expertise and leadership in the field of Emergency Management. Of equal importance, however, is the title of Supervising Planner Emergency Management is assigned to the "S" Bargaining Unit. Titles in the "S" Bargaining Unit are considered to be secondary, or second-level, supervisor titles. As such, an employee in this title supervises by directing the activities of primary, or first-level supervisory staff (including the evaluation/rating of employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the full supervision of first level supervisory staff, it would be inappropriate to reclassify the position to the title of Supervising Planner Emergency Management.

The definition for your current permanent title of Senior Planner Emergency Management (16473I, P22) states:

"Under direction of the Director, Office of Emergency Management, Office of Homeland Security, Department of Law and Public Safety, or the Board of Public Utilities, performs technical planning related to emergency management in accordance with guidelines set forth by the state and federal government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; does related work as required."

An employee serving in the title of Senior Planner Emergency Management demonstrates an advanced understanding of emergency management and preparedness. A Senior Planner Emergency Management may take a leadership role in emergency management situations. The duties of your position include preparation of grants; tracking of funds for emergency situation; maintaining inventory of purchases for the Urban Search and Rescue unit; procuring emergency equipment according to FEMA specification standards and guidelines and taking the lead over temporary employees. As a result, the duties of your position are commensurate with this title.

**Determination:**

The review revealed the current duties and responsibilities assigned to your position are commensurate with the enclosed job specification for the title of Senior Planner Emergency Management (16473I, P22). Therefore, it is the determination of the Civil Service Commission the duties of your position are appropriately classified as those of a Senior Planner Emergency Management.

Mr. Kevin M. Morrissey  
February 27, 2015

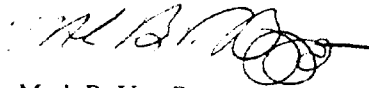
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This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the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

In accordance with the New Jersey Administrative Code (N.J.A.C. 4A:3-3.5), Within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, the appointing authority shall either effect the required change in the classification of the 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.

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or the employee's authorized representative may appeal this determination within 20 days of receipt of this notice. 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 the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark B. Van Bruggen  
Supervising HR Consultant

Enclosure

MVB/OO

C: Mirella Bednar, HR Director, OAG Office, L & PS  
PMIS, NJCSC  
File