



reclassification of the Civil Service position is a “windfall” for Grosser, as he will be receiving a greater-than-earned benefit for the work he only performs a portion of the week. It maintains and the job description of Public Works Repairer includes installing, maintaining and repairing water mains, pipes, valves, pumps, hydrants and other water service equipment and maintaining and making repairs to streets, roads and sewers. Therefore, the Township concludes that a Public Works Repairer is not working out-of-title when performing these duties.

Additionally, the Township states that another employee also filed a classification appeal indicating that a majority of his time was working at the VTMUA performing similar duties. Nevertheless, that employee was not entitled to a reclassification, and that there was no clear distinction between the situations, except that Grosser has some supervisory duties. The Township explains that it abandoned the creation of a Sewer Repairer 2 position in the DPW in exchange for other concessions made to the Union, and thus this reclassification is patently inequitable. The Township maintains that Grosser is not eligible for the title Sewer Repairer 2 as he was promoted to Public Works Repairer in 2016. Further, the Township understands that it is not uncommon for an employee to perform some duties that are both above and below the level of work ordinarily performed, but that the majority of this work is that of a Public Works Repairer and all of his duties fall under that category, including sewer repair. The duties performed by Grosser include maintaining and repairing sewers and sewer equipment, removing and installing pumps, monitoring stations and recording readouts for water flow, well levels and gallons per day, and constructing repairing and maintaining roadways. The Township requests that if the Commission finds that Grosser is performing the duties of a Sewer Repairer 2, rather than reclassify the position, it should order the removal of higher level duties pursuant to *N.J.A.C. 4A:3-3.9(c)8(ii)2*, as the work performed by Grosser for VTMUA is shared services, is not required, and is not a permanent assignment.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that appeals from the decision of the Commission representative to the Civil Service Commission may be made by an employee, authorized employee representative, or local appointing authority. The appeal shall be submitted in writing within 20 days of receipt of the decision letter and include 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 Public Works Repairer states:

Under direction, performs routine work involved in the construction, maintenance and repair of street, sewer, water, sanitation, and other public facilities and may be required to operate, check, service, and make minor repairs to trucks and other maintenance/construction equipment: does other related ditties as required.

The definition section of the job specification for Sewer Repairer 2 states:

Under direction, performs the more difficult work involved in the maintenance and repair of sewers and sewer equipment, and in clearing stoppages in main line and home sewer connections and/or takes the lead in a unit; does other related ditties as required.

Based upon a review of the information presented in the record, Grosser's position is properly classified as Sewer Repairer 2. This position is in a unit consisting of the appellant and a Public Works Repairer who are assigned to work at VTMUA. At the outset, it is noted that how well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Further, each position has a primary focus and the objective of a classification review is to determine the most appropriate title based on the primary focus of the duties. Thus, grievance arbitration and award determinations, pay differentials, over-time opportunities, concessions made as part of collective negotiations, and the incumbent's eligibility for the title are not determining factors and have no bearing on a classification review.

Agency Services found that the major duties of the position included maintaining and repairing sewers and sewer equipment; responding to emergency calls on a 24/7 schedule; taking the lead over other members of the unit, assigning duties, and organizing team members for emergency situations; removing and installing new pumps at stations; monitoring stations and recording readouts for water flow, well levels, and gallons per day; and constructing, repairing and maintaining roadways. The majority of his time is spent working for VTMUA, with the primary responsibility of maintenance and repair of sewers and sewer equipment. His duties are varied and involve the more difficult and responsible work assignments.

Additionally, the Public Works Repairer title is not a lead worker title, while the Sewer Repairer 2 is a lead worker title. The Township maintains that this is a minor difference and that there was no clear distinction between the duties of the other employee who was classified as a Public Works Repairer and Grosser's duties except for these duties. However, this is a major difference between positions. Incumbents in leadership roles refer to persons whose titles are non-supervisory in

nature, but are required to act as leaders of a group of employees in titles at the same or lower level than themselves and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005). A lead worker is the more experienced individual who guides and instructs others in proper methods and procedures, and who takes greater responsibility for ensuring a quality work product, takes care of materials or equipment, directs the work of others, and maintains the safety and welfare of others. Grosser indicated that he took responsibility for these duties. In addition, he assesses the appropriate procedural response, ensures work is completed and accurate, responds to emergencies as needed, relays status updates to management, and completes daily worksheets. The lead worker is present to guide other individuals in the supervisor's absence. While a Public Works Repairer is involved in the construction, maintenance and repair of sewer and sanitation facilities, the incumbent also performs construction, maintenance and repair of streets, water, and other public facilities, and may operate, check, service, and make minor repairs to trucks and other maintenance/construction equipment. Grosser is a lead worker, and combined with the fact that 70% of his duties are related to maintenance and repair of sewers and sewer equipment, the Sewer Repairer 2 is a better fit for the duties of the position than Public Works Repairer.

Next, each position has a primary focus, and the most appropriate title can be found for each primary focus. The Township is correct that it is not uncommon for an employee to perform some duties that are both above and below the level of work ordinarily performed. However, the assignment of such duties does not warrant multiple titles for a single position. Further, how a local appointing authority compensates employees is irrelevant to a classification review.

The Township requests that if the Commission finds that Grosser is performing the duties of a Sewer Repairer 2, rather than reclassify the position, it should order the removal of higher level duties pursuant to *N.J.A.C.* 4A:3-3.9(c)8(ii)2, as the work performed from VTMUA is shared services, and is not required or permanent. In this respect, this citation refers to classifications for State service and is not pertinent for a local government authority. *N.J.A.C.* 4A:3-3.9(d)1(ii), for local service, states that the Commission can determine that the position is properly classified, but that out-of-title duties are being performed, in which case the Commission representative shall order, in writing, the immediate removal of inappropriate duties. In this case, Agency Services did not find the position to be properly classified. In accordance with *N.J.A.C.* 4A:3-3.5(c)1, it indicated in its determination that they would implement reclassification procedures for the position unless it was advised by the appointing authority that it assigned duties and responsibilities commensurate with the incumbent's permanent title, and submitted a current Position Classification Questionnaire and organizational chart documenting the change. Thus, the appointing authority had

the opportunity to assign duties commensurate with the permanent title, and submit documentation for verification, and it did not do so.

Accordingly, a thorough review of the entire record fails to establish that Vernon Township has presented a sufficient basis to warrant a Public Works Repairer classification of this position.

**ORDER**

Therefore, the position of Jack Grosser is properly classified as a Sewer Repairer 2.

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 ON  
THE 4<sup>TH</sup> DAY OF APRIL, 2018



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