



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Mark Heimlich,
Camden County

CSC Docket No. 2018-2628

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Classification Appeal

ISSUED: May 2, 2018 (RE)

Mark Heimlich appeals the decision of the Division of Agency Services (Agency Services) which found that his position with the Camden County is properly classified as Senior Engineering Aide. The appellant seeks a Chief of Survey Party job classification in this proceeding.

The appellant was regularly appointed to Senior Engineering Aide on October 17, 1988. The appellant requested a classification review of his position located in the Department of Public Works, Camden County. The appellant reports to the County Engineer, and does not supervise, although he indicated that he assigns work to a staff member. The appellant sought reclassification contending that his position would be more properly classified as Chief of Survey Party. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performed. Agency Services reviewed all documentation supplied by the appellant, including his PCQ. Based on its review of the information, Agency Services concluded that the appellant's position was properly classified as Senior Engineering Aide.

On appeal, the appellant argues that while independent contractors perform a majority of the surveying work, this work is primarily topographical surveying, used for drawing plans and designs. He states that he performs all surveying needed on project sites, and supervises another Senior Engineering Aide on all survey operations. He indicates that on-site surveying occurs on a majority of projects due to unforeseen conditions, changes and additional construction work not on the plans, and he performs surveying and related duties, such as designing,

calculating, and physically laying out the construction work, to allow the contractor to continue working. He stated that there are many jobs that he surveys and designs on-site without independent contractors or plans. As to supervision, the appellant states that he trained the other employee, and that historically, the Chief of Survey Party has never assigned work, reviewed staff work performance, provided discipline, approved leave, or prepared evaluations. He states that he performs all the duties listed on the job specification for the requested title except providing assignments to staff.

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 Senior Engineering Aide states:

Under direction, performs the more difficult field and up the office tasks involved in surveying operations; does related work.

The definition section of the job specification for Chief of Survey Party states:

Under direction, acts as survey party chief, supervises and participates in the performance of highly responsible and difficult instrument work; does other related duties.

An incumbent Chief of Survey Party runs centerlines, levels, prepares cross sections, slope staking roadways, and stakes out drainage structures; checks the grading and location of materials in embankments according to the grades shown on the slope stakes; calculates and plots level notes; provides assignments, instruction, and guidance to staff; and supervises assigned staff work performance.

Based upon a review of the information presented in the record, the appellant's position is properly classified as Senior Engineering Aide. The major responsibilities (85% of the time) for the position are construction inspection, and surveying activities and engineering measurements. The position is also responsible for engineering calculations such as grading elevations, maintaining survey measurement records, maintaining survey equipment, and ordering equipment for inspection and survey work. The position is not responsible for providing assignments or performance evaluations.

Initially, it is noted that the Chief of Survey Party title is a supervisory title, and supervisory experience includes 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. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Moreover, the Civil Service Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 16, 2001). Clearly, the appellant's position is not supervisory as described above, since he has not indicated in his PCQ or other information presented during the classification review, or on appeal, that he performs formal evaluations of employees. Therefore, his position cannot be classified as Chief of Survey Party.

The appellant indicated on the PCQ that he "supervised" an individual, but does not perform evaluations. However, a small portion of the appellant's duties can be categorized as lead worker duties, which are not permitted for a Senior Engineering Aide. A lead worker role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training and assigning work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. In *In the Matter of Elizabeth Dowd, et al.* (MSB, decided February 9, 2005), it was noted that lead worker duties are akin to those of a supervisor in many respects, absent the responsibility for formal performance evaluations that can lead to the effective hiring, firing, or demotion of a subordinate. Intermittently taking charge in the absence of the regular supervisor, instructing staff, training, and ensuring performance of assigned tasks, without the responsibility for employee performance evaluations would be considered duties of a lead worker. *See In the Matter of Diane Epps and Lisa Sallad* (MSB, decided May 15, 2002) and *In the Matter of Martha Grimm* (MSB, decided August 14, 2001).

Regarding the appellant's claim that other employees in the past were in the Chief of Survey Party title but did not complete performance evaluations or discipline, it is noted that a classification appeal cannot be based solely on a

comparison to the duties of another position, especially if that position is misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, Decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, Decided March 28, 1996); *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, Decided February 20, 1997), *affirmed*, Docket No. A-5011-96t1 (App. Div. October 3, 1998). Even if this is true, the remedy would not be for the appellant's position to be upgraded, but rather, for the misclassified positions to be reclassified downward.

Accordingly, since the preponderance of the appellant's duties fall under the definition of Senior Engineering Aide, he is properly classified in that title. Therefore, a thorough review of the entire record fails to establish that Mark Heimlich has presented a sufficient basis to warrant a Chief of Survey Party classification of his position.

ORDER

Therefore, the position of Mark Heimlich is properly classified as a Senior Engineering Aide.

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 2nd DAY OF MAY, 2018



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