



STATE OF NEW JERSEY

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

In the Matter of Nicholas Aemisegeo,
County of Passaic

Classification Appeal

CSC Docket No. 2018-2367

ISSUED: MAY 25, 2018 (SLK)

Nicholas Aemisegeo, appeals the determination of the Division of Agency Services (Agency Services) that his position with the County of Passaic is properly classified as an Assistant Manager, Golf Facilities. The appellant seeks a Confidential Assistant classification in this proceeding.

By way of background, the appointing authority submitted a layoff plan for the Department of Parks and Recreation (Parks and Recreation) that was approved by the Civil Service Commission (Commission) with an effective date of March 14, 2017. As a result, one employee in the title of Assistant Manager, Golf Facilities was laid off from their position. The appointing authority subsequently submitted three new hire appointments (including the appellant) to unclassified titles in the same department. Given the recent layoff and the location of the new positions in Parks and Recreation, Agency Services determined that it was necessary to approve the transactions for the new positions. Therefore, in accordance with *N.J.A.C. 4A:3-3.3(d)*, Agency Services required that the appellant complete a Position Classification Questionnaire (PCQ) for review.

The record in the present matter establishes that at the time of the classification review, the appellant was an unclassified Confidential Assistant. The appellant's position is assigned to Parks and Recreation and his supervisor is Martin Vybihal, County Division Head. The appellant's PCQ indicated that he spent 40 percent of his time overseeing the operation of the golf course pro shop, which included maintaining inventory, product pricing, and balancing transactions, 20 percent of his time assisting the County Division Head with personnel issues,

including the hiring, firing and disciplining of employees at the golf course facility, 20 percent of his time coordinating golf tournaments and outings and overseeing the golf course and golfers, 10 percent of his time providing golf instruction and overseeing the junior golf camp, and 10 percent of his time creating and implementing policy in the overall operation of the golf course and golf shop. Agency Services reviewed and analyzed the PCQ completed by the appellant and other documentation. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Assistant Manager, Golf Facilities.¹

On appeal to the Civil Service Commission, the appellant presents that he handles personnel issues for the County Division Head such as the distribution of work assignments, writing and implementing policy and procedures, involvement in the hiring, discipline, and firing process, which includes working with unions, and assisting the County Division Head with union contract negotiations. He also highlights that he is a certified PGA golf professional which enables him to teach lessons, clinics, camps, and PGA Junior Leagues. Additionally, the appellant states that club fitting and repair is part of his certification. He represents that the job specification for Assistant Manager, Golf Facilities does not require incumbents to have these skills, but these skills are important to the appointing authority as they create extra income sources. Barbara De Spirito, Director of Human Resources for the appointing authority, reiterates that although the appellant does perform many of the duties of an Assistant Manager, Golf Facilities, he also assists the County Division Head with personnel issues as the appellant describes. Further, she states that the appellant performs personnel duties in the absence of the County Division Head. Additionally, Ms. De Spirito emphasizes that the appellant's PGA certification enables him to perform the duties that the appellant describes that create additional revenues streams for the appointing authority.

CONCLUSION

The definition section of the job specification for Assistant Manager, Golf Facilities states:

Under direction, assists in daily management of a regulation golf course and its facilities; assists in directing the operation which is consistent with an overall management program that requires sufficient revenue generation; does other related duties as required.

¹ Personnel records indicate that effective February 23, 2018, the appellant's title was changed to Assistant Manager, Golf Facilities, pending open competitive appointment procedures. Thereafter, on April 12, 2018, the special reemployment list for Assistant Manager, Golf Facilities was certified (OL180357) containing the name of one eligible, with a disposition due date of July 12, 2018.

It is noted that *N.J.S.A.* 11A:3-5(m) provides that an unclassified Confidential Assistant can be appointed for each County Division Head. However, the job specification of a Confidential Assistant is not defined.

In the present matter, it is clear that the appellant's position is properly classified as Assistant Manager, Golf Facilities. The appellant's main arguments for classification as a Confidential Assistant are that he assists with personnel issues and he possesses PGA certifications that enable him to perform certain duties that create additional revenue sources. However, a review of his PCQ indicates that he spends 20 percent of his time assisting the County Division Head on issues related to personnel issues and assigning, training, and enforcing rules for staff. It is noted that assigning duties and training subordinates in the efficient operation of a golf course and its facilities, and planning, designing, and implementing revenue generating programs are examples of work for incumbents under the job specification for Assistant Manager, Golf Facilities. Moreover, a review of the appellant's PCQ indicates that his primary duty, over 80 percent of his time, is to assist in the daily management of the golf facility, which includes planning and implementing revenue programs. These duties are consistent with an Assistant Manager, Golf Facilities classification. The fact that the appellant's PGA certifications enable him to both plan and implement new revenue streams at a high level does not mean he is not performing the duties of an Assistant Manager, Golf Facilities as 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). Moreover, the fact that the appellant spends some of his time assisting the County Division Head on personnel issues is not determinative for classification purposes as it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. Similarly, the fact that the appellant performs personnel duties in the County Division Head's absence is not determinative as occasionally performing the duties of a higher level employee in his or her absence is not a basis for reclassification of the lower level position. *See In the Matter of Benjamin Ritter* (CSC, decided July 13, 2011).

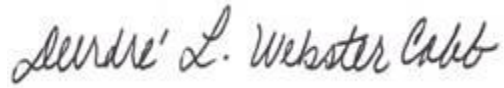
Accordingly, the foregoing demonstrates that the appellant's work is consistent with the Assistant Manager, Golf Facilities classification.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Nicholas Aemisegeo is properly classified as an Assistant Manager, Golf Facilities.

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 23rd DAY OF MAY, 2018



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