



STATE OF NEW JERSEY

In the Matter of Hany Sawires,
Hudson County

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

CSC Docket No. 2019-3507

Classification Appeal

ISSUED: NOVEMBER 21, 2019 (JET)

Hany Sawires appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with Hudson County is Truck Driver. The appellant seeks a Maintenance Worker, Grounds¹ classification.

The record in the present matter establishes that at the time the appellant filed his request for a classification review, he was serving as a Truck Driver. The appellant sought a reclassification contending that he was performing out-of-title duties. The appellant’s position is located in the Engineering and Planning unit, Department of Parks, Hudson County, and he directly reports to Robert Rydzewski, Maintenance Supervisor, Grounds. The appellant does not possess any supervisory responsibilities. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) dated January 4, 2019, detailing the different duties that he performed. Agency Services reviewed all documentation supplied by the appellant. Based on its review of the information provided, including telephone interviews with the appellant and his supervisor, Agency Services concluded on March 17, 2019 that the proper classification of the appellant’s position was Truck Driver.

¹ Agency Services’ determination concluded that the appellant’s position did not meet the standards to be classified as Maintenance Worker 3, Grounds, the highest non-supervisory title in that series. On appeal, the appellant indicates that he believes he could be classified at the lower level titles of either Maintenance Worker 1, Grounds or Maintenance Worker 2, Grounds. As this decision is denying his request, the lowest level title, Maintenance Worker 1, Grounds shall be utilized in the analysis.

On appeal, the appellant asserts, among other things, that his duties include completing truck driver work and maintaining park grounds, athletic fields, turf, athletic equipment, recreational areas, facility grounds, and landscaped areas. The appellant adds that his duties include operating lawn mowers, using hand tools, maintaining basketball courts, tennis courts, picking up trash, filling holes, cleaning basins, maintaining bathrooms, painting fountains, marking fields, and performing non-routine tasks. The appellant states that, at the time he submitted the classification review request, he performed truck driver duties 60% of the time and other assignments 40% of the time. In support, he submits a 2012 letter regarding a denial of his eligibility for the promotional examination for Assistant Supervisor, Parks which indicated any duties he may have performed that were applicable to the title under test would be out-of-title for a Truck Driver.

CONCLUSION

The definition section of the job specification for Maintenance Worker 1, Grounds states:

Under direction performs routine work in caring for and maintaining park grounds, athletic fields/turf and related equipment, recreational areas, facility grounds, and other landscaped and lawn areas; performs other related duties as required.

The definition section of the job specification for Truck Driver states:

Under direction drives a truck with a single axle to transport nonhazardous materials, equipment, or people; does other related work.

In the instant matter, the appellant did not provide any substantive information or documentation that would change the outcome of the March 17, 2019 classification determination. A review of the record reveals that the classification determination was based on a review of all of the appellant's duties and responsibilities listed in the PCQ. Over 50% of the duties listed on the PCQ (60%) included driving a truck to transport equipment and machinery; driving employees to work areas; performing truck inspections; loading and unloading equipment, disposing of trash, maintaining parks, performing emergency repairs to trucks, operating snow removal equipment, removing branches, and cleaning bathrooms. As such, the *majority* of duties listed in the appellant's PCQ are not consistent with the duties of a Maintenance Worker 1, Grounds. Moreover, the appellant admits in this matter that 60% of his duties constitute truck driver duties and he is assigned other duties 40% of the time.

Additionally, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. In this regard, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. 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. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. Finally, it is of no moment that the appellant was rejected for an examination in 2012 for a different title based on purported out-of-title work. In this regard, classification reviews are based solely on a current review of job duties. Moreover, the requirements of the promotional examination title are different from the requirements for the Maintenance Worker title series. Additionally, as indicated above, it is expected that incumbents perform some percentage of duties that compare favorably with examples of work in other job specifications. In this case, as 60% of the appellant's duties fall squarely within the Truck Driver job specification, there is no basis for either a reclassification or dual title designation.

Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position is properly classified as a Truck Driver.

ORDER

Therefore, it is ordered that this appeal be denied.

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 19TH DAY OF NOVEMBER, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Hany Sawires
Elinor M. Gibney
Kelly Glenn
Records Center