

the collection of evidence, including package re-weighs, retail motor fuel sampling and price verifications; he is the lead in all training and Enforcement Section initiatives; he supervises the operations between State, County and Municipal officials; and he is the lead in consumer complaint adjudications and investigatory procedures. He states that he supervises 13 inspectors and investigators of lower, like and higher grades than his within the NJOWM Enforcement and Unit Pricing Sections. The appellant argues that his supervisor indicated that his most important duty was supervisory duties in his absence and during daily performance. He reiterates that he supervises or is the lead in the duties he performs, but that completion of performance evaluations is the responsibility of the State Superintendent and Section Supervisors, including his own supervisor. He states that his supervisor prepares performance evaluations with input from him, and performance evaluations have never been completed by Weights and Measures Inspector 1s in the history of the office. He states that when he is the acting supervisor, he reports directly to the New Jersey State Superintendent of Weights and Measures, evaluates employee conduct and work performance, and provides recommendations both in verbal and written communication in relation to disciplinary action and commendations. He states that he approves leave/time off and timesheets for 13 individuals, and assigns and reviews their work.

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 if 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 Weights and Measures Inspector 2 states:

Under the direction of a Weights and Measures Inspector of higher grade in the Department of Law and Public Safety, assists in the more complex field investigations involved in the enforcement of weights and measures statutes and regulations enacted to implement statutory provisions; does other related work.

The definition section of the job specification for Weights and Measures Inspector 1 states:

Under the direction, in the Department of Law and Public Safety, supervises the office and metrology laboratory work and field investigations of Weights and Measures Officers of lower grade within an assigned unit involved in the enforcement of weights and measures

statutes and regulations enacted to implement statutory provision; does other related work.

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. Also, 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).

In making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the Examples of Work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). The Weights and Measures Inspector 1 is a supervisory title, and the appellant's position does not involve supervision over other individuals.

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). To be considered a supervisor, the individual must be the person actually administering and signing off on the evaluation as the subordinate's supervisor. Only the individual who signs the evaluation as the supervisor can be considered to have the ultimate decision-making responsibility for that subordinate's rating, and classification to the higher title *requires* supervision. In the absence of responsibility for conducting and

signing formal performance evaluations of subordinate staff, the position is not properly classified as a Weights and Measures Inspector 1.

Additionally, the prior history of the use of the higher title in this unit is not germane to this determination, as it is established that Weights and Measures Inspector 1 is a supervisory title. The appellant's position stands on its own and is classified based on the duties he performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant's position.

If the appointing authority denies the appellant the responsibility of formally evaluating subordinate employees, it should refrain from assigning the appellant the typical work of a supervisor. This includes assigning work, reviewing work, providing input on evaluations, and developing training. The appellant can lead and provide guidance to lower level staff, but should not be discussing performance evaluation reviews with subordinates. Those duties and responsibilities belong to the appellant's supervisor, who also supervises these staff. If the appellant is performing these duties, he has been inappropriately assigned tasks by his supervisor. The State Superintendent of Weights and Measures should assume supervisory duties in the absence of the Supervisor of Enforcement Weights and Measures if the appointing authority chooses not to promote an individual to the Weights and Measures Inspector 1 title in the appellant's unit. Supervisory responsibility should go up the organization, not down to a non-supervisory position, in the absence of a supervisor, and no explanation is given as to why this was allowed to continue. It is simply unfair to allow the appellant to bear responsibility for higher level tasks specific to supervision, yet classify the position based on the fact that he does not conduct formal performance evaluations. It is, at the very least, management's duty and responsibility to ensure that supervisory tasks are performed by supervisors, or to perform those duties in the absence of the supervisor. Thus, the appointing authority should remove all supervisory duties from the position.

Accordingly, a thorough review of the entire record fails to establish that Jim Logothetis has presented a sufficient basis to warrant a Weights and Measures Inspector 1 classification of his position.

ORDER

Therefore, the position of Jim Logothetis is properly classified as a Weights and Measures Inspector 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 9th DAY OF MAY, 2019



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