



STATE OF NEW JERSEY

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

In the Matter of Christopher White,
Department of Environmental
Protection

CSC Docket No. 2020-2086

Classification Appeal

ISSUED: March 12, 2020 (RE)

Christopher White appeals the decision of the Division of Agency Services (Agency Services) which found that his position with the Department of Environmental Protection is properly classified as Parks Maintenance Supervisor 2. He seeks a Parks Maintenance Supervisor 1 title in this proceeding.

The appellant received a regular appointment to Parks Maintenance Supervisor 2 on December 3, 2011, and he requested a classification review of his position. The position is assigned to the Department of Environmental Protection, Natural and Historic Resources, Division of Parks and Forestry, State Park Service, Northern Region #3 (High Point State Forest), reports to a Superintendent Parks and Forestry, and supervises two Parks Maintenance Specialists 1. The position is responsible for assigning work to permanent, seasonal and volunteer staff (14 persons in total), and checking for the quality, completeness and efficiency of the work.

Agency Services' review listed the appellant's assigned duties and responsibilities, and indicated that a Parks Maintenance Supervisor 2 is a first-level supervisory position. This means that it is assigned to the "R" Employee Relations Group (ERG), which is designated as the "Primary Level Supervisors Unit." Also, the Parks Maintenance Supervisor 1 is a second-level supervisory position and is assigned to the "S" ERG, which is designated as the "Secondary Level Supervisors Unit." As such, the Parks Maintenance Supervisor 1 must supervise first-level supervisory positions. Agency Services determined the proper classification of the appellant's position was Parks Maintenance Supervisor 2 based

on the primary duties and responsibilities of the position and the fact that the appellant does not supervise more than one first-level supervisor.

On appeal, the appellant explains that he is supervising 14 staff. He argues that his park has always had a Parks Maintenance Supervisor 1, even when there were no Parks Maintenance Supervisors 2. He also included organizational charts showing a Parks Maintenance Supervisor 1 who is not supervising a Parks Maintenance Supervisor 2. He maintains that the job definition for Parks Maintenance Supervisor 2 has the position reporting to a Parks Maintenance Supervisor 1. The appellant explains that he is responsible for the water quality in the park, and that the park is a Class 2 park which should require a Parks Maintenance Supervisor 1.

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 Parks Maintenance Supervisor 2 states:

Under general direction of a Superintendent or other supervisory official at a Class 1 and 2 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, supervises and as required independently performs semiskilled work involved in construction, maintenance, repair, and improvement of structures, equipment, systems, and grounds of State Park Service facilities; does other related duties as required.

The definition section of the job specification for Parks Maintenance Supervisor 1 states:

Under general direction of a Superintendent or other supervisory official at a Class 1 and 2 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, supervises and as required independently performs semiskilled work involved in construction, maintenance, repair, and improvement of structures, equipment, systems, and grounds of State Park Service facilities; does other related duties as required.

In the instant matter, Agency Services found that the appellant's position was properly classified as Parks Maintenance Supervisor 2 as he supervises two positions. When a title is supervisory in nature, the Commission has found that, along with the myriad of other supervisory duties that must be performed, 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). That is, to be considered a supervisor, the individual must be the person actually administering and signing off on the evaluation as the subordinate's supervisor. The appellant supervises two full-time employees and completes their performance reviews. For additional part-time, seasonal and volunteer staff, the appellant assigns and reviews their work. Based on supervisory responsibilities, the classification of the position is clearly with the first-level supervisor title Parks Maintenance Supervisor 2.

However, 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). *See also, 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). The purpose of the State's classification system is not to perpetuate misclassifications and the classification plan is not intended to limit an appointing authority's ability to organize its work force or supervisory structure as appropriate, so long as the designated titles are performing applicable in-title duties. However, the remedy for misclassification of another position is not to perpetuate the misuse of the higher title by reclassifying the appellant's position to that title, but rather, to review the position classifications of the positions encumbered by the named employees to ensure that they are properly classified. *See In the Matter of Stephen Berezny* (CSC, decided July 27, 2011).

Each position stands on its own and is classified based on the duties performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant's position. However, it cannot be ignored that the duties of a position may change over time due to such things as attrition or addition of staff members. Accordingly, when an employee requests a classification review of his and her position, it is done based on the duties currently assigned and being performed in that position and not those of other positions. Nevertheless, regardless if a position's duties have changed over time due to such things as attrition of subordinate staff or if a position was previously classified based on a different classification standard, this does not, by itself, provide a basis on which the Commission, *sua sponte*, would order a current classification review of these positions utilizing a new classification standard. Stated differently, Civil Service rules generally hold position incumbents

harmless when the standards that set the level of position compensation and/or classification had to be revised over time based on this agency's review. While there may be a situation where the Commission could order such a review of other positions, it is not warranted in this matter. However, the Department of Environmental Protection is directed to ensure that any employee in the title of Parks Maintenance Supervisor 1 is currently assigned appropriate supervisory duties as described above.

ORDER

Therefore, the position of Christopher White is properly classified as a Parks Maintenance Supervisor 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 12th DAY OF MARCH, 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Christopher White
Carla Winbush
Kelly Glenn
Records Center