



STATE OF NEW JERSEY

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

In the Matter of Samantha Hensen,
Department of Environmental
Protection

CSC Docket No. 2020-2110

Classification Appeal

ISSUED: May 1, 2020 (RE)

Samantha Hensen appeals the decision of the Division of Agency Services (Agency Services) which found that her position with Department of Environmental Protection is properly classified as an Assistant Regional Forester. She seeks a Regional Forester job classification in this proceeding.

The appellant received a regular appointment to the title of Assistant Regional Forester on February 20, 2016. Subsequently, she requested a classification review of her position. The position is assigned to the Bureau of Forest Management, Division of Parks and Forestry, Department of Environmental Protection, is supervised by a Supervising Forester, and has no supervisory responsibility. Agency Services conducted a review of her position including a review of her Position Classification Questionnaire (PCQ), and other documents, and determined that this position was properly classified as Assistant Regional Forester.

On appeal, the appellant states that she provides her supervisor with input for the employees that she oversees daily in the absence of a Regional Forester (a vacant position). In addition, she oversees two part-time employees which are “officially” assigned to her, as well as recommends the hiring and firing of these subordinates, and supervising interns during their required intern periods. She explains that she provides feedback to her supervisor regarding a full-time Assistant Regional Forester’s employee’s performance and has daily oversight of this employee as well. She maintains that after she filed her appeal, she was assigned an additional hourly employee. She states that she qualifies for a

Regional Forester position as she meets that requirements and reports to a Supervising Forester.

The appellant refers to a Commission memo dated November 13, 2019 which elucidated the meaning of supervision of subordinates for purposes of State position classification. A section of the memo stated that a position could be classified as a first-level supervisor if the position had some supervisory responsibility (assignment of work, training, etc.) over non-full-time employees (e.g., interns, temporary workforce, etc.). For example, if a position supervised one full-time State employee and a staff of interns on a continual basis, the supervisory position will be approved. The appellant maintains that these conditions pertain to her position.

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 class specification for the title Assistant Regional Forester states:

Under general supervision of a Regional Forester or other supervisory official in the Department of Environmental Protection, plans and implements and/or may assist in the oversight of forestry programs which include contract monitoring in an assigned region of the state, provides professional advice to forestry personnel, industrial organizations, and residents of the state; may serve as field authority in the scientific discipline of forestry; provides professional forestry reviews, planning, and recommendations for forestry programs within an assigned region or central office; does related work as required.

The definition section of the class specification for the title Regional Forester states:

Under the direction of a Supervising Forester, or other higher level supervisory officer in the Bureau of Forest Management, Division of Parks and Forestry, Department of Environmental Protection, either (a) supervises the implementation of forest management programs on state-owned forestland and is responsible for efforts which influence policies, programs, and retention of privately-owned forestland; or (b) acts as an authority in the scientific field of forestry by contributing to major problem-solving and supervision of forestry assistance programs

and provides expert, technical advice to forestry supervisory personnel, the public and/or wood-using industries; prepares and signs official performance evaluations for subordinate staff; does related work as required.

A thorough review of the information presented in the record establishes that the appellant's position would not be properly classified as Regional Forester based on her duties and responsibilities. At the outset, 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).

Next, the individual rating performances is the supervisor, regardless of who is assigning duties or directing activities. 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). The supervision of three non-supervisory individuals is the requirement for a position to be considered a primary-level supervisor. However, an exception could be made if at least one full-time employee was supervised, and the position had some supervisory responsibility (assignment of work, training, etc.) over non-full-time employees. There is nothing in the record establishing that the appellant provided evidence that she was supervising a full-time employee at time of Agency Services' review. As such, the appellant is clearly not performing duties at the level of Regional Forester.

Next, *N.J.A.C.* 4A:3-3.9(e) disallows information and/or argument which was not presented at the prior level of appeal. In this respect, the "assignment" of an additional hourly employee cannot be considered as this information was not provided to Agency Services. Further, a review of the appellant's PCQ indicated that she stated that she was supervising and coordinating staff, and that she assigns work and reviews completed work of employees. Her supervisor indicates that she has oversight of daily activities of other full-time staff, and supervises part-time staff. It is uncontested that the appellant does not have the responsibility for administering formal performance evaluations.

Accordingly, a thorough review of the entire record fails to establish that Samantha Henson has presented a sufficient basis to warrant a Regional Forester classification of her position.

ORDER

Therefore, the position of Samantha Hensen is properly classified as Assistant Regional Forester.

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 29TH DAY OF APRIL, 2020



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