



**STATE OF NEW JERSEY**

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

In the Matter of Manuel Rodriguez,  
*et al.* Department of Corrections

Requests for Reconsideration

CSC Docket Nos. 2020-2576 *et al.*

**ISSUED:        JULY 20, 2020    (RE)**

Manuel Rodriguez, Thurman Bridgers, Katrina Waith, Shontaya Lockhart, and Beverly Dewberry request reconsideration of the decision rendered on January 29, 2020, which determined that their positions with the Department of Corrections are properly classified as Communications Operator, Department of Corrections.

By way of background, the Division of Agency Services (Agency Services) conducted a detailed analysis of the petitioners' positions and determined that they were appropriately classified as Communications Operator, Department of Corrections. The petitioners sought a Senior Communications Operator classification, and appealed this determination to the Civil Service Commission (Commission). In the prior decision, the Commission explained that the requested title used to be a lead worker title, but in 2014 or 2015 it was placed in the "R" Employee Relations Group (ERG). As the title is at the supervisory level, and as the appellants' positions did not have supervisory responsibilities, reclassifications were not warranted. Therefore, the Commission denied the appeals.

On reconsideration, the petitioners maintain that Senior Communication Operators have never completed Performance Assessment Reviews (PARs). They argue that the Civil Service Commission did not acknowledge a Manager's email that indicated that Senior Communication Operators do not complete PARs. Also, they maintain that Communications Operators, Department of Corrections are supervising in Operator in Charge/Shift Supervisor positions "in both CCU (Central

Communication Unit) and Wants and Warrants.” Lastly, they state that a Communications Officer signs their PARs, not a Senior Communication Operator.

## CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred, or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

At the outset, the petitioners have not met the reconsideration criteria. They have not shown a clear material error or presented new evidence or additional information not presented at the original proceeding which would change the outcome of the case.

The essential component of supervision is the responsibility for formal performance evaluation of subordinate staff, and the petitioners have not shown evidence that they complete PARs. Instead, they argue that they should not have to, as other Senior Communication Operators do not do so. In this respect, the petitioners have disregarded the Commission’s explanation of the use of the title. Specifically, the title used to be a lead worker title, but in 2014 or 2015 it was placed in the “R” ERG, and the verbiage in the job specification was not updated to reflect this change. Each of the six Senior Communication Operators who the petitioners state does not supervise were appointed to their positions from 1995 to 2003, many years prior to the title requiring supervisory duties. The Commission will not hold these previously-encumbered positions to the higher supervisory standard based on the evolution of the title. As such, the appointing authority may assign supervisory duties to those individuals if it chooses, but it is not required to do so. Nonetheless, the petitioners’ positions stand on their own and are classified based on current duties performed and the current classification of the title as a first-level supervisor. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the petitioners’ positions.

Next, being an Operator in Charge/Shift Supervisor is not the same as supervising subordinate staff, including having the responsibility for performing formal performance evaluations. The petitioners have provided no evidence that the Operator in Charge/Shift Supervisor, in addition to preparing and signing PARs, sets unit goals and objectives, directs work operations, assigns work, reviews work, assesses training needs, approves leave requests, adjusts personnel and schedules as necessary, and recommends hiring, firing, demoting and/or disciplining. These are primary responsibilities of a supervisor.

It is noted that it is appropriate that a Communications Officer can complete PARs as a supervisor, and there is no rule that states that PARs for Communications Operator, Department of Corrections must be signed by a Senior Communication Operator.

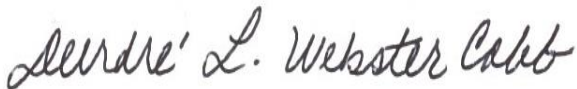
A thorough review of the information presented in the record establishes that the petitioners have not presented a sufficient basis to establish that their positions are improperly classified.

**ORDER**

Therefore, it is ordered that these requests 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 17<sup>TH</sup> DAY OF JULY, 2020



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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
Correspondence

Christopher S. Myers  
Director  
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Attachment

- c: Manuel Rodriguez (CSC Docket No. 2020-2576)
- Thurman Bridgers (CSC Docket No. 2020-2577)
- Katrina Waith (CSC Docket No. 2020-2578)
- Shontaya Lockhart (CSC Docket No. 2020-2579)
- Beverly Dewberry (CSC Docket No. 2020-2580)
- Lisa Gaffney
- Kelly Glenn
- Records Center



**STATE OF NEW JERSEY**

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

In the Matter of Manuel Rodriguez,  
*et al.* Department of Corrections

CSC Docket Nos. 2020-258 -  
2020-264

Classification Appeals

**CORRECTED**

**ISSUED:** February 20, 2020 (RE)

Manuel Rodriguez, Thurman Bridgers, Rebecca Stepniewski, Katrina Waith, Tonia Walker, Shontaya Lockhart, and Beverly Dewberry appeal the determinations of the Division of Agency Services (Agency Services) that their positions with the Department of Corrections (DOC) are properly classified as Communications Operator, Department of Corrections. The appellants seek Senior Communications Operator classifications in this proceeding. These appeals have been consolidated based upon the common issues presented.

The record in the present matter establishes that at the time of their requests for classification review, the appellants were serving permanently in the title of Communications Operator, Department of Corrections. Their positions are located in the DOC's Division of Operations -Central Communications. Each of the appellants reports to a Correctional Police Major, and does not have supervisory responsibilities. Agency Services performed detailed analyses of the appellants' Position Classification Questionnaires (PCQ) and other materials submitted in conjunction with their classification review requests.

As a result, Agency Services found that the appellants' positions were properly classified as Communications Operator, Department of Corrections. Agency Services found that the appellants' positions did not include supervision of subordinate staff, and explained that the title of Senior Communications Operator is considered to be a first line supervisor performing duties related to supervising and directing the work of subordinate staff, including evaluating employee performance. As the appellants were not responsible for supervising staff, Agency

Services maintained that these positions are appropriately classified as Communications Operator, Department of Corrections.

On appeal to the Civil Service Commission (Commission), the appellants each present the same arguments. They state that Senior Communications Operators in the Central Communications Office have never been asked to complete performance evaluations, but they train new Communications Operator trainees. They argue that they all complete the same work, and that the Senior Communications Operators are all on the first shift, but should be evenly dispersed throughout the unit and shifts. They state that they all work with the National Crime Information Center (NCIC), filling reports and escape files, which is 50% of their work in the central office. Dewberry adds a history of the use of the title in the unit, and argues that individuals in both titles have no distinct separation in duties. She states that PCQs filed initially in 2017 were misplaced, and new ones were filed after a year. Also in 2017, the titles of incumbents were changed from Communications Operator Secured Facilities to Communications Operator, Department of Corrections, yet the job specification of Communications Operator Secured Facilities more closely aligns with their duties. She maintains that she has not had a performance evaluation since 2012.<sup>1</sup>

## CONCLUSION

The definition section of the class specification for the title Communications Operator, Department of Corrections states:

Under close supervision of a custody supervisor or other supervisory official in the Department of Corrections, performs a variety of technical, clerical, and communications functions: receives/transmits messages; assists in the mail processing, collection, and distribution system within the institution; under supervision, develops and adjusts daily work schedules; and assists in the inmate visit program by confirming eligibility of visitors; does other related duties as required.

The definition section of the class specification for the title Senior Communications Operator states:

Under direction, takes the lead in a centralized communication center receiving and transmitting police, fire, and other emergency alarms; receives telephone requests for police, fire, or other emergency assistance and transmits same to appropriate personnel; operates a variety of communications equipment; provides guidance, instructs

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<sup>1</sup> Agency Services indicated that it had reviewed Dewberry's performance assessment review (PAR) and the record includes the PAR on file from 2012.

staff and may assist in the preparation of work schedules; does related work as required.

In the instant matter, Agency Services appropriately found that the appellants' positions were properly classified as Communications Operator, Department of Corrections. In this regard, Agency Services acknowledged that the appellants maintained and reviewed all files and entries in the NCIC, and the duties of the positions are not under dispute. It is noted that 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).

The definition of Senior Communications Operator is written as though the title is a lead worker title. However, it is included in the "R" ERG. In this respect, titles are assigned to ERGs based on the classification of the position by this agency. See *N.J.S.A. 11A:3-1*. Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. See *In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015) (Commission found that Auditor 1 was a supervisory level title based on job definition, duties and inclusion in "R" ERG), and *In the Matter of Dana Basile, et al.* (CSC, decided November 5, 2015) (Commission found that Investigator 2 was a supervisory level title based on duties and inclusion in "R" ERG.) The title used to be a lead worker title, but in 2014 or 2015 it was placed in the "R" ERG. As such, the title is at the supervisory level although it appears that the job specification was not updated to reflect this change. The fact that the job specification was not updated to reflect supervisory duties does not negate the current ERG assignment and warrant reclassifications in these matters.

Moreover, 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). As such, in order to be classified at the level of Emergency Response Specialist 2, an incumbent must supervise subordinate staff, including having the responsibility for performing formal performance evaluations. Merely making recommendations regarding a subordinate's performance, or even assisting in the preparation of a performance evaluation is not sufficient. Rather, to be considered a supervisor, the individual must be the person actually administering and signing off on the evaluation as the subordinate's supervisor. A review of the record does not establish that any of the appellants perform such duties.

As to the title changes in 2017, on June 22, 2017 the Chairperson for the Commission approved the request of DOC to establish the title Communications

Operator, Department of Corrections so it could reorganize civilian and custody staff to promote safety and security. On June 24, 2017, Dewberry and others received a regular appointment title change from Communications Operator Secured Facilities to Communications Operator, Department of Corrections. The International Federation of Professional and Technical Engineers, IFPTE Local 195 appealed the changes in the State classification plan to the Appellate Division of Superior Court, arguing that the decision to approve the title was arbitrary and based on a one-sided process that excluded the union's participation. The Appellate Division affirmed the Chairperson's final decision. As DOC is no longer using Communications Operator Secured Facilities, a reclassification to that title is not appropriate.

A thorough review of the entire record fails to establish that Manuel Rodriguez, Thurman Bridgers, Rebecca Stepniewski, Katrina Waith, Tonia Walker, Shontaya Lockhart, and Beverly Dewberry have presented a sufficient basis to warrant an Senior Communications Operator classification of their positions.

Finally, the Commission notes that Agency Services should undertake an analysis of the Senior Communications Operator job specification in order to make any necessary modifications to clarify the verbiage regarding supervision. Also, DOC should ensure that any position as Senior Communications Operator encumbered after December 2015 should be supervising at least three subordinates.

### **ORDER**

Therefore, the positions of Manuel Rodriguez, Thurman Bridgers, Rebecca Stepniewski, Katrina Waith, Tonia Walker, Shontaya Lockhart, and Beverly Dewberry are properly classified as Communications Operator.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 29<sup>th</sup> DAY OF JANUARY, 2020



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Chairperson  
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c:	Manuel Rodriguez	(CSC Docket No. 2020-258)
	Thurman Bridgers	(CSC Docket No. 2020-259)
	Rebecca Stepniewski	(CSC Docket No. 2020-260)
	Katrina Waith	(CSC Docket No. 2020-261)
	Tonia Walker	(CSC Docket No. 2020-262)
	Shontaya Lockhart	(CSC Docket No. 2020-263)
	Beverly Dewberry	(CSC Docket No. 2020-264)
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