

756 hours, or 45% of the time. The appellant argues that his hours operating a motor broom would have gone up had he worked instead of taking leave time.

In response, the appointing authority, represented by James Prusinowski, Esq., argues that in his audit, the appellant overestimated the time he spent operating a motor broom as 70% of the job, while it was closer to 47% to 49%. It argues that other employees are also responsible for operating the motor broom machine including two other employees, and two more that want or wanted to be trained. The appointing authority states that the appellant has other duties beyond the machine's operation, and no one employee performs a substantial portion of his time operating the machine. It also provides calendars and attendance sheets.

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 Motor Broom Driver states:

Under direction, drives a motorized sweeping machine that cleans streets, parking lots, gutters and other areas to remove trash and other accumulations; does other related duties as required.

The definition section of the job specification for Public Works Repairer states:

Under direction, performs routine work involved in the construction, maintenance, and repair of street, sewer, water, sanitation, and other public facilities and may be required to operate, check, service, and make minor repairs to trucks and other maintenance construction equipment; does other related duties as required.

The dual title Motor Broom Driver/Public Works Repairer, which is the appellant's provisional title, involves duties of both titles. Based upon a thorough review of the information presented in the record, it is clear that the duties of the appellant's position match those of the dual title. At the outset, the classification of a position is determined based the duties and responsibilities assigned to a position at the time the request for reclassification is received as verified by audit or other formal study. 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. 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).

In its decision, Agency Services indicated that the appellant's duties involve driving, operating, and performing routine maintenance on street sweeper and single axle dump truck vehicles, operating backhoe equipment to empty recycling bins and remove heavy debris from roadways and basins, and operating chainsaw and chipper equipment in the maintenance and removal of trees and brush. A large percentage of his time is spent operating and maintaining the motor broom vehicle as well. Thus, Agency Services indicated that the appellant was serving in the dual title.

On his PCQ, the appellant indicated that he operated a motor broom vehicle for 70% of the time, operated a single axle dump truck for 10% of the time, and for the remaining 20% of the time, he repaired basins, potholes, a road drainage issues, cut and trimmed brush, loaded trucks, and used a back hoe. The Division Director disagreed with the percentages of time, and found that the appellants spent 49% of his time on the motor broom vehicle. The information that the appellant submitted on appeal confirms the Division Director's data. From 2017 to 2019, of the appellant drove a motor broom vehicle for less than half the time that he was at work each year. It is noted that including paid leave in calculating motor broom driving hours is not appropriate, as Public Works Repairer duties may also have been assigned, and there were other employees operating the motor broom on those days. The duties are consistent with the dual title Motor Broom Driver/Public Works Repairer.

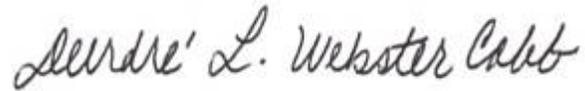
Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Motor Broom Driver classification of his position.

ORDER

Therefore, the position of Jason Ressler is properly classified as Motor Broom Driver/Public Works Repairer.

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 DAY 16th OF SEPTEMBER, 2020



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