



**STATE OF NEW JERSEY**

In the Matter of Kathleen Belknap, *et al.*, Department of Law and Public Safety

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

CSC Docket Nos. 2022-1562, *et al.*

Classification Appeals

**ISSUED: MARCH 25, 2022 (SLK)**

Kathleen Belknap, Katrina Eberly, Veatrece Newton<sup>1</sup>, Michael Peeler, Kyle Pierson, William Sabo, Yocelin Tejada, Bryan Thomson, and Kenneth Vehrkens appeal the determinations of the Division of Agency Services (Agency Services) that the proper classification of their positions with the Department of Law and Public Safety is Weights and Measures Inspector 1 (WMI1). The appellants seek a Weights and Measures Inspector 2 (WMI2) classification. The appeals have been consolidated due to common issues presented.

The record in the present matter establishes that the appellants' permanent titles are WMI1. The appellants sought reclassification of their positions, alleging that their duties were more closely aligned with the duties of a WMI2. The appellants are assigned to the Division of Consumer Affairs, Office of Weights and Measures. Belknap, Newton, Peeler and Tejada report to John McGuire, Supervisor of Enforcement, Weights and Measures. Eberly, Sabo and Thomson report to James Wilton, Supervisor of Technical Services, Weights and Measures. Pierson reports to Raymond Szpond, Supervisor of Licensing, Weights and Measures. The appellants have no direct supervisory responsibility. In support of their requests, the appellants submitted Position Classification Questionnaires (PCQ) detailing the duties that they perform as WMI1s. Agency Services reviewed and analyzed the PCQs, organization

<sup>1</sup> Newton's PMIS records indicates that she is a Weights and Measures Inspector 3. However, it also indicates that her position's title code is 33081, which is the title code for WMI1.

chart, and the appellants' most recent Performance Assessment Reviews and all information and documentation submitted. Agency Services found that the appellants' primary duties and responsibilities entailed, among other things: conducting investigations relating to non-compliance with weights and measures laws; performing inspections to ensure accuracy of devices used for weighing, measuring and counting; and enforcing laws and regulations relating to weights and measures. In its decision, Agency Services determined that the duties performed by the appellants were consistent with the definition and examples of work included in the job specification for WMI1.

On appeal, the appellants note that at the time they submitted their classification review requests, the job specification for WMI1 indicated that incumbents assist while working under close supervision while they work independently. They highlight that their supervisors supported their requests because they were working independently. Some of the appellants question how the job specifications can change during their classification reviews.

The appellants also present that they take the lead role on training, tasks forces or other programs or projects, investigations, inspections, and/or enforcement, describe their duties in detail, and assert that their duties are complex. In some cases, they name specific individuals that they have led for certain training and/or tasks, and highlight that they have instructed County Superintendents, Assistant Superintendents, and Apprentices throughout the State. Therefore, the appellants contend that they are performing higher level duties. Additionally, some of the appellants highlight that they appear in court as expert witnesses.

## 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 WMI1 (FA17) job specification states:

Under the limited supervision of a Weights and Measures Inspector 3 or other supervisory official in the Department of Law and Public Safety, performs routine office and metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations; does other related duties as required.

The definition section of the WMI2 (FA20) job specification states:

Under the general supervision of a Weights and Measures Inspector 3 or other supervisory official in the Department of Law and Public Safety, may function as a lead worker, providing guidance to staff of lower levels and taking the lead on work-related matters; performs and coordinates moderately complex office and metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations; does other related duties as required.

In this present matter, a review of the job specification definition sections indicates that the main distinguishing characteristic between the two titles is that WMI1s perform “routine” work while WMI2s perform and coordinate “moderately complex” work. A review of the instructions for the PCQ indicates that the appellants were instructed, in pertinent part, as follows:

9. **WORK (DUTIES) PERFORMED:** Describe in detail the work required for this position. Make descriptions so clear that persons unfamiliar with this with the work can understand exactly what is done. **You MUST also explain how the duties at issue are more appropriate to the requested title than your current title.**

Further, the record indicates that all nine appellants submitted the exact same PCQ. Specifically, the appellants all stated:

In March of 2020, Civil Service reclassified all employees with the title of Weights and Measures Inspector 3 to Weight and Measures Inspector 1. While doing so, Civil Service modified the language in the Weights and Inspector 1 title by adding the word “assist” to the beginning of each example of work that was in the previous Weights and Measures Inspector 3 title. The new Weights and Measures Inspector 1 title also states that the employee will work “under the close supervision of an Inspector 3,” of which there are none in OWM. This reclassification and language modification effectively demoted all reclassified employees and has stripped the employees of being able to perform their duties independently as they have been able to for decades.

Additionally, the PCQs indicate that the appellants spend 70 percent of their time independently performing complex field, investigating, and enforcement actions, appearing in court as an expert or technical witness, and training other weights and measures officers and other enforcement officers. Also, their supervisors indicate that the most important duty is for the appellants to work independently.

Initially, it is noted that no two individuals perform the exact same duties for the exact same percentage of time. Therefore, each appellant should have described

their own actual duties using their own words and provided the percentage that they perform such duties based on their actual time spent on these duties.

Regardless, the record indicates that the appellants were prompted to submit these classification reviews when the subject title series was renumbered, and the revised WMI1 definition at that time indicated that incumbents in this title assist in their work while the appellants indicated that they work independently. It is also noted that at the time the appellants made their requests, the job specification definition for WMI2s indicated that incumbents in that title were lead workers. When one is requesting that one's title be changed to a new title, the issue is not whether one's job duties no longer meet the definition of the title that one holds, but whether one's duties meet the definition of the title that one requests. A review of the appellants' PCQs does not indicate any named employees that they assigned and reviewed work on a regular basis. Instead, they indicated that they "supervised" County and Municipal Superintendents, Deputy Superintendents and Assistant Superintendents, Weights and Measures Apprentices. While the appellants may have provided training and guidance to these individuals, the appellants were not leading these individuals as they were not regularly assigning and reviewing their work. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014). It is also noted that training alone without the responsibility of assigning and reviewing work of other employees on a regular and recurring basis, does not establish that the appellants are lead workers. *See In the Matter of Loretta Creggett* (CSC, decided August 1, 2018). Therefore, the record is clear that the appellants were not performing WMI2 lead worker duties at the time they submitted their classification requests based on the definition of WMI2 at that time. At most, what the appellants may have been entitled to is to have the responsibility to work independently removed as out-of-title duties.<sup>2</sup>

However, the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Subsequently, during the classification review process and prior to their positions being evaluated by Agency Services, the WMI1 definition was modified to no longer indicate that incumbents assist and the WMI2 definition was modified to indicate

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<sup>2</sup> Although, neither the WMI1 or WMI2 specification at the time indicated that either title only works independently.

that while incumbents may be lead workers, it was not mandatory. Instead, what is required is that incumbents must perform “moderately complex” work. Therefore, at the time the appellants positions were evaluated by Agency Services, even though they were not lead workers, their positions could have potentially been reclassified to WMI2s since the key distinguishing feature of the definition of this title at the time of their reviews was the determination as to whether the appellants were performing “moderately complex” work. However, other than a non-supported sentence in their PCQs stating that they perform complex work, the appellants did not provide anything in the record for Agency Services to evaluate whether the appellants were performing “moderately complex” duties. Therefore, Agency Services correctly determined that the appellants duties did not rise to the level of a WMI2 classification. On appeal, the appellants describe their own individual duties in more detail. However, the Civil Service Commission cannot consider the appellants’ more detailed descriptions of their duties which could be evaluated to determine whether the appellants duties rise to the level of “moderately complex” since information not presented at the first level cannot be considered. *See In the Matter of Jose Quintela* (CSC, decided June 21, 2017). *See also In the Matter of Dolores Houghton* (Commissioner of Personnel, decided October 6, 1993).

Regarding the appellants’ supervisors’ comments, recommendations from the appellants’ superiors are not determinative for a classification review, but can be used as pieces of information in evaluating the classification of the appellant’s position. *See Quintela, supra*. However, in these matters, the appellants’ superiors’ comments that their positions should be reclassified because they work independently were not relevant to the determination as to whether they were performing WMI2 duties since those comments did not address the issue as to whether their work is considered “moderately complex.” Concerning some of the appellants questioning how the job specifications could change after they submitted their requests, there is nothing in Civil Service law or rules that prevents job specifications from changing at any time. Regardless, the change in the WMI2 definition could have only potentially helped the appellants because, prior to the change, the appellants would have been required to be lead workers, which they are not, and the change no longer mandated this. Additionally, examples of work found in job specifications are not determinative and it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Accordingly, it is clear that at the time of the classification reviews, the appellants’ positions were properly classified as WMI1. However, if the appellants believe that their duties fit the definition of “moderately complex,” as now indicated in the WMI2 job specification definition, they may submit new classification review requests with new PCQs that are individualized for their own actual duties and percentages of time performing such duties, explaining why their duties are no longer “routine,” but “moderately

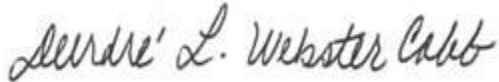
complex.” If such review requests are made and are unsuccessful, the appellants can submit new appeals after those determinations are made by Agency Services.

**ORDER**

Therefore, it is ordered that these appeals 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 23<sup>RD</sup> DAY OF MARCH, 2022



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