



**STATE OF NEW JERSEY**

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

In the Matter of Wayne Bebert,  
Sayreville

CSC Docket No. 2022-2838

Classification Appeal

**ISSUED:** September 21, 2022 (RE)

Wayne Bebert appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with Sayreville is Maintenance Worker 1 Grounds. He seeks a Maintenance Worker 2 Grounds classification in these proceedings.

By way of background, in a Position Classification Questionnaire (PCQ) received by Agency Services, the appellant submitted a request for classification review arguing that his duties were not consistent with his permanent title of Laborer 1. In support of that request, the PCQ detailed the duties performed in the position. Agency Services reviewed and analyzed the PCQ, as well as other information and documentation provided. The appellant is assigned to the Sayreville, Department of Public Works, reports to an Assistant Public Works Superintendent, and has no supervisory responsibility. In its April 20, 2022 decision, Agency Services determined that the duties performed were consistent with the definition and examples of work included in the job specification for Maintenance Worker 1 Grounds.

On appeal, the appellant provides a listing of the duties he performs. He states that Agency Services only included routine duties and did not mention his duties that are more complex, such as: working on the maintenance truck; operating a rider mower and a tractor with a top dresser attachment; operating a Sandpro machine to groom fields and courts; operating a Bobcat loader for grading; providing assignments, guidance, instructions and directions to crews; repairing fences, bleachers, playgrounds, fields, and recreational equipment; and, operating a lawn

sweeper machine. He maintains that he is third in line to lead assigned crews. The appellant argues that 80% of his time is spent on complex duties, and that he meets the minimum qualifications for an examination for the requested title. He also requests that the title Maintenance Worker 3 Grounds be considered. He contends that other employees received the title, so he should as well. He suggests that his supervisor's comments are not reputable and should not be considered as he is retaliating against him for filing the subject desk audit.

The appointing authority responded that the appellant included new duties that were not presented originally, and that the Civil Service Commission should consider only the duties the appellant described in his PCQ, and which the supervisor had the opportunity to review. Nonetheless, the appointing authority submitted further supervisory comments on the appellant's duties as provided on appeal.

## 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 Maintenance Worker 1 Grounds states:

Under direction, performs routine work in the care and maintenance of outdoor areas such as gardens, park grounds, recreational areas, lawns, athletic fields and courts, and indoor/outdoor turf; operates a variety of equipment, tools, and machinery used to care for and maintain grounds; performs other related duties as required.

The definition section of the job specification for Maintenance Worker 2 Grounds states:

Under direction, performs more complex work in the care and maintenance of outdoor areas such as gardens, park grounds, recreational areas, lawns, athletic fields and courts, and indoor/outdoor turf; operates a variety of equipment, tools, and machinery used to care for and maintain grounds; performs other related duties as required.

First, while the job specifications for the two titles are similar, the Maintenance Worker 2 Grounds title performs the more complex and non-routine

work, while the Maintenance Worker 1 Grounds performs routine work. Additionally, the Maintenance Worker 2 Grounds may provide basic instruction and guidance to other employees. Further, 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. Thus, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature.

It is noted that the PCQ instructs the employee to, "Describe in detail the work required of this position. Make descriptions so clear that persons unfamiliar with the work can understand exactly what is done." On his PCQ, the appellant stated that for 20% of the time he operated a Bobcat with a front-end loader to load and unload vehicles, fill holes, back-blade grounds, and tear out trees, and he used an auger to drill holes for tree planting and fence and bench installations. His supervisor disagreed, saying that he did this for 10% of his time. For another 30% of his time, the appellant stated that he operated tools (weed whackers, blowers, etc.) for landscape maintenance, maintained mowers and other equipment. It is noted that the appellant copied these duties almost word for word from the job specification. The supervisor disagreed with the percentage of time, stating that the appellant performed this duty about 20% of the time. In another duty copied from the job specification, the appellant stated that for 20% of his time he marked fields and other areas, and made minor repairs to equipment and fields. For 10% of the time he assembled, installed, maintained and replaced benches and tippable garbage stations; for 2% of the time he operated a snow plow or shoveled snow; for 8% of the time, he took the lead in chain link fence installations; and for 10% of the time, he inspected playground equipment and reported damages, emptied garbage bins, and picked up litter and disposed of it. The supervisor indicated that the appellant spent closer to 30% of the time doing garbage pick-up, policing and inspections.

The supervisor of the position stated that the appellant did not give assignments to anyone, nor did he perform more complex duties. The supervisor clarified that everyone has been assigned truck duties since the pandemic began, that the appellant is not the only one operating a grass cutting machine, and that the appellant occasionally operates the tractor with top dresser, and the Sandpro, but he is not usually assigned to do so. The supervisor states that the appellant does not provide assignments, but that assignments are made by him daily, or otherwise by another employee. The supervisor points out that several of the duties the appellant lists on appeal were after he filed his PCQ. He states that the appellant used the Bobcat on two projects and gave instructions as needed from the Bobcat. Basically, the supervisor asserts that the appellant was expected to operate as a team member, not as a lead worker, and some other members have more, or less, experience than he does, but that others do not generally need instruction from the appellant. He states that much of the fence repair and machinery operation is

routine. He also indicates that grass cutting is routine and does not require detailed explanations, but that all questions or problems are referred to him.

Typically, classification determinations list only those duties which are considered to be the primary focus of appellant's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). Considering the duties as given on his PCQ, the appellant is not performing the more complex work in the care and maintenance of outdoor areas, and he is working as a team member, not providing basic instruction and guidance to other employees. In that respect, the only duty in which the appellant stated that he took the lead was in fence installations, which he did 8% of the time. If he provides such advice, he does so on his own initiative. He is not required or expected to do so, and the supervisor indicates that he is available to answer questions and help with problems. All the appellant's duties and responsibilities were reviewed, and the entire record has once again been thoroughly reviewed in conjunction with the appellant's appeal. Complex work often involves frequent departures from standard practices and guidelines, and it is not evidenced in the duties provided that the appellant primarily performed such work.

Also, any duties performed after the classification review cannot be considered. *See In the Matter of Jose Quintela* (CSC, decided June 21, 2017) (The Commission did not consider the appellant's detailed description of his duties and justification as to why his position should be reclassified that he supplied on appeal since information not presented at the first level cannot be considered). *See also In the Matter of Dolores Houghton* (Commissioner of Personnel, decided October 6, 1993). Moreover, a classification appeal is not the forum to consider a grievance, and the supervisor's comments appear to be factual and rational. These comments will not be disregarded on the basis that the appellant believes they are retaliatory.

Next, in accordance with *N.J.A.C.* 4A:3-3.9(e), an appeal to the Commission involves an analysis of the determination below, not an opportunity to request a new title. Thus, the title Maintenance Worker 3 Grounds will not be considered. Lastly, a classification appeal cannot be based on a comparison to the duties of another position. *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). As such, the duties of the position under review are the only ones to be considered, and the classification of other positions has no bearing on this determination.

Accordingly, a thorough review of the entire record indicates that Wayne Bebert has not presented a sufficient basis to warrant a Maintenance Worker 2 Grounds classification of his position. It is noted that if the appellant believes the duties he currently performs are not commensurate with the Maintenance Worker 1 Grounds title, he may request a new job audit pursuant to *N.J.A.C. 4A:3-3.9*.

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 21<sup>ST</sup> DAY OF SEPTEMBER, 2022

*Dolores Gorczyca*

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