



STATE OF NEW JERSEY

In the Matter of Greg Bartelloni,
Essex County

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

CSC Docket No. 2022-1661

Classification Appeal

ISSUED: January 18, 2023 **(ABR)**

Essex County, represented by Sylvia Hall, Esq., appeals the determination of the Division of Agency Services (Agency Services), which found that Greg Bartelloni's position with the Essex County Department of Corrections was properly classified as Principal Investigator, Parole and Secured Facilities. Essex County seeks a County Correctional Police Lieutenant classification.

The record in the present matter establishes that at the time of the Essex County Superior Officers' Association's (Association) request for a classification review on behalf of Bartelloni, Bartelloni was serving in his permanent title, County Correctional Police Captain. In March 2021, the Association requested a classification review of Bartelloni's position with the Essex County Department of Corrections. In support of the classification review request, Bartelloni submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performed. In his PCQ, Bartelloni stated, in relevant part, that he assigned and disseminated investigations to Internal Affairs Investigators; reviewed, evaluated and assigned investigations concerning allegations of criminal acts and administrative violations committed by staff, inmates and visitors to the secured facilities and supervised the conduct of these investigations; and supervised and reviewed all investigations and reports to ensure they were clear, comprehensive, accurate and informative.

Agency Services conducted a review of Bartelloni's PCQ and a telephone audit. Agency Services found that the primary focus of Bartelloni's position was the

supervision of a unit that conducts internal affairs investigations. It observed that Bartelloni assigned and reviewed the work of nine positions that were properly classified in the Investigator, Parole and Secured Facilities title series; served as a first-level supervisor of staff that investigated alleged criminal activities at the facility; supervised the conduct of investigations of administrative violations allegedly committed by staff, inmates and visitors; assigned and supervised the investigation of prisoners relative to the operation of a penal institution; prepared, reviewed, and corrected all investigative reports generated by the Internal Affairs Bureau; approved reports containing findings and recommendations; served as the primary point of contact on matters relating to criminal activity while in custody; and performed other related duties in supervising the activities of the Internal Affairs Bureau. Based on these responsibilities and the structure of the Internal Affairs Unit at the time of its review, Agency Services found that the appropriate title for Bartelloni's position was Principal Investigator, Parole and Secured Facilities.

On appeal to the Civil Service Commission (Commission), the appointing authority argues that the job performed by Bartelloni is more consistent with the title of County Correctional Police Lieutenant, as demonstrated by the job specification for that title. In this regard, the appointing authority cites a number of duties from Bartelloni's PCQ that it maintains are consistent with the Examples of Work portion of the County Correctional Police Lieutenant job specification. The appointing authority argues, in the alternative, that if the Commission finds that Bartelloni is not performing the duties of County Correctional Police Lieutenant, he should be classified as a Chief Investigator, Parole and Secured Facilities, as it maintains that Bartelloni's duties are consistent with the Examples of Work portion of the job specification for the title of Chief Investigator, Parole and Secured Facilities. In particular, it avers that his managerial role within the Internal Affairs Bureau and the duties listed in his PCQ are similar to that of a Chief Investigator, Parole and Secured Facilities and in line with the Definition section of the Chief Investigator, Parole and Secured Facilities job specification.

In response, the Association argues that Agency Services correctly determined that the appropriate classification for Bartelloni's position was Principal Investigator, Parole and Secured Facilities, particularly as the appointing authority has indicated that Bartelloni has been functioning as the commanding officer of the Essex County Department of Corrections' Internal Affairs Unit. It avers that the Commission and the Public Employee Relations Commission (PERC) have repeatedly held that within State and local correctional agencies, such duties and activities are properly classified within the Investigator, Parole and Secured Facilities title series. The Association argues that there is a history of both the Commission and PERC ruling against similar arguments by the appointing authority and that it follows that based on these precedents, an incumbent cannot be a commanding officer of or within the Internal Affairs Bureau (IAB) without being titled within the Investigator, Parole and Secured Facilities title series. The Association also proffers that there is an

inconsistency between the appointing authority arguing that Bartelloni's classification does not fall within the Investigator title series and that if the Commission disagrees with that argument, it should promote Bartelloni to the highest title within the Investigator title series. It avers that the appointing authority could have argued for the Chief Investigator, Parole and Secured Facilities at any time before or during the audit but did not do so. It presents that the appointing authority is now effectively arguing against itself. The Association also expresses concern that the appointing authority's efforts to maintain Bartelloni's classification as a County Correctional Police Lieutenant reflects an attempt to eliminate its use of the entire Investigator, Secured Facilities title series through attrition. The Association also presents that Bartelloni signed a PCQ in May 2021 as "Chief/Commander IAB/SID" and in May 2022 as a "Provisional Principal Investigator" and that he remained in charge of internal affairs at the time of the Association's September 2022 submission in this matter. Finally, the Association suggests that while the appointing authority could choose to appoint Bartelloni to the title of Chief Investigator, Parole and Secured Facilities, the Commission "should not be puppeted into appointing him as Chief Investigator for them."

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.

N.J.A.C. 4A:3-3.1(b)1 provides that positions shall be assigned by the Commission and be assigned the title which describes the duties and responsibilities to be performed and the level of supervision exercised and received.

The definition section of the job specification for Principal Investigator, Parole and Secured Facilities states:

Under the general direction of the Chief Investigator or an administrative officer responsible for internal affairs investigations in a state department, institution or agency, or in a local government agency for adult correctional or juvenile treatment facilities or county correctional facilities; or other investigations involving parolees and the facilities/contractors providing services to parolees. Supervises investigations of alleged criminal activities and disciplinary charges at the institutions and satellite units of the institutions and at facilities/vendors providing services to the employing agency or serves as a qualified expert in the field of fingerprinting, photography, narcotics and polygraph. Supervises staff and work activities, prepares

and signs official performance evaluations for subordinate staff; does related duties as required.

The definition section for job specification for County Correctional Police Lieutenant states:

Under direction during an assigned tour of duty, has charge of correctional programs and staff within an adult county correctional facility or institution; supervises subordinate officers or other personnel on a shift; may perform specialized, administrative/security police work as assigned; performs other related duties as required.

The definition section for job specification for Chief Investigator, Parole and Secured Facilities states:

Under administrative direction, manages an internal investigation unit for adult correctional or juvenile treatment facilities, county correctional facilities, or other investigations involving parolees and the facilities/contractors providing services to parolees; establishes investigative policy for the department of assignment; does other related duties as required.

In the instant matter, the appointing authority disputes Agency Services' characterization of the primary focus of Bartelloni's duties. Namely, it contends that the majority of his duties are consistent with the Examples of Work portion of the job specification for the County Correctional Police Lieutenant title or, in the alternative, that the proper classification for his position is Chief Investigator, Parole and Secured Facilities. The Association maintains that the appointing authority's arguments are inconsistent and that it supports Agency Services' classification of Bartelloni's position as Principal Investigator, Parole and Secured Facilities. The Association does not deny that Bartelloni could be appointed to the title of Chief Investigator, Parole and Secured Facilities, but contends that the Commission should not place Bartelloni in that title based upon its review of the instant appeal.

Here, a thorough review of the information presented in the record establishes that Bartelloni's position at the time of the audit was Principal Investigator, Parole and Secured Facilities. In making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the Examples of Work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). The record demonstrates that

Bartelloni, at the time of his PCQ, was responsible for internal affairs investigations for the Essex County Department of Public Safety and Corrections and supervising staff and work activities within that unit. Such duties are consistent with the primary focus of the Principal Investigator, Parole and Secured Facilities title. Further, this primary focus is not evident in the Definition section of the County Correctional Police Lieutenant job specification. Moreover, the record does not support a conclusion that Bartelloni's position should be classified as Chief Investigator, Parole and Secured Facilities as the record does indicate that he establishes investigative policy for his department. Rather, his PCQ indicates that he merely makes policy recommendations to the Director and Administrators. However, the Commission observes that if Bartelloni and/or the appointing authority believe that his duties have changed since the March 2021 PCQ, such that the primary focus of his assigned duties are now more consistent with the title of Chief Investigator, Parole and Secured Facilities, they may request a new classification review under *N.J.A.C. 4A:3-3.9*.

ORDER

Therefore, the position of Greg Bartelloni is properly classified as Principal Investigator, Parole and Secured Facilities.

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 18TH DAY OF JANUARY, 2023

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