



STATE OF NEW JERSEY

In the Matter of James Templeton,
Salem County, Office of the Sheriff

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

CSC Docket No. 2021-1931

Classification Appeal

ISSUED: January 18, 2023 (ABR)

James Templeton appeals the June 2, 2021, classification decision of the Division of Agency Services (Agency Services).

Templeton was permanently appointed as a County Correctional Police Lieutenant with the Salem County Sheriff's Office, effective July 22, 2016. Agency Services conducted a classification review in response to a request by the Police Benevolent Association Local No. 400 (PBA 400), which contested Salem County's assignment of a County Correctional Police Lieutenant to serve as a supervising investigator for internal affairs. PBA 400 argued that conducting internal affairs investigations and interviewing witnesses as part of an Internal Affairs investigation were not among the examples of work in the job specification for the position of County Correctional Police Lieutenant and were inappropriately assigned. Based upon the classification review request, Templeton submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performed. In his PCQ, he stated, in relevant part, that he spent his time as follows: 40 percent covering for shift lieutenants on approved leave, including supervision of shift sergeants and officers and related custodial supervision duties; 40 percent of taking any and all complaints of staff misconduct, conducting investigations, preparing reports with recommendations for remedial actions, assigning individuals to investigate major disciplinary actions, and making recommendations regarding the disposition of major disciplinary actions; 10 percent supervising the work operations and/or functional

programs, and for effectively recommending the hiring, firing, promoting, demoting and/or disciplining of employees.

Agency Services conducted a review of Templeton's PCQ and a telephone audit completed by Templeton, his supervisor, and Undersheriff/Warden John Cuzzupe. Agency Services found that Templeton's position was regularly assigned two distinct functions: supervising an internal affairs unit and performing the duties typically assigned to a County Correctional Police Lieutenant. Specifically, 50 percent of his time was spent serving as a County Correctional Police Lieutenant, as he regularly covered for any absences of other County Correctional Police Lieutenants and managed the day-to-day operations of the shift being covered; maintained and approved the schedule for shift coverage, certified accurate inmate counts, reviewed reports of incident reviews; approved inmate discipline reports and pre-hearing detention reviews, and maintained confidential files regarding employee discipline. Agency Services stated that the appropriate classification of Templeton's position was County Correctional Police Lieutenant, but that because he did not appear to supervise at least two County Correctional Police Sergeants, as required pursuant to the job specification, it was therefore necessary to assign him the supervision of two County Correctional Police Sergeants in order for him to remain properly classified as a County Correctional Police Lieutenant. Agency Services further observed that Templeton was assigned functions typically performed by a Principal Investigator, Parole and Secured Facilities. Agency Services noted that those appointed to the Principal Investigator, Parole and Secured Facilities title are required to complete the basic course for investigators at the Division of Criminal Justice Training Academy in order to ensure that appointees are trained and qualified to supervise such investigations. Agency Services indicated that it was inappropriate to have Templeton continue to function in the capacity of a Principal Investigator, Parole and Secured Facilities and that those duties therefore needed to be removed.

On appeal to the Civil Service Commission (Commission), the appellant argues, in relevant part, that the requirement that he supervise two squads of officers and their sergeants is too restrictive. He avers that while Agency Services correctly noted that 50 percent of his time is spent conducting County Correctional Police Lieutenant duties, it neglected to mention that he spends an additional 20 percent of his time conducting administrative duties consistent with the subject title, including employees evaluations, performance management and maintaining adequate staffing and scheduling. He further submits that the Attorney General's Internal Affairs Policies & Procedures (IAPP) require all law enforcement agencies to have an internal affairs unit and give agencies flexibility to determine how that is implemented. The appellant asserts that most county correctional facilities are not capable of staffing a full-time squad with sergeants to conduct investigations because the workload is not present to justify such staffing levels. As such, it is critical to have a County Correctional Police Lieutenant with appropriate training assigned to investigate internal complaints on a part-time basis. He further argues that the examples of work

in the County Correctional Police Lieutenant job specification are consistent with conducting investigations and preparing written reports with findings, conclusions and investigations. He maintains that the supervision of investigations is assigned to the Warden, rather than himself. He also avers that he is qualified to conduct internal affairs investigations based upon his experience, his Associate's degree in criminal justice, and completion of a Stockton University/Rodgers Group internal affairs investigations training program in 2017. Moreover, he indicates that he is willing to take a basic course for investigators if the training course he completed does not satisfy the Attorney General's requirements.

In support, the appointing authority states that the appellant is the only sworn officer who investigates internal complaints and that, therefore, there are no squads of officers or sergeants assigned to the appellant. Rather, his responsibilities are bifurcated between investigating internal complaints and filling in as shift commander in the absence of other shift commanders. In this regard, it argues that it is vital for smaller county correctional facilities to have the flexibility to assign County Correctional Police Lieutenants to specialized duties and that it is too restrictive to require them to supervise two squads of officers and their sergeants. The appointing authority avers that the vital importance of some responsibilities in its facility require executive management-level supervision without necessitating "direct" supervision of officers and sergeants. The appointing authority proffers that such vital duties requiring the supervision of specialized County Correctional Police Lieutenants include maintenance operations, information technology/CCTV operations, logistics, internal investigations, and use of force meaningful review processes. The appointing authority maintains that the nature of such special assignments does not require a complete contingent of staff consisting of two squads of officers and their sergeants. It avers that it is not fiscally responsible or practical to assign squads of officers and their sergeants to the appellant, in his investigative role, because it has no need for additional staff to be allocated for internal investigations. Conversely, it is necessary for the appellant to retain the title of County Correctional Police Lieutenant because he is needed to fill the role of shift commander when assigned as such. The appointing authority states that the appellant does not supervise internal investigations or have the authority to assign an investigation. Rather, the Warden is responsible for supervising all internal investigations, which are conducted by the appellant and two civilian investigators, and the Warden supervises and approves investigative action plans, approves completed internal investigations, and recommends discipline to the Sheriff for final disposition. It also indicates that the appellant maintains essential records and files related to internal investigations. It echoes the appellant's argument that the assignment of the appellant to internal affairs investigations is consistent with the IAPP. Accordingly, based upon the foregoing, the appointing authority maintains that the appellant is properly classified as a County Correctional Police Lieutenant and that his internal investigation responsibilities are consistent with the examples of work of preparing written reports containing findings, conclusions, and

recommendations, and supervising the establishment and maintenance of essential records and files contained in the County Correctional Police Lieutenant job specification.

PBA 400, represented by Frank C. Cioffi, Esq., argues that the Commission should deny the appeal. It avers that by arguing that it is not practical or fiscally responsible to assign the supervision of squads of officers and their sergeants because of his specialized role as an internal affairs investigator, it is effectively arguing that the Commission should eliminate an essential component of supervision from the Definition section of the County Correctional Police Lieutenant job specification. PBA 400 contends that the appointing authority provides insufficient support for its position, which would circumvent and rewrite long-established Civil Service job specifications. Additionally, it argues that the appointing authority has failed to demonstrate why Templeton cannot serve as an internal affairs investigator in the title of County Correctional Police Sergeant. Furthermore, PBA 400 contends that Templeton can no longer supervise internal affairs investigations because, as noted by Agency Services' June 2, 2021 determination, individuals serving in that role must complete basic training courses with the Division of Criminal Justice. Moreover, PBA 400 maintains that in *In the Matter of Michael Lewis* (CSC, decided September 3, 2014), the Commission removed an officer from internal affairs investigations because he was unqualified. It avers that the appointing authority is essentially seeking to pick and choose which part of the applicable job specification it will follow.

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.

Prior to January 4, 2022, the Definition section of the job specification for County Correctional Police Lieutenant stated:

Under direction during an assigned tour of duty within an adult county correctional facility or institution, supervises at least two squads of officers and their sergeants, reviews their work performance and assists them with complex assignments and/or difficult inmates; performs other related duties as required.

The Definition section of the job specification for County Correctional Police Lieutenant was amended, effective January 4, 2022, and now provides:

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 of the job specification for County Correctional Police Sergeant states:

Under direction during an assigned tour of duty within an adult county correctional facility or institution, supervises the day-to-day operations, activities and staff responsible for performing a wide variety of tasks in support of the safety, security and welfare of inmates, facility personnel and visitors; may assist with the more difficult assignments and/or inmates; does other related duties as required.

In the instant matter, the appellant and the appointing authority argue that Agency Services properly classified the appellant as a County Correctional Police Lieutenant but that the requirement from the job specification that he supervise two squads of County Correctional Police Officers and their Sergeants is too restrictive for a small facility like the Salem County Correctional Facility. They further contend that he should be permitted to continue his internal affairs investigatory duties, given the facility's needs and limited resources. PBA 400 disagrees with these assertions, maintaining that Templeton must be assigned the supervision of two County Correctional Police Sergeants or that the internal affairs investigatory duties should be assigned to an incumbent in the County Correctional Police Sergeant title.

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). Although the Definition section of the County Correctional Police Lieutenant job specification at the time of Agency Services' audit required the supervision of two squads of officers and their sergeants, the Definition section of the amended job specification for this title, which took effect on January 4, 2022, no longer contains such an explicit requirement. Rather, it provides for a more flexible supervisory requirement which permits the supervision of "subordinate officers or other personnel on a shift. Additionally, it adds that incumbents "may perform

specialized, administrative/security police work as assigned.” Additionally, the examples of work indicate, in part, that incumbents “[m]ay perform specialized, administrative/security tasks as assigned.” Here, the assignment of internal investigation duties on an as-needed basis is consistent with the “administrative/security police work” referenced in the job specification. However, the Commission observes that it is nevertheless evident from the job definition that “charge of correctional programs and staff within an adult county correctional facility or institution” and the “supervis[ion] of subordinate officers or other personnel on a shift” are intended to be the primary focus of the duties in the subject title, while the use of the qualifier “may” in “[m]ay perform specialized, administrative/security police work as assigned,” makes clear that while such duties may be assigned to a County Correctional Police Lieutenant as an incidental function, they must be limited in scope. Further, the size of a facility and its personnel, as well as how frequent its need to conduct internal investigations is, should dictate the appropriate limit to how often a County Correctional Police Lieutenant can reasonably perform such duties based upon the current job specification. In other words, because it may not be feasible to employ a large number of employees in the Investigator, Secured Facilities title series in a smaller facility with only a sporadic need to conduct internal investigations because of the more limited size of its personnel roster, it may be necessary and appropriate to assign an incumbent in the County Correctional Police Lieutenant title to perform internal investigations on an as-needed basis.¹ Conversely, in a larger facility, it would only be appropriate to assign such duties to a County Correctional Police Lieutenant in very limited circumstances because the larger overall staff size would generally create more of a regular need to conduct internal investigations and support the employment of a larger pool of incumbents in the Investigator, Secured Facilities title series. Therefore, the Commission finds that, based upon the updated job specification, it would be inappropriate to allocate more than 20 percent of a County Correctional Police Lieutenant’s duties to internal investigation-related duties. However, in so doing, the Commission emphasizes that Agency Services should not use this threshold as a one-size-fits-all ceiling and that in the case of facilities with more of a consistent need to conduct internal investigations and, in turn, more of a basis to maintain a larger full-time investigative staff, it may be appropriate for Agency Services to apply a lower limit to the percentage of time that comparable duties may be assigned to an incumbent in the County Correctional Police Lieutenant title.

As to the instant matter, the Commission finds that the appellant is properly classified as a County Correctional Police Lieutenant and that since the Salem County Correctional Facility is a relatively small facility and the appointing authority has attested that its internal investigation needs are not sufficient to

¹ The Commission observes that in *In the Matter of Investigator, Penal Institution, et al.* (MSB, decided September 16, 1997), it was noted that the Attorney General’s Office found that if the Department of Personnel determined, from a classification standpoint, that investigatory duties were appropriate to the County Correction Officer title, no statute or regulation prohibited this result.

support a significant full-time investigative staff, the Commission finds that it is appropriate to assign the appellant some internal investigation responsibilities. The appellant indicated on his PCQ that he performed internal investigations duties 40 percent of the time and on appeal he asserts that he does so closer to 30 percent of the time. Regardless, it appears that the percentage of time he is assigned such duties exceeds what the Commission has found to be a permissible limit. Therefore, the appointing authority must adjust the appellant's duties so as to ensure that no more than 20 percent of his duties encompass internal investigation-related work.

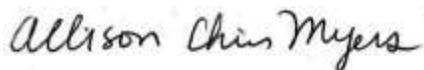
Further, the Commission observes that *In the Matter of Michael Lewis, supra*, does not stand for the proposition cited by PBA 400, as that matter was a disciplinary action involving a workplace violence incident in which the Commission found that a six-month suspension was an appropriate penalty. Finally, as to the question of supervision, since the job specification no longer explicitly requires the supervision of two squads of officers and their Police Sergeants, the Commission finds that it is no longer necessary for the appellant to specifically supervise one or more County Correctional Police Sergeants. Nevertheless, per the current job specification, the appointing authority must assign the appellant the supervision of subordinate officers or other personnel on a shift.

ORDER

Therefore, the position of James Templeton is properly classified as County Correctional Police Lieutenant and it is ordered that the appointing authority adjust his assigned duties in accordance with this decision within 30 days. The appointing authority shall submit evidence of its actions to Agency Services.

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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