



STATE OF NEW JERSEY

In the Matter of Jonah Kozma,
Vineland Developmental Center

CSC Docket No. 2024-911

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

Reconsideration

ISSUED: December 20, 2023 (SLK)

Jonah Kozma requests reconsideration of *In the Matter of Jonah Kozma* (Chair/CEO, decided October 5, 2023) (Decision) which upheld the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with the Vineland Developmental Center is Head Grounds Worker. The appellant seeks a Superintendent of Institutional Grounds classification.

By way of background, the appellant’s permanent title is Head Grounds Worker. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of a Superintendent of Institutional Grounds. Agency Services determined that that the proper classification of his position with the Vineland Developmental Center is Head Grounds Worker. On appeal, the Chair/CEO also determined that the proper classification of the appellant’s position is Head Grounds Worker.

In his request, the appellant presents that the Decision stated that he could not be considered an Assistant Head Grounds Worker’s supervisor since he does not sign that employee’s Performance Assessment Review (PAR). However, he asserts that the Vineland Developmental Center’s Maintenance Department has not signed PARs for the past five years., including his supervisor not signing the appellant’s PAR. The appellant believes that he has provided ample documentation whereas his superiors did not provide documentation to support their case that his position should not be reclassified. He indicates that every morning he discusses the work to be done with the Assistant Head Grounds Worker, and the Assistant Heads Grounds Worker

directly instructs and oversees the work of the Grounds Workers. The appellant notes in the initial proceeding he provided documentation which demonstrated that the Assistant Head Grounds Worker submitted a purchase order request form, which the appellant approved as the Department Supervisor. He provides that the contract between the State and his collective negotiations representative states that employees are not to perform out-of-title duties. Further, the appellant states that he oversees the use of heavy equipment which is a specific duty that is mentioned in the job specification for Superintendent of Institutional Grounds and is not a Heads Grounds Worker duty. Additionally, he argues that two first level supervisors cannot be supervising the same employees simultaneously, and management has not presented documentation to show otherwise. He emphasizes that management has not provided any documentation to show that the reporting structure has changed, and according to the current reporting structure, he directly supervises an Assistant Head Grounds Worker. Therefore, a supervisor and his subordinate cannot hold titles that are both in the same Employee Relations Group (ERG).

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. *N.J.A.C.* 4A:2-1.4(c) provides that the appellant has the burden of proof on appeal.

The definition section of the Head Grounds Worker (R16) job specification states:

Under direction of a supervisory official in a State department, institution, or agency, has charge of the maintenance of grounds; does other related duties as required.

The definition section of the Superintendent of Institutional Grounds (S18) job specification states:

Under the direction of a supervisor in a psychiatric hospital, institution, or a State College, has charge of the operation and maintenance of the grounds, gardens, greenhouses, roads, and parking lots; supervises the operation of heavy equipment; does other related work.

N.J.A.C. 4A:6-5.2(b) provides, in pertinent part, that in State services, all employees in the career and unclassified service shall receive a yearly PAR.

N.J.A.C. 4A:6-5.2(g) provides that a complaint that an entire agency or unit is in violation of this subchapter shall be presented to the PAR coordinator within the personnel office of the subject department. The PAR coordinator shall, within 30 days, investigate the complaint in writing to the individual(s) presenting the complaint, and implement remedial action as appropriate. If the presenter is dissatisfied with the response of the PAR coordinator, or if no action has been taken within 30 days of the complaint, the presenter may appeal the matter to the PAR Coordinator, Civil Service Commission.

In this matter, the appellant has not met the standard for reconsideration. Specifically, the appellant requests to have his position reclassified to a title in the "S" ERG, which is for second-level supervisory titles. As indicated in the Decision, to be a second-level supervisor, one must sign a subordinate first-level supervisor's PAR. However, the appellant has not submitted any documentation that indicates that he is signing the PAR for a first-level supervisor. In fact, the appellant acknowledges this as he asserts that there are no PARs being signed in his department. Regardless, without such authority as demonstrated by the signing of the PAR of a first-level supervisor, the appellant's position cannot be reclassified to a second-level supervisory title. Additionally, it is noted that two employees in the same ERG and unit can oversee or take the lead over employees. However, if one of the employees was signing the other employee's PAR while both employees were serving in titles in the same ERG, that would be an improper reporting relationship. In this regard, in order to be considered a second-level supervisor, the appellant would have to demonstrate that he has PAR responsibility for lower-level employees, as well as PAR responsibilities for the Assistant Head Grounds Worker, assuming the Assistant is acting as a first-level supervisor. Further, referring to the appellant's comment that he oversees the use of heavy equipment, as indicted in the Decision, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. Moreover, a Heads Grounds Worker has charge of the maintenance of grounds. Where such maintenance includes overseeing the use of heavy equipment, such duty would not be considered out-of-title.

Concerning the appellant's claim that the Maintenance Department does not sign PARs, pursuant to *N.J.A.C.* 4A:6-5.2(g), this complaint is referred to the Vineland Development Center's PAR coordinator within its personnel department. The PAR coordinator shall, within 30 days of this decision, investigate the complaint, respond in writing to the appellant, and implement remedial action as appropriate. If the appellant is dissatisfied with the response of the PAR coordinator, or if no action has been taken within 30 days of the complaint, the appellant may appeal the matter to the PAR Coordinator, Civil Service Commission. However, it is noted that "dissatisfaction" means that after 30 days, no action has taken place to ensure that PARs are going to be signed in the Maintenance Department and/or no action is taken to ensure that there are no inappropriate reporting relationships such as an employee in the same ERG as another employee being given PAR responsibility for that

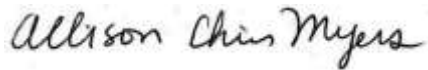
employee. The mere fact that the appellant may still not be authorized to sign the PAR for a first-level supervisor which would indicate that he is not performing second-level supervisory duties is not grounds alone to appeal to the PAR Program Coordinator, Civil Service Commission.

ORDER

Therefore, it is ordered that this request be denied. Jonah Kozma's complaint regarding Performance Assessment Reviews is referred to the Vineland Developmental Center's PAR coordinator as indicated above.

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 20TH DAY OF DECEMBER, 2023



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