



on where the Department's employees should work or on what tasks they should perform on a daily basis. The appellant submits several emails where Mr. Bernier refers to him as the Supervisor of Horticulture. Additionally, he contends that he is responsible for supervising the maintenance of equipment.

## CONCLUSION

The definition section of the job specification for Senior Gardener states:

Under direction, takes the lead in performing moderately difficult horticultural work; does other related work.

The definition section of the job specification for Supervisor, Landscape states:

Under direction, supervises and works with employees engaged in landscaping; does other related duties as required.

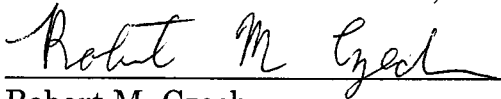
The Commission agrees with Agency Services' determination that the appellant's position is properly classified as a Senior Gardener. In reviewing the Supervisor, Landscape job specification definition, a Supervisor, Landscape **supervises** employees engaged in landscaping while a Senior Gardener takes the lead in performing moderately difficult horticultural work. In other words, the Supervisor, Landscape job definition requires an incumbent to have supervisory responsibilities. The appellant indicated on his PCQ that he is not responsible for the preparation of formal performance evaluations for subordinate staff. Performance evaluation authority is a reasonable standard to delineate if a position should be classified by a supervisory title because it is the means by which it can be demonstrated that a supervisor can exercise his or her authority to recommend hiring, firing, and disciplining of subordinate employees. Simply stated, the actual authority and exercise of performance evaluation of subordinate staff is what makes a supervisor a supervisor. See *In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). In this case, since the appellant is not responsible for the preparation of formal performance evaluations for subordinate staff, his position cannot be classified as Supervisor, Landscape. Instead, what the appellant describes are lead worker responsibilities. An incumbent in a leadership role refers to 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 lower level than themselves and perform the same kind of work as that performed by the group being led. See *In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005).

ORDER

Therefore, the Civil Service Commission concludes that the position of Kevin Brennan is properly classified as a Senior Gardener.

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 7<sup>th</sup> DAY OF OCTOBER, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Kevin Brennan  
Norman Albert  
Kenneth Connolly  
Joseph Gambino



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P.O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

June 26, 2015

Kevin Brennan  
[REDACTED]

**Re: Classification Appeal, Senior Gardener**

Log # [REDACTED] EID # [REDACTED]

Dear Mr. Brennan:

This is in response to the classification appeal received May 28, 2015 submitted to this office on your behalf by Ms. Melinda Allen, Senior Personnel Assistant, Administrative Services. The package indicates you are appealing your current title Senior Gardener and believe the appropriate title for your position is Supervisor, Landscape.

This office has conducted a thorough review of the information received. This information included the Position Classification Questionnaire you prepared and signed; statements from your immediate supervisor (Mr. Daniel Bernier, Senior Planner); statements from the County Department Head (Mr. Norman Albert) and a Table of Organization.

**Organization:**

Your position is located in the Department of Parks and Recreation, Union County. Your immediate supervisor is Mr. Daniel Bernier, Senior Planner. The position does not involve the direct supervision of other employees, but does occasionally assign work and works under general supervision.

**Findings of Fact:**

The primary responsibility of the position involves:

- Mowing lawns with power and hand mowers, trimming the edges of flowers and shrub beds with power equipment, and removing weeds from shrub and flower beds.
- Spreading mulch and wood chips and raking mulch and soil with hand tools.

- Operating a small front end loader to help pick up leaves and spread mulch or soil.
- Pruning and elevating ornamental trees manually or with power equipment such as a chain saw.
- Scheduling work of the horticulture crew. Deciding which trucks, equipment, and tools will be needed to perform each job.
- Training employees and ensuring all work has been completed.
- Supervising and instructing all seasonal employees assigned to the horticulture crew including schedules, shifts, breaks, and work they will be performing on a daily basis.

**Review and Analysis:**

The current title of your position is that of Senior Gardener. According to the classification specification, a Senior Gardener is defined as follows:

Under direction, takes the lead in performing moderately difficult horticultural work; does other related work.

An employee serving in the title of Senior Gardener is responsible for the organization of assigned gardening work; preparing soil and plots of ground for planting; sowing seeds; marking out borders, beds, and areas for planting; weeding flower beds, vegetable areas and borders; maintaining tools and equipment; and providing guidance and instruction to assigned personnel.

The title you requested for your position is that of Supervisor, Landscape. According to the classification specification, Supervisor, Landscape is defined as follows:

Under direction, supervises and works with employees engaged in landscaping; does other related duties as required.

An employee serving in the title of Supervisor, Landscape is responsible for supervising the work of a group of employees engaged in the maintenance of grounds involving fertilizing, liming, and seeding of established and new lawn areas; mowing and aerating practices; use of materials for control of weeds, mulching and removal of leaves and general maintenance practices; transplanting, pruning, feeding and spraying flowers, evergreens, and deciduous trees and shrubs; and supervising the maintenance of equipment.

The description of your current duties and assignments indicate that you are taking the lead by assigning work to one employee during the year and to summer seasonal employees in horticultural work. However, you are not supervising a group of employees year-round. In addition, you are not supervising the maintenance of equipment, therefore, your duties are not at the level of Supervisor, Landscape.

**Determination:**

The review has revealed the current duties and responsibilities assigned to the position are commensurate with the enclosed job specification for your current title of Senior Gardener. This action shall be effective May 28, 2015. This specification is ~~descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position.~~ Please note, the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

In accordance with the New Jersey Administrative Code (N.J.A.C. 4A:3-3.5), "Within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, the appointing authority shall either effect the required change in the classification of the employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules".

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Appeals and Regulatory Affairs and Labor Relations, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,

  
Annemarie Nostrand  
Team Leader

AN/TR  
c: Melinda Allen  
Records  
Log # [REDACTED]