

career firefighters, as well as volunteer firefighters, in the districts. In shared service agreements with Fire Districts 4 and 7, the Fire Chief is employed by Fire District 3, but is the appointing authority over all three districts. The Fire Chief has the authority to authorize needed repairs to district-owned property and apparatus, to authorize purchases approved by the Board of Fire Commissioners, to exercise disciplinary authority over all personnel, to authorize time off and overtime requests, to establish policies and standard operating guidelines, to establish training programs, and to provide an integrated command structure. Although the Fire Chief manages and directs personnel from all three districts, he is considered an employee of Fire District 3 for employment and benefit purposes. Fire District 3 has entered into other shared services agreements with other districts, including an agreement with Fire District 7 for a Deputy Fire Chief. Efforts are ongoing in Hamilton to consolidate the Districts, but this has not yet occurred.

On appeal, the appellants explain that Hamilton FMBA Locals 84 and 284, representing Fire Districts 2 and 7, requested information from DAS regarding shared service agreements and personnel issues. Significantly, for purposes of this case, they brought up issues regarding promotions and the table of organization for each district. DAS responded that each Hamilton Fire District is considered a separate unit scope, so promotional examinations for a title would only be opened to employees serving in the fire district with the vacancy. An examination could be open "jurisdiction-wide" upon request, and then all nine districts would be included. For example, if there was a vacancy for Deputy Fire Chief in Fire District 7, the announced unit scope would be Fire District 7, and therefore, only employees in that district could apply. If it was open jurisdiction-wide, all eligible Hamilton Township Fire Department employees could apply. The announcement could not be opened solely to those districts with shared services agreements for a Deputy Fire Chief. The resultant eligible list would also have to be used by all Fire Districts.

With that said, the appellants argue that they are performing duties outside of their unit scope, as they are performing administrative functions at the request of the Fire Chief for other fire districts. Mr. Green states that he performs the following six duties for other Fire Districts: develop and implement an annual training program; coordinate and conduct annual SCBA fit testing for Fire Districts; conduct NFPA Swift Water Rescue Level II training; fill overtime; conduct training regarding live burn compliance with NFPA 1410; and conduct daily training. Mr. Mather maintains that he performs five duties for other Fire Districts: information and technical administrator; grant writer for Fire and Port security; fill overtime; schedule, plan and manage monthly incident statistics; and conduct annual SCBA fit testing. Mr. Sharpley maintains that he performs the following 12 duties for other Fire Districts: daily scheduling of personnel and fill overtime; approve time off and overtime for Fire Officers and Firefighters; write purchase orders; run the EMS training program; EMS instructor; on-line training (24/7 EMS) and assignment of required classes; monitoring employee records and scheduling mandatory training

when needed and related to NJ EMT mandatory CEU training requirements; CPR instructor; supervision of subordinate firefighters; annual SCBA fit testing; maintain essential records and files; and draft memos and standard operating guidelines.

The appellants point out that the DAS determinations of their classifications indicate that the Battalion Fire Chief must directly supervise more than one fire company or platoon within the same fire district. They contend that DAS ignored their argument that they perform duties for other Fire Districts and stated that the Civil Service Commission (Commission) is not the appropriate agency to determine if provisions of shared service and joint purchasing agreements are appropriate. The appellants maintain that there is no indication in the job specification for Battalion Fire Chief that the supervision of multiple companies or platoons must be in the same Fire District, but that a group of fire companies normally consists of all the fire companies on a particular tour. They state that they would be subject to disciplinary action for insubordination if they did not perform assigned duties. They argue that DAS should have ordered removal of duties outside of the unit scope, *i.e.*, Fire District 3. They state that in *In the Matter of Thomas Nicolette, Township of Nutley* (CSC, decided November 2, 2011), the Commission found that its jurisdiction included whether there were improper reporting relationships or misclassifications, although how the department was organized, or reorganized, was not reviewable. They claim that in the performance of their duties they are supervising and/or are in charge of a group of fire companies in various districts, including four Fire Captains. They argue that it is within the Commission's jurisdiction to determine reporting relationships in the context of the shared services agreement for a Fire Chief.

The appellants further argue that the appointing authority confirmed their performance of duties and responsibilities outside of the unit scope. They argue that the amount of work is not the central issue, but that the *assignment* of these duties and responsibilities is what is important. They indicate that *N.J.A.C. 4A:3-3.4* provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds. They contend that their administrative duties exceed those required of a Fire Lieutenant, and in support, they cite *In the Matter of Donald Jervis, Bloomfield Township* (CSC, decided November 5, 2015).

The appointing authority, represented by Brett Pugach, Esq., states that a Battalion Fire Chief reports directly to a Fire Chief or Deputy Chief, whereas a Fire Lieutenant reports directly to a Fire Captain. Second, a Battalion Fire Chief oversees and supervises a group of fire companies, whereas a Fire Lieutenant has direct supervisory responsibility over a fire department company or platoon. Thus, based on the organizational structure of the fire department, the appellants, who

each report to the Fire Captain and who each have direct supervision over three Firefighters, are properly classified as Fire Lieutenants.

For all three appellants, the appointing authority states that directing a team of firefighters who assist with extinguishing fires and providing rescue efforts, taking command at fires until arrival of superior officers and directing work of firefighters in extinguishing fires is consistent with the work of a Fire Lieutenant. Regarding Mr. Mather, the appointing authority states that his duties of obtaining data, generating reports, and otherwise handling responsibilities with technology and other records is consistent with a Fire Lieutenant's responsibility of being required to learn to utilize various types of electronic and/or manual recording and information systems. It also argues that for all three appellants, scheduling, overseeing of drill exercises and training, writing incident reports, coordinating the maintenance of building and equipment, providing assignments and instructions to subordinates, and keeping records and files are all within the scope of duty of a Fire Lieutenant.

The appointing authority also contends that the mere fact that some of appellants' responsibilities are administrative in nature does not warrant their reclassification as Battalion Fire Chiefs. It explains that in *Jervis*, the Commission concluded that a Fire Captain should be properly reclassified as a Deputy Chief. This conclusion was based on the fact that the appellant was not responsible for a fire company, did not work on an assigned tour, was not directly responsible for maintaining apparatus and equipment at the firehouse, and predominantly performed management level duties on behalf of the entire fire department. Thus, given his lack of duties and responsibilities with respect to a particular fire company, the Commission emphasized that Mr. Jervis was not a line supervisor in charge of a company extinguishing fires. It argues that the appellants are clearly line supervisors, and that the vast majority of their responsibilities relate to direct supervision of the three Firefighters in their respective District 3 platoons. The appellants are assigned to the same tour as the three Firefighters they directly supervise, and are directly responsible for maintaining apparatus and equipment at the firehouse.

The appointing authority maintains that any work performed that benefited other Fire Districts was exaggerated by the appellants. The Fire Chief clarified that the appellants were not assigned to perform direct supervisory duties over the employees of other districts, but rather completed certain tasks on limited occasions which were tangentially to the benefit of another district. For example, where District 3 already rented out training equipment and was already running a training session, other fire districts were invited to participate; where District 3 needed to purchase supplies/equipment such as a computer, an order was also placed for such equipment for another district; and, where there was a last minute call-out, the appellants assisted with filling an overtime shift for another district.

The appointing authority stresses that none of the appellants have direct supervisory responsibility over the employees of other fire districts, each of whom have their own supervisory officers, nor do they supervise another Fire Lieutenant. It argues that, in *Nicolette*, reclassification from Fire Lieutenant to Fire Captain was warranted as the appellant had been supervising a Fire Lieutenant, as well as Firefighters, and reported directly to the Deputy Fire Chief, evidencing an improper reporting relationship. The appointing authority finds the appellants' claim of supervision of employees of other Fire Districts incredulous, as they each listed supervision of only three Firefighters on their Position Classification Questionnaires (PCQs). It states that they do not review the work performance of employees outside of Fire District 3, or make any other employment decisions regarding them.

CONCLUSION

The definition section of the job specification for Fire Lieutenant states:

Under direction of a Fire Captain, has charge of a fire department company or platoon intended to assist in the extinguishing of fires.

The definition section of the job specification for Battalion Fire Chief states:

Under direction of the Fire Chief or Deputy Fire Chief, assists in the management and discipline of the municipal uniform fire department by supervising a group of fire companies engaged in providing fire protection for persons and property; does other related duties.

At the outset, it is noted that the classification of a position is determined based on the duties and responsibilities assigned to a position at the time the request for reclassification is received by DAS as verified by audit or other formal study. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Based on the information presented in the record, it is clear that the appellants' positions are properly classified, and the appellants have not provided any information on appeal which would change this outcome.

For the Battalion Fire Chief title, as noted in the definition, an incumbent in the position must supervise a group of fire companies. This would involve supervision of more than one first level supervisor as a group of fire companies would generally consist of companies from more than one station. *See In the Matter of Henry Robinson* (Commissioner of Personnel, decided November 1, 2000)

(Operations Fire Captain who supervised a platoon of four companies and reports to the Deputy Fire Chief would be properly classified as Battalion Fire Chief, regardless of the fact that the appointing authority did not currently utilize the Battalion Fire Chief classification). *See In the Matter of Fire Captain, Township of South Orange Village* (Commissioner of Personnel, decided July 2, 2002) (Administrative duties can be performed at various levels of supervisory or administrative titles and although job specifications for Deputy Fire Chief, Battalion Fire Chief, and Fire Captain contain similarities, Fire Captains who do not assist the Fire Chief in the management of the entire fire department and who only supervise three Firefighters and a Fire Lieutenant did not warrant a Battalion Fire Chief classification).

Currently, each Fire Lieutenant supervises three Firefighters. Supervision of three personnel does not constitute the level of supervision required of a Battalion Fire Chief, and Fire District 3 has not, to date, employed an adequate number of firefighting staff to necessitate the appropriation of the higher-level supervisory duties of a Battalion Fire Chief. In order to be classified as a Fire Captain in Hamilton, an incumbent must be supervising *at least* one other supervisor. This is standard classification policy whenever a jurisdiction uses both the Fire Captain and the Fire Lieutenant titles. *See Nicolette*. Further, supervision of more than one Fire Lieutenant does not necessarily elevate a position to Battalion Fire Chief. Usually, the Battalion Fire Chief title supervises multiple firehouses, with several Fire Captains and Fire Lieutenants under his command. Organizationally, the current classification of the appellants' positions does not indicate that their positions are misclassified as Fire Lieutenant.

Further, the duties listed by the appellants are not necessarily out-of-title. Typically, classification determinations list only those duties which are considered to be the primary focus of an employee'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). It is permissible for employees to be assigned some work duties above or below the proper level of their titles. However, those duties cannot constitute the primary focus of the employee's duties. On their PCQs, each appellant states that they perform "normal company officer duties" 20% of the time. However, the Fire Chief reviewed each PCQ and provided different percentages of time. For Mr. Green, the Fire Chief indicated that he performed "normal company officer duties" for 67% of the time. These are duties listed on the job specification for Fire Lieutenant, including providing supervision, overseeing house duties, ensuring subordinates clean the building and making sure equipment and the SCBAs get checked every morning, and making sure that truck checks are completed. He indicated that Mr. Mather performs these duties for 63% of the time, while Mr. Sharpley performs these duties for 59% of the time. Clearly, Fire Lieutenant duties are the primary focus of the positions.

Additionally, duties such as training program responsibilities, SCBA fit testing, maintaining files, filling overtime, writing incident reports, conducting company drills, being incident commander at the fire scene until a more senior officer takes command, scheduling, instructing, building maintenance, and ordering supplies are all in-title activities for a supervisory-level fire officer. Accordingly, the overwhelming majority of Mr. Green's and Mr. Sharpley's duties are in title. Mr. Mather spends 23% of his time as a report administrator for fire house software, information and technical administrator, and grant writer. These are out-of-title duties. Nevertheless, classification is not based on part-time or occasional duties, nor does it rely on duties that may have been performed in the past. Moreover, such duties do not constitute the primary focus of Mr. Mather's duties nor are they performed at such frequency to warrant a dual or variant title designation.

The appellants argue that the assignment of supervisory duties to employees outside of the unit scope (Fire District 3) warrants reclassification of the positions. For the purpose of classification, assignment of duties across fire districts is not a factor. This is not particularly relevant to classification as long as the assigned duties are in-title. For example, Fire Lieutenants supervise and train volunteers who are not permanent fire service employees eligible for promotional opportunities. Volunteers, while they may work in Fire District 3, are not employees in the unit scope. Neither are other individuals such as interns or consultants. The appointing authority has the right to determine the organizational structure of its operation, as long as there are no improper reporting relationships or misclassifications. Thus, the assignment of supervisory duties to employees outside of the unit scope is not germane to the classification of these positions.

The preponderance of the evidence does not establish that the primary focus of all three positions as reviewed by DAS involves Battalion Fire Chief duties. Accordingly, Battalion Fire Chief classifications of these positions is not warranted.

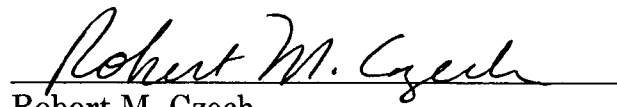
Accordingly, a thorough review of the entire record establishes that the proper classifications of Keith Green, Ferdinand Mather and Timothy Sharpley, positions is Fire Lieutenant.

ORDER

Therefore, it is ordered that the positions of Keith Green, Ferdinand Mather and Timothy Sharpley are properly classified as Fire Lieutenant.

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 23rd DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Enclosures

- c: Keith Green
- Ferdinand Mather
- Timothy Sharpley
- Craig Gumpel, Esq.
- Brett Pugach, Esq.
- Thomas Gribbin
- Kelly Glenn
- Records Center



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

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

February 25, 2016

Thomas T. Gribbin
Fire Chief/Appointing Authority
Hamilton Township Fire District #3
13 Rennie Street
Hamilton Township, New Jersey 08610

**RE: CLASSIFICATION APPEAL, KEITH R. GREENE, FIRE LIEUTENANT
HAMILTON TOWNSHIP FIRE DISTRICT #3 (HTFD #3); LOG # 07150271;
EID# 000041663**

Dear Chief Gribbin:

This is regarding a classification appeal of the position held by Keith R. Greene, Hamilton Township Fire District (HTFD) #3. The audit involved a detailed analysis of the Position Classification Questionnaire submitted by Lieutenant Greene, which was signed by his immediate supervisor, Fire Captain Steven Kraemer; and Fire Chief/Appointing Authority, Thomas Gribbin.

ISSUE:

Lieutenant Greene is serving permanently in the title, Fire Lieutenant (01843), a position he has held permanently since January 9, 2006. This appeal was initiated by the Law Offices of Craig S. Gumpel, on behalf of Hamilton FMBA Local 284, to determine proper position classification.

ORGANIZATION AND STRUCTURE:

Lieutenant Greene is assigned to Platoon A of the HTFD #3. He reports directly to Steven Kraemer and has supervisory responsibility over the following employees:

1. Leonard Pope, Firefighter
2. Steven Lykes, Firefighter
3. Brandon Correia, Firefighter

FINDINGS OF FACT:

Duties performed by Lieutenant Greene in this position include, but are not limited to the following:

- Directs a team of Firefighters who assist in extinguishing fires, and providing rescue efforts
- In consultation with other committee members, develops and implements training programs
- Schedules personnel to fill overtime and call-outs positions

- Monitors mandatory training records, and schedule training for assigned employees
- Conducts annual Self Contained Breathing Apparatus (SCBA) fit testing of officers
- Prepares correspondence and purchase orders
- Coordinates the maintenance of the building and equipment by assigned officers
- Orders Supplied Air Respirator (SAR), and issues the purchase orders as necessary
- Writes incident reports as needed
- Conducts drill exercises with officers in his platoon
- Maintains and retrieves files and records

REVIEW AND ANALYSIS:

The definition section of the job specification for the title, Fire Lieutenant (01843), states:

“Under direction of a Fire Captain, has charge of a fire department company or a platoon intended to assist in the extinguishing of fires; does other related duties.”

The class specification for the title of Fire Lieutenant (01843) describes a position where the incumbent leads firefighting and rescue activities requiring experience; the position requires an incumbent to possess familiarity with the organization's procedures and rules, and involves the exercise of independent judgment. An incumbent may act in the place of a Fire Captain in his/her absence. Work performed usually includes leading the extinguishing of fires; providing instruction and assigning tasks to subordinate officers; providing rescue assistance; preparing reports of fires, equipment and personnel; directing the establishment and maintenance of records and files, and supervising the cleaning and maintenance of building, rooms, and equipment. In addition, an incumbent in this position may be required to provide periodic training programs.

The definition section of the job specification for the title, Battalion Fire Chief (00856@), states:

“Under direction of the Fire Chief or a Deputy Fire Chief, assists in the management and discipline of the municipal uniformed fire department by supervising a group of fire companies engaged in providing fire protection for persons and property; does other related duties.”

In addition to performing duties related to extinguishing fires and performing rescue operations, an incumbent in the Battalion Fire Chief (00856@) title must directly supervise more than one fire company or platoon within the same Fire District.

A review of the position revealed that the preponderance of duties performed by Lt. Greene involves supervising and directing firefighters engaged in fire suppression and other related duties; organizing the work of subordinates to ensure efficient use of personnel, funds, equipment; ensuring personnel is up-to-date on mandatory training requirements, coordinating subordinates' schedules and approving leave time and overtime.

Lt. Greene is not considered to manage or supervise more than one platoon or have direct supervisory responsibility over other fire district employees. The Civil Service Commission (CSC) considers each Hamilton Township fire district as a separate autonomous jurisdiction for position classification purposes.

As such, duties currently performed do not meet the criteria established for the requested title, Battalion Fire Chief (00856@).

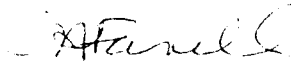
It is further noted that the appellant has requested that this agency determine if fire officers can be assigned to perform duties and functions for other fire districts. While audit findings revealed that HTFD #3 considers itself to be entered into shared service and joint purchasing agreements with other fire districts within the Township, the CSC is not the appropriate agency to determine if the provisions of any such agreements are appropriate.

DETERMINATION:

Based on the findings of fact stated above, it is our determination that the incumbent's current duties and responsibilities are commensurate with the title Fire Lieutenant (01843). As such, the position is presently properly classified.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you or the affected incumbent may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the documentation being disputed and the basis for the appeal.

Sincerely,



Staci Fanelli
Human Resource Consultant 5

SF/so

C: Keith R. Greene
Craig S. Gumpel, Esq.
Saheed Olushi
Team Files
Records Unit
Nick Kanellis, *Records Imaging Center*



STATE OF NEW JERSEY
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February 25, 2016

Thomas T. Gribbin
Fire Chief/Appointing Authority
Hamilton Township Fire District #3
13 Rennie Street
Hamilton Township, New Jersey 08610

**RE: CLASSIFICATION APPEAL, FERDINAND C. MATHER, FIRE LIEUTENANT,
HAMILTON TOWNSHIP FIRE DISTRICT #3 (HTFD #3); LOG # 07150270;
EID# 000051365**

Dear Chief Gribbin:

This is regarding a classification appeal of the position held by Ferdinand C. Mather, Hamilton Township Fire District (HTFD) #3. The audit involved a detailed analysis of the Position Classification Questionnaire submitted by Lieutenant Mather, which was signed by his immediate supervisor, Fire Captain Steven Kraemer; and Fire Chief/Appointing Authority, Thomas Gribbin.

ISSUE:

Lieutenant Mather is serving permanently in the title, Fire Lieutenant (01843), a position he has held permanently since January 9, 2006. This appeal was initiated by the Law Offices of Craig S. Gumpel, on behalf of Hamilton FMBA Local 284, to determine proper position classification.

ORGANIZATION AND STRUCTURE:

Lieutenant Mather is assigned to Platoon C of the HTFD #3. He reports directly to Steven Kraemer and has supervisory responsibility over the following employees:

1. David Krueger, Firefighter
2. Joseph Pushman, Firefighter
3. Daniel Smith, Firefighter

FINDINGS OF FACT:

Duties performed by Lieutenant Mather in this position include, but are not limited to the following:

- Directs a team of Firefighters who assist in extinguishing fires, and providing rescue efforts
- Creates and updates electronic personnel data using the Firehouse software installed on the computer; generates and distributes reports as needed

- Schedules personnel to fill overtime and call-outs positions
- Monitors mandatory training records, and schedule training for assigned employees
- Conducts annual Self Contained Breathing Apparatus (SCBA) fit testing of officers
- Prepares correspondence, sends press reports, conducts surveys, and gather necessary grant-related and other information when required
- Obtains quotes for purchase and maintenance of equipment; orders technology equipment and services upon approval by Fire Chief; and liaises with IT company when needed; prepares purchase orders
- Coordinates the maintenance of the building and equipment by assigned officers
- Writes incident reports as needed
- Conducts drill exercises with officers in his platoon
- Maintains and retrieves files and records

REVIEW AND ANALYSIS:

The definition section of the job specification for the title, Fire Lieutenant (01843), states:

“Under direction of a Fire Captain, has charge of a fire department company or a platoon intended to assist in the extinguishing of fires; does other related duties.”

The class specification for the title of Fire Lieutenant (01843) describes a position where the incumbent leads firefighting and rescue activities requiring experience; the position requires an incumbent to possess familiarity with the organization's procedures and rules, and involves the exercise of independent judgment. An incumbent may act in the place of a Fire Captain in his/her absence. Work performed usually includes leading the extinguishing of fires; providing instruction and assigning tasks to subordinate officers; providing rescue assistance; preparing reports of fires, equipment and personnel; directing the establishment and maintenance of records and files, and supervising the cleaning and maintenance of building, rooms, and equipment. In addition, an incumbent in this position may be required to provide periodic training programs, utilize various types of electronic and/or manual recording and information systems used by the agency, office, or related units.

The definition section of the job specification for the title, Battalion Fire Chief (00856@), states:

“Under direction of the Fire Chief or a Deputy Fire Chief, assists in the management and discipline of the municipal uniformed fire department by supervising a group of fire companies engaged in providing fire protection for persons and property; does other related duties.”

In addition to performing duties related to extinguishing fires and performing rescue operations, an incumbent in the Battalion Fire Chief (00856@) title must directly supervise more than one fire company or platoon within the same Fire District.

A review of the position revealed that the preponderance of duties performed by Lt. Mather involves supervising and directing firefighters engaged in fire suppression and other related duties; organizing the work of subordinates to ensure efficient use of personnel, funds, equipment; ensuring personnel is up-to-

date on mandatory training requirements, coordinating subordinates' schedules and approving leave time and overtime; maintains electronic personnel data and records.

Lt. Mather is not considered to manage or supervise more than one platoon or have direct supervisory responsibility over other fire district employees. The Civil Service Commission (CSC) considers each Hamilton Township fire district as a separate autonomous jurisdiction for position classification purposes. As such, duties currently performed do not meet the criteria established for the requested title, Battalion Fire Chief (00856@).

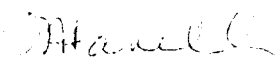
It is further noted that the appellant has requested that this agency determine if fire officers can be assigned to perform duties and functions for other fire districts. While audit findings revealed that HTFD #3 considers itself to be entered into shared service and joint purchasing agreements with other fire districts within the Township, the CSC is not the appropriate agency to determine if the provisions of any such agreements are appropriate.

DETERMINATION:

Based on the findings of fact stated above, it is our determination that the duties you currently perform in your position do not meet the criteria established for your requested title, Battalion Fire Chief (00856@). We consider that based on the duties currently assigned, your position is presently properly classified in the title, Fire Lieutenant (01843).

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the documentation being disputed and the basis for the appeal.

Sincerely,



Staci Fanelli
Human Resource Consultant 5

SF/so

- C: Ferdinand C. Mather
- Craig S. Gumpel, Esq
- Saheed Olushi
- Team Files
- Records Unit
- Nick Kanellis, *Records Imaging Center*



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February 25, 2016

Thomas T. Gribbin
Fire Chief/Appointing Authority
Hamilton Township Fire District #3
13 Rennie Street
Hamilton Township, New Jersey 08610

**RE: CLASSIFICATION APPEAL, TIMOTHY D. SHARPLEY, FIRE LIEUTENANT
HAMILTON TOWNSHIP FIRE DISTRICT #3 (HTFD #3); LOG # 07150272;
EID#000083937**

Dear Chief Gribbin:

This is regarding a classification appeal of the position held by Timothy D. Sharpley, Hamilton Township Fire District (HTFD) #3. The audit involved a detailed analysis of the Position Classification Questionnaire submitted by Lieutenant Sharpley, which was signed by his immediate supervisor, Fire Captain Steven Kraemer; and Fire Chief/Appointing Authority, Thomas Gribbin.

ISSUE:

Lieutenant Sharpley is serving permanently in the title, Fire Lieutenant (01843), a position he has held permanently since January 9, 2006. This appeal was initiated by the Law Offices of Craig S. Gumpel, on behalf of Hamilton FMBA Local 284, to determine proper position classification.

ORGANIZATION AND STRUCTURE:

Lieutenant Sharpley is assigned to Platoon D of the HTFD #3. He reports directly to Steven Kraemer, Fire Captain (01836) and has supervisory responsibility over the following employees:

1. Jason Brenner, Firefighter
2. Dennis Martin, Firefighter
3. Michael Sanna, Firefighter

FINDINGS OF FACT:

Duties performed by Lieutenant Sharpley in this position include, but are not limited to, the following:

- Directs a team of Firefighters who assist in extinguishing fires, and providing rescue efforts
- Schedules personnel to fill overtime and call-outs positions
- Approves leave requests for subordinate officers

- Monitors mandatory training records, assigns employees to classes and prepares purchase order for trainings, such as: EMS training, mandatory continuing education, etc.
- Facilitates CPR trainings to ensure that officers CPR certificate is current
- Conducts annual Self Contained Breathing Apparatus (SCBA) fit testing of officers
- Prepares correspondence and purchase orders
- Coordinates the maintenance of the building, and liaise with contractors if required
- Orders building and EMS supplies
- Writes incident reports as needed
- Conducts drill exercises with officers in his platoon
- Maintains and retrieves files and records

REVIEW AND ANALYSIS:

The definition section of the job specification for the title, Fire Lieutenant (01843), states:

“Under direction of a Fire Captain, has charge of a fire department company or a platoon intended to assist in the extinguishing of fires; does other related duties.”

The class specification for the title of Fire Lieutenant (01843) describes a position where the incumbent leads firefighting and rescue activities requiring experience; the position requires an incumbent to possess familiarity with the organization's procedures and rules, and involves the exercise of independent judgment. An incumbent may act in the place of a Fire Captain in his/her absence. Work performed usually includes leading the extinguishing of fires; providing instruction and assigning tasks to subordinate officers; providing rescue assistance; preparing reports of fires, equipment and personnel; directing the establishment and maintenance of records and files, and supervising the cleaning and maintenance of building, rooms, and equipment. In addition, an incumbent in this position may be required to provide periodic training programs.

The definition section of the job specification for the title, Battalion Fire Chief (00856@), states:

“Under direction of the Fire Chief or a Deputy Fire Chief, assists in the management and discipline of the municipal uniformed fire department by supervising a group of fire companies engaged in providing fire protection for persons and property; does other related duties.”

In addition to performing duties related to extinguishing fires and performing rescue operations, an incumbent in the Battalion Fire Chief (00856@) title must directly supervise more than one fire company or platoon within the same Fire District.

A review of the position revealed that the preponderance of duties performed by Lt. Sharpley involves supervising and directing firefighters engaged in fire suppression and other related duties; organizing the work of subordinates to ensure efficient use of personnel, funds, equipment; ensuring personnel is up-to-date on mandatory training requirements, coordinating subordinates' schedules and approving leave time and overtime.

Lt. Sharpley is not considered to manage or supervise more than one platoon or have direct supervisory responsibility over other fire district employees. The Civil Service Commission (CSC) considers each Hamilton Township fire district as a separate autonomous jurisdiction for position classification purposes. As such, duties currently performed do not meet the criteria established for the requested title, Battalion Fire Chief (00856@).

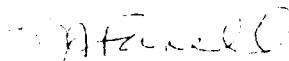
It is further noted that the appellant has requested that this agency determine if fire officers can be assigned to perform duties and functions for other fire districts. While audit findings revealed that HTFD #3 considers itself to be entered into shared service and joint purchasing agreements with other fire districts within the Township, the CSC is not the appropriate agency to determine if the provisions of any such agreements are appropriate.

DETERMINATION:

Based on the findings of fact stated above, it is our determination that the incumbent's current duties and responsibilities are commensurate with the title Fire Lieutenant (01843). As such, the position is presently properly classified.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you or the affected incumbent may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the documentation being disputed and the basis for the appeal.

Sincerely,



Staci Fanelli
Human Resource Consultant 5

SF/so

C: Timothy D. Sharpley
Craig S. Gumpel, Esq.
Saheed Olushi
Team Files
Records Unit
Nick Kanellis, *Records Imaging Center*

