



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Wayne Jacobsen,
Department of Law and Public Safety

CSC Docket No. 2015-2235

Classification Appeal

ISSUED: **NOV 3 2016** (DASV)

Wayne Jacobsen appeals the attached determination of the Division of Classification and Personnel Management (CPM)¹ that his position with the Department of Law and Public Safety is properly classified as a Buyer. The appellant seeks a Procurement Specialist 1 job classification in this proceeding.²

The record in the present matter establishes that the appellant is permanent in the title of Buyer (salary range P21) and is assigned to work in the Department of Law and Public Safety, Division of State Police (DSP), Administration Branch, Administration Section, Fiscal Control Bureau, Central Purchasing Unit. He reports directly to Barbara Worthington, a Supervising Procurement Specialist, and at the time of the position audit, he had no supervisory responsibility. The appellant had supervisory responsibility at the time he sought a reclassification of his position to Senior Buyer, but those duties were removed as of August 6, 2014. CPM performed an analysis of all information submitted, including a Position Classification Questionnaire (PCQ) completed by the appellant on March 27, 2013 and a revised PCQ completed by the appointing authority on October 8, 2014. The appellant did not sign the October 8, 2014 PCQ, which stated that "job duties were removed." CPM also conducted a telephone audit on December 2, 2014.

CPM found that the appellant's primary duties and responsibilities entailed, among other things, creating and maintaining procurement tracking spreadsheets;

¹ CPM is now known as the Division of Agency Services.
² The appellant initially sought a position reclassification to Senior Buyer.

maintaining and reviewing purchasing records; meeting with various command staff of units and sections; reviewing, editing, and approving requests for purchase of police and homeland security equipment and uniforms; preparing sealed bid proposals; identifying, investigating, and compiling materials and quotes for establishing General Sales Administration (GSA) based term contracts; performing bid evaluations and recommendations; and mentoring unit personnel on various computer applications. CPM compared the job specifications for Buyer and Senior Buyer and determined that the preponderance of the appellant's current duties and responsibilities are performed by a Buyer. It stated that the appellant's position serves as a purchaser of equipment and uniforms, which involves reviewing and accepting bids, processing purchase orders and requests for purchases, and authorizing payment on approved bids. The position also develops and maintains various tracking systems and spreadsheets and advises and mentors personnel regarding purchases and related systems and documents. However, CPM found that based on the appellant's original PCQ, he previously performed supervisory duties and should be compensated for the higher-level duties from May 18, 2013 through August 6, 2014. It is noted that, in accordance with CPM's determination, the appellant's record currently reflects that he served provisionally in the Senior Buyer title from May 18, 2013 through August 6, 2014 and was returned to Buyer effective August 7, 2014.³

On appeal to the Civil Service Commission (Commission), the appellant asserts that, although his supervisory duties were removed, the remainder of his duties were verified by his supervisor. He contends that these duties compare favorably with the duties of a Procurement Specialist 1. In that regard, he lists the examples of work for a Procurement Specialist 1 and highlights comparable duties of his position as indicated in his March 27, 2013 PCQ as follows:

- 40% of the appellant's time is spent being responsible for procurement of all homeland security equipment for the DSP, including, but not limited to, municipality and county purchases for task forces the DSP oversees; creating and maintaining various procurement tracking spreadsheets for review and analysis of the aforementioned equipment; maintaining and reviewing all of these records in the buyers program (data tracking system); and working with all specialized units within the DSP (*i.e.*, Arson, Bomb, K-9, Electronic Surveillance, Urban Search and Rescue) to research, identify and recommend various commodities for purchase.
- 30% of the appellant's time is spent analyzing and evaluating the needs for various recruit classes and assembling a budget projection for required

³ The appellant's records indicate that he was returned to an unclassified Buyer position. However, the appellant is permanent in the title of Buyer. Therefore, the appointing authority and the Division of Agency Services are directed to correct this error.

procurement;⁴ advising units of available term contracts as well as other procurement procedures that include, but are not limited to, Department of the Treasury, Division of Purchase and Property, procurement circulars, statutory laws and procedures; meeting with various command staff of units and sections to anticipate and develop their needs; reviewing, editing, analyzing, and approving requests for purchase of police and homeland security equipment and uniforms; preparing and executing sealed bid proposals based on the Department of the Treasury guidelines; identifying, investigating, and compiling material and quotes for establishing GSA-Federal Procurement Schedule based term contracts as per circular and statutory law; performing bid evaluation and recommendations; making authoritative decisions for procurement awards; and attending bid conferences at the Purchase Bureau.

- 15% of the appellant's time is spent being responsible for mentoring all unit personnel on various procurement issues and State procurement policies, as well as computer applications utilized by the division; being responsible for overseeing fiscal projections to the Facilities and Finance Bureau for uniform and equipment needs annually as well as projections for up and coming State Police recruit classes;⁵ creating and maintaining intricate spreadsheets to track aforementioned data; attending trade shows to keep abreast of up and coming trends and product innovations; and meeting with various units to discuss procurement projections for both State and non-State funding.
- 15% of the appellant's time is spent preparing and reviewing all documents necessary to create purchase orders, vendor correspondence, bid tabulations and maintaining all essential files and records; attending meetings at the Purchase Bureau, Office of Information Technology, Office of the Attorney General, Fiscal Control Bureau, and Grants Management Unit to discuss procurement issues with regard to expenditure of Office of Domestic Preparedness funds; and keeping current on all Department of the Treasury guideline updates, purchase and property updates, circulars, executive orders and statutory laws.

Moreover, the appellant indicates that at the time the original PCQ was submitted, several people retired, including the only Senior Buyer in his unit, which resulted in higher-level duties being reassigned. Further, the appellant states that "[o]ver the past year, in addition to what was originally submitted," he has worked on re-writing the specifications for updated uniforms in the Police Uniform Contract. He has also analyzed and compiled specifications for the Crime Scene Investigation Photographic Equipment contract, negotiated with several vendors, and secured

⁴ This duty was removed in the revised October 8, 2014 PCQ.

⁵ This duty was removed in the revised October 8, 2014 PCQ.

three other GSA based term contracts. The appellant explains that he investigates, analyzes, and prepares the specifications based upon complex market research through manufacturer brochures and various media; analyzes the bid data to ensure specification compliance; and ultimately recommends an award. It is noted that the appellant's Performance Assessment Review (PAR) for the November 1, 2013 to October 31, 2014 rating period includes development of contract specifications as a job responsibility. Additionally, the appellant reiterates that he attends trade shows to keep abreast of current market trends and new innovative equipment. The appellant notes that the Department of the Treasury is in the process of instituting a new E-procurement system and he has been designated as a co-organization administrator. He emphasizes that he reports to a Supervising Procurement Specialist. Therefore, based on the foregoing, the appellant maintains that Procurement Specialist 1 is a more appropriate title for his position.

CONCLUSION

At the time of the appellant's position classification review,⁶ the definition section of the job specification for Buyer stated:

Under supervision, selects, prepares orders for, and arranges for purchase of one or more types of equipment, materials, and supplies used by various departments or agencies; does other related duties as required.

The definition section of the job specification for Procurement Specialist 1 states:

Under general supervision of a Supervising Procurement Specialist or other supervisor in the Department of Treasury, performs professional work of considerable difficulty including specification development, bid preparation, evaluation, recommendation, quality assurance, and execution of contract awards in a computerized central procurement environment; does related work as required.⁷

⁶ On November 29, 2014, changes were made to the job definition of Buyer and Assistant Buyer to clarify the scope of assignment for these titles. However, no changes were made to the duties or the requirements of a Buyer. The job definition now states that "[u]nder supervision, selects, prepares orders, and arranges for purchase of various types of equipment, materials, and supplies used by the departments or agency of assignment or for other State departments or agencies; does other related duties as required."

⁷ The Procurement Specialist 1 title is designated for use only at the Department of the Treasury. However, the Commission may designate a title as usable for all State agencies. Thus, if the appellant's position was properly classified as a Procurement Specialist 1, the Commission possesses the ability to effect the classification. Moreover, it is noted that the Supervising Procurement Specialist, which is in the Procurement Specialist title series, is designated as a general title and may be used in all State agencies.

In the instant matter, CPM determined that at the time of the position classification review, the appellant's position was properly classified as a Buyer since the position served as a purchaser of equipment and uniforms. In addition, the position developed and maintained various tracking systems and spreadsheets in support of the primary duties and mentored personnel regarding purchases and related systems and documents. The audit also revealed that the appellant's position prepared sealed bid proposals and performed bid evaluations and recommendations. Additionally, the appellant's PAR reflected development of contract specifications as a job responsibility. On appeal, the appellant does not dispute these duties, but he argues that they compare favorably with the duties of a Procurement Specialist 1. However, the appellant's primary responsibilities are commensurate with the duties of a Buyer. The appellant "selects, prepares orders for, and arranges for purchase of one or more types of equipment, materials, and supplies used by various departments or agencies." While the appellant's job duties also included bid preparation, evaluation, and recommendation, these duties were not found to be primarily performed by the position. As indicated by both PCQs, the appellant spent at most 30% of his time performing those duties. Moreover, the appellant states that he analyzes bid data to ensure specification compliance and conducts market research analysis through manufacturer brochures and various media. However, CPM did not find that the appellant was performing such duties at the level and scope required of a Procurement Specialist 1. Further, as set forth in the examples of work for a Buyer, an incumbent prepares and analyzes proposals and bid documents and studies journals and other technical material to determine market and price conditions. Thus, the record does not demonstrate that the appellant's position is misclassified in that regard. Furthermore, while the appellant's PAR may have indicated specification development as a job responsibility, both PCQs and the position audit did not verify that it was one of the main duties of the appellant's position.

It is emphasized that the fact that some of the appellant's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of a job specification is appropriately utilized. In reviewing the job duties listed on the appellant's revised PCQ, they are consistent with the title of Buyer.

Accordingly, based on the foregoing, the record amply supports CPM's determination. It is noted that the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Therefore, if the appellant believes that his duties have further evolved since

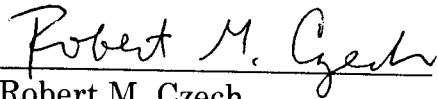
the position audit, he should pursue a new request for position classification review pursuant to *N.J.A.C. 4A:3-3.9*.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative action in the 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

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and
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Attachment

c: Wayne Jacobsen
Mirella Bednar
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KIM GUADAGNO
Lt. Governor

ROBERT M. CZECH
Chair/Chief Executive Officer

December 16, 2014

Mr. Wayne Jacobsen
[REDACTED]

Re: Classification Appeal; Buyer; Position #055892; CPM #04140054
Employee ID: [REDACTED]

Dear Mr. Jacobsen:

This is to inform you, and the Department of Law and Public Safety, of our determination concerning the classification appeal referenced above. Our review involved a detailed analysis of the Position Classification Questionnaire you completed, which was reviewed and signed by Barbara Worthington, Supervising Procurement Specialist (R28) and a telephone audit conducted December 2, 2014.

Issue:

You are appealing the current classification of your position (055892), Buyer (52663, P21). You contend that the title Senior Buyer (52664, R24) more accurately classifies the current duties and responsibilities assigned to your position.

Organization:

Your position is located in the New Jersey Department of Law and Public Safety, Division of State Police, Administration Branch, Administration Section, Fiscal Control Bureau, Central Purchasing Unit. The Central Purchasing Unit oversees the centralized procurement of all commodities required by the State Police to complete its mission. This includes processing requests for funds, preparing waiver of advertising packages, creating purchase orders, obtaining vendor quotes, approving invoices for payment, and maintaining files and account balances for all Division purchases.

You are supervised by Barbara Worthington, Supervising Procurement Specialist (R28). At the time your appeal was received, you directly supervised Dustin Hibbs, Technical Assistant 2, Purchasing (A13). That supervisory responsibility was removed as of August 6, 2014. You presently have no direct supervisory responsibility.

Finding of Fact:

The primary responsibilities of the position include, but are not limited to, the following:

- Creates and maintains procurement tracking spreadsheets for review and analysis.
- Maintains and reviews purchasing records in data tracking systems.
- Meets with various command staff of units and sections to anticipate and develop their needs.
- Reviews, edits, and approves requests for purchase of police and homeland security equipment and uniforms.
- Prepares sealed bid proposals based on Department of Treasury guidelines.
- Identify, investigates, and compiles materials and quotes for establishing General Sales Administration based term contracts.
- Performs bid evaluations and recommendations.
- Mentors unit personnel on various computer applications.

Review and Analysis:

The duties and responsibilities of the position were compared to those described within the class specification for Buyer and Senior Buyer.

The definition section of the specification for the title, Buyer (P21, 52663), states:

“Under supervision, selects, prepares orders for, and arranges for purchase of one or more types of equipment, materials, and supplies used by various department and agencies; does other related duties as required.”

The definition section of the specification for the title, Senior Buyer (R24, 52664), states:

“Under supervision, takes the lead over assigned employees and performs technical work involved in preparing proposals, orders, and reports, arranges for the purchase of equipment, materials, and supplies used by various departments, and may perform the work involved in term contracts; does other related duties as required.”

Incumbents in the Buyer series are responsible for the purchase of equipment, materials, and/or supplies used by various departments. Incumbents in this series prepare bid documents designed for annual contractual purchasing and prepare statistical, cost, and other reports. Incumbents in this series analyze proposals received from vendors and award purchase orders in accord with rules and regulations of the jurisdiction or agency and maintain records and files.

The title Senior Buyer is assigned to the “R” bargaining unit. Titles assigned to the “R” bargaining unit are considered the primary or first level of supervision and as such, must function as a supervisor. Supervision includes the completion of employee performance evaluations for subordinate staff.

Your position serves as a purchaser for Homeland Security equipment, county task force equipment, and police uniforms. In this capacity, you review and accept bids for required items, process Purchase Orders and Request for Purchases, and authorize payment on approved bids. Your position develops and maintains purchase tracking sheets, grants tracking system, online purchasing system, and cost projection spreadsheets. Your position advises and mentors personnel within various departments under the Division on how to proceed with purchases and related systems and documents.

Although you may mentor other staff regarding procurement procedures, you are not currently functioning as a first-level supervisor. In addition, your supervisor’s title, Supervising Procurement Specialist (R28), is assigned to the “R” bargaining unit. A supervisor and subordinate may not hold titles assigned to the same bargaining unit, even if the supervisor’s title is assigned a higher class code. Therefore, Senior Buyer is an inappropriate classification for the functions of this position.

The duties of your position fall within the scope of a Buyer.

Name: Wayne Jacobsen
Date: December 16, 2014

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Determination:

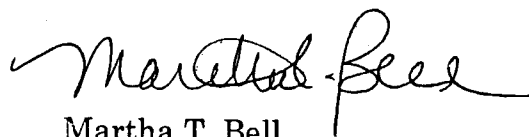
By copy of this letter, the Appointing Authority is advised that your position is presently and properly classified as a Buyer (P21, 52663).

However, the Appointing Authority is also advised that based on the original DPF-44S submitted with the appeal package, your position was functioning as a first-level supervisor with responsibility for the completion of employee performance evaluations effective May 18, 2013 through August 6, 2014 when supervisory duties were removed. Duties performed during this time period should be compensated at the Senior Buyer (R24, 52664) level.

The class specification for Buyer is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

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. The appeal should be addressed to the Written Records 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 determination being disputed and the basis for the appeal.

Sincerely,



Martha T. Bell
Human Resource Consultant 5
Classification and Personnel Management

MTB/rdd
C: Mirella Bednar
CPM #000510072