

B-54



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of James Scholts,  
Department of Environmental  
Protection

Classification Appeal

CSC Docket No. 2014-3103

ISSUED: ~~FEB~~ - 6 2016 (WR)

James Scholts appeals the attached decision of the Division of Classification and Personnel Management (CPM) that his position with the Department of Environmental Protection (DEP) is properly classified as a Parks Maintenance Supervisor 2. The appellant seeks a Parks Maintenance Supervisor 1 classification in this proceeding.

The record in the present matter establishes that the appellant's permanent title is Parks Maintenance Supervisor 2. His position is located in the Division of Parks and Forestry, State Park Service, Northern Region 3, Kittatinny Valley State Park/Waterloo<sup>1</sup> and he reports to Stephen Ellis, a Superintendent Parks and Forestry 1. The appellant supervises three Parks Maintenance Specialists 1 and one Parks Maintenance Worker 2. The appellant sought a reclassification of his position to Parks Maintenance Supervisor 1. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performs, which CPM reviewed and analyzed. In its decision, CPM determined that the duties performed by the appellant were consistent with his permanent title of Parks Maintenance Supervisor 2 because the appellant functions as a primary level supervisor at a Class 3 Park.

On appeal to the Civil Service Commission (Commission), the appellant claims that, since CPM's determination was issued, the two Parks Maintenance

<sup>1</sup> It is noted that the DEP Area Management Classification System (AMCS) classifies Kittatinny Valley State Park as a Class 3 Park.

Specialists 2 he supervises have been promoted. Consequently, he asserts that he now oversees "more complex projects and manag[es] higher levels of competent performance." The appellant also contends that, like a Parks Maintenance Supervisor 1, he operates under "general direction" of a supervisory official. He states that his supervisor agreed on his PCQ that this level of supervision was necessary to maintain a productive work environment at Kittatinny Valley State Park. He also claims that CPM did not address that he did all the scheduling for the positions he supervises, and develops and implements maintenance programs, duties he contends are consistent with those of a Parks Maintenance Supervisor 1. Additionally, the appellant asserts that an individual located at Kittatinny Valley State Park was previously promoted to the title of Parks Maintenance Supervisor 1, despite only supervising one Maintenance Worker 1 and being supervised by a Superintendent Parks and Forestry 4, where he supervises five positions and is supervised by a Superintendent Parks and Forestry 1. Finally, the appellant states that upon his transfer to Kittatinny Valley State Park, he was informed that he would be placed either in the 1 or 2 title. In support of his appeal, the appellant submits a 2006 letter informing him of his reassignment to Kittatinny Valley State Park in his current permanent title of Parks Maintenance Supervisor 2, effective March 18, 2006.<sup>2</sup> He also submits information related to the previous individual's appointment to Parks Maintenance Supervisor 1 at Kittatinny Valley State Park.

### CONCLUSION

The definition section of the job specification for Parks Maintenance Supervisor 2 states:

Under direction of a Parks Maintenance Supervisor 1 at a Class 1 or 2 park, or other supervisory official at a Class 3 or 4 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, assists in supervising and independently performs the semiskilled work involved in the construction, maintenance, repair, and improvement of structures, equipment, and grounds of State Park Service facilities; does other related duties as required.

The definition section of the job specification for Parks Maintenance Supervisor 1 states:

Under general direction of a Superintendent or other supervisory official at a Class 1 and 2 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, supervises and as required independently performs semiskilled work

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<sup>2</sup> The letter also indicated that the reassignment was due to the appellant's stated interest in a vacancy at Kittatinny Valley State Park for a Parks Maintenance Supervisor 1 or 2 position.

involved in construction, maintenance, repair, and improvement of structures, equipment, systems, and grounds of State Park Service facilities; does other related duties as required.

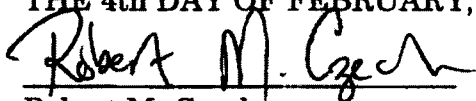
As noted by CPM, the main difference between the two titles is that a Parks Maintenance Supervisor 1 functions as a second-level supervisor overseeing maintenance supervisors and staff, developing work schedules, and monitoring work assignments at a Class 1 or Class 2 Park. However, a Parks Maintenance Supervisor 2 functions at the primary level of supervision, and assigns and reviews the work of maintenance personnel, evaluates employee performance, and takes the lead of work of the unit at a Class 1, 2, 3 or 4 Park. The appellant is located at Kittatinny Valley State Park which is classified as a Class 3 Park. While the appellant asserts that he performs duties that CPM did not address and individuals whom he supervises have been promoted since his classification review, these arguments do not change the fact that his position is assigned to a Class 3 Park. Moreover, the duties that the appellant asserts he performs are appropriately performed by a Parks Maintenance Supervisor 2. Additionally, the Commission notes that because classification reviews are based on a current review of assigned duties, any changes in the appellant's duties after his classification review are immaterial to the instant matter. Finally, regarding the appellant's claim that an individual located at Kittatinny Valley State Park was previously appointed to Parks Maintenance Supervisor 1, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). See also, *In the Matter of Stephen Berezny* (CSC, decided July 27, 2011) (Remedy for misclassification of another position is not to perpetuate the misuse of the higher title by reclassifying the appellant's position to that title, but rather, to review the position classifications of the positions encumbered by the named employees to ensure that they are properly classified). Accordingly, because the appellant functions as a primary level supervisor at a Class 3 Park, it is clear that the appellant's position is properly classified as a Parks Maintenance Supervisor 2.

### ORDER

Therefore, it is ordered that this appeal be denied.

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 4th DAY OF FEBRUARY, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

**Attachment**

- c. James Scholts  
Diane Ogonofski  
Kenneth Connolly  
Joseph Gambino



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT  
P.O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

April 15, 2014

Mr. James Scholts  
[REDACTED]

Re: Classification Appeal; Parks Maintenance Supervisor 2; Position# 011498  
CPM# 08130199; Employee ID # 000317455

Dear Mr. Scholts:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above.

You have requested a classification review of your position, which is currently classified as Parks Maintenance Supervisor 2 (43044, R19). You contend that your current work duties are equivalent to those of a Parks Maintenance Supervisor 1 (43045, S21). Your position is located in the Division of Parks and Forestry, State Park Service, Northern Region 3, Kittatinny Valley State Park/Waterloo. You report to Mr. Stephen Ellis, Superintendent Parks and Forestry 1 (S30). You directly supervise three Parks Maintenance Specialists 1 and one Parks Maintenance Worker 2.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); organization chart; your Performance Assessment Review (PAR) form; your statements; and the statements of your supervisor, division director, and appointing authority. Additionally, a telephone audit was conducted with you and your supervisor.

Your position trains, supervises, and provides direction to subordinate permanent and seasonal maintenance staff, work crews from the Sheriff's Office and NJ Department of Corrections, individual volunteers and groups, community service workers, vo-tech student programs and Eagle Scout prospects.

Your position oversees the day-to-day operations at Waterloo Village, which is of high historic value. Waterloo Village features 29 historic buildings. Your position is responsible for supervising the preservation of the exterior of all the buildings, and ensuring they retain the

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integrity to the desired restoration period along with the interior of the buildings that will be utilized for museum interpretation.

Your position gives direction and guidance to full-time subordinate maintenance staff stationed at Waterloo Village. Your position coordinates ground maintenance repairs, and recruits assistance from other parks when help is needed. Your position oversees standard ground maintenance tasks such as landscape trimming, roadway and walkway repairs, and janitorial responsibilities.

Your position monitors and maintains the grounds in a safe hazard-free manner, while overseeing the revival of key landscape features such as fencing, roads, and paths. Your position is responsible for the building which houses the Canal museum on-site, and maintains the grounds which house the Winakung at Waterloo concession which provides educational tours to school children and others through a recreated example of a Lenape Indian Village.

Your position has been assigned the day-to-day maintenance of the newly acquired Mt. Paul facility, which includes over 1000 acres of property. These duties include all ground maintenance, fire extinguishers, gas pumps, septic tank fields and pumps, public potable water treatment, UV lamp and filter replacements, vehicle conditions and inspection status, waterless toilet facilities, emergency exit lights, and spillways and dams including a high hazard dam. Your position is responsible for ensuring all permits are complete and received. You oversee boiler and fire code inspections. Your position is responsible for the monthly and yearly inspections including all structures on-site including a dormitory structure with over 60 rooms, requiring regular monitoring with regard to heat and vandalism, a three-bedroom house, a High Hazard Dam, a well house, garage, and other smaller structures requiring attention. Kean University has taken over the property; however, the responsibility of maintenance remains with your position.

Your position assists Hopatcong State Park with maintenance needs including those of Stephens' campground and the historic birthplace of Grover Cleveland. Duties include playground inspections, grounds inspections, scheduling of work assignments, and vegetation control through use of your pesticide applicator license.

Your position makes decisions regarding the hiring and rehiring of seasonal employees, and suggests and endorses promotions of full-time employees. Your position is responsible for the discipline of employees for misconduct or other inappropriate behavior. Your position plans performance ratings and evaluations using the PES system, critiquing employee's performance and setting an outline for work standards throughout the year for Kittatinny Valley State Park and all of its satellite locations. These satellite locations include Waterloo Village, Mt. Paul, Cedar Lake, Franklin, and Lyme Kilms.

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Your position is responsible for filing and submitting the annual Right-To-Know survey as required by all park facilities, listing all hazardous on-site chemicals and providing the appropriate Material Safety Data Sheets (MSDS) and related safety information. Your position maintains all records related to the water testing program and performs all quarterly water sampling, ensuring the samples are submitted to an appropriate laboratory in a professional manner.

Your position maintains the Public Employees Occupational Safety & Health Administration (PEOSHA) logs, monitors all injuries, documents injuries as required, and ensures the forms are submitted quarterly. Your position reports and files forms for vehicle, equipment, and/or property damage; which in some cases determines a responsible party and leads to recovery of funds for damages incurred. Your position files and submits all Federal Emergency Management Agency (FEMA) documents related to any repairs performed in response to weather-related disasters. This includes monitoring time and manpower spent, and materials and equipment used to repair damages which ultimately get refunded and by federal dollars.

Your position sequesters multiple bids from contractors to perform repairs. This includes establishing the scope of work to be quoted and prepares all final bid documents and/or telephone quotes to be submitted to the regional office for payment authorization. Your position ensures the winning bidder supplies the appropriate documents to satisfy the vendor paperwork package requirements. Your position authorizes the start of work and monitors the progress, ~~inspecting the quality of work being performed to ensure the desired results are achieved.~~ Your position meets with the Superintendent and provides input on creating a spending plan and obligates funds to the appropriate accounts and determines supplies and equipment cost necessary to operate the park through the changing seasons.

Your position trains all full-time and seasonal employees annually to use proper safety procedures and implement safe work habits. Your position trains subordinates in the safe and proper use of tools and equipment, and documents all employees that were trained.

Your position determines any projects, preparations for events, repairs or improvements necessary to ensure the safety of park visitors and employees. Such improvements include vehicle repairs, and walkway construction and maintenance. Your position performs repairs as needed to the Franklin facility which is home to the Lake Hopatcong's lake management equipment. Your position is responsible for plowing, general maintenance, landscaping, fire extinguishers, and all code inspections. Your position maintains the Paulinskill, Sussex Branch and Lehigh New England rail trails. Maintenance tasks include washout repair, mowing, tree removal, culvert repairs, bridge re-decking, railing replacement, parking lot and pothole repairs, tree pruning and brushing, and trash removal.

Your position analyzes all projects to see if there are more cost effective ways to complete them. Your position lays out time frames and estimates materials needed for projects, including

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Corporate Business Tax Maintenance (CBT/M) program projects. Your position orders and purchases needed materials, tools and equipment.

Your position generates the plans for snow and ice removal, prioritizes areas needing attention and schedules overtime for weather emergencies outside of regular scheduled shifts.

With regard to the annual change in seasonal staff, your position creates and applies plans to maintain custodial duties in all public buildings and restroom facilities including the Northern Regional office. Utilizing all staff, your position generates an annual landscape management plan for park grounds and trails. Your position supervises and performs work to include mowing of lawns, maintaining flower beds, tree pruning/planting, and brush cleaning. Your position assists with forest fire service in controlled burning of open fields and maintains public picnic areas.

The definition section of the job specification for your current title, Parks Maintenance Supervisor 2 (43044, R19) states:

*"Under direction of a Parks Maintenance Supervisor 1 at a Class 1 or 2 park, or other supervisory official at a Class 3 or 4 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, assists in supervising and independently performs the semiskilled work involved in the construction, maintenance, repair, and improvement of structures, equipment, and grounds of State Park Service facilities; does other related duties as required."*

The definition section of the specification for the title, Parks Maintenance Supervisor 1 (43045, S21), states:

*"Under general direction of a Superintendent or other supervisory official at a Class 1 and 2 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, supervises and as required independently performs semiskilled work involved in construction, maintenance, repair, and improvement of structures, equipment, systems, and grounds of State Park Service facilities; does other related duties as required."*

The Parks Maintenance Supervisor 1 functions as a second-level supervisor overseeing maintenance supervisors and staff, developing work schedules, and monitoring work assignments at a Class 1 or Class 2 park. A Parks Maintenance Supervisor 2 functions at the primary level of supervision and assigns and reviews the work of maintenance personnel, evaluates employee performance, and takes the lead of the work of the unit at a Class 1, 2, 3 or 4 park.

According to the DEP Area Management Classification System (AMCS), Kittatinny Valley State Park is classified as a Class 3 park. This classification system was developed as a means to identify differences between State parks in areas such as size, total number of visitors, and other factors.



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In accordance with the job specification for Parks Maintenance Supervisor 1, the Parks Maintenance Supervisor 1 must be assigned to a Class 1 or Class 2 park. Although you supervise repairs and maintenance at several satellite facilities including Mt. Paul, Cedar Lake, Franklin and Lyme Kilms, and you assist at the Hopatcong State Park, you are regularly assigned to Kittatinny Valley State Park/Waterloo Village, a Class 3 park.

As such, it is appropriate for a Parks Maintenance Supervisor 2 to perform maintenance tasks and provide supervision to subordinate maintenance personnel at a Class 3 park.

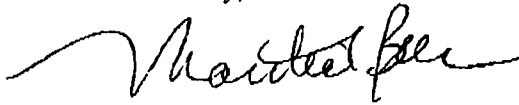
Determination

By copy of this letter, the Appointing Authority is advised that your position is presently and properly classified as Parks Maintenance Supervisor 2 (43044, R19).

The Parks Maintenance Supervisor 2 (R19) is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are intended to neither restrict nor limit performance of 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. 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 determination being disputed and the basis for the appeal.

Sincerely,



Martha T. Bell,  
Human Resources Consultant 5  
Classification and Personnel Management

MTB/db

C: Robin Liebeskind

Joseph Siracusa