

he indicated on his PCQ that he supervises and instructs field personnel. The appellant asserts that the determination letter indicated that an "Environmental Specialist 3 is expected to instruct, assign, and organize the work of the organizational unit on a regular and recurring basis" and that he indicated on his PCQ that he performed these duties. However, he acknowledges that he does not perform performance evaluations since he is not allowed to as an Environmental Specialist 2. The appellant highlights that he was determined eligible to compete for an Environmental Specialist 3 promotional examination and therefore he believes that it would be contradictory to not reclassify his position to that title. The appellant also submits an undated supplemental letter addressed to Agency Services where the appellant indicates that he has new lead worker responsibilities as a Project Officer for the Regional Targeted Water Quality Network and the Continuous Monitoring component of their Bureau sampling.

CONCLUSION

The definition section of the job specification Environmental Specialist 3 states:

Under the general supervision of a supervisory official in a State department or agency takes the lead or may supervise, organize and assign technical or scientific work, including field and office studies, surveys, inspections or investigations associated with the enforcement of laws and/or regulations and environmental review and control work, organizes and makes tests and reports to assess environmental impacts and investigates environmental complaints concerning projects, conducts or supervises the processing of contract, grant and/or loan applications, does related work as required.

The definition section of the job specification Environmental Specialist 2 states:

Under the limited supervision of a supervisory official in a State department or agency performs technical or scientific work, including field and office studies, surveys, inspections or investigations associated with the enforcement of laws and/or regulations and environmental review and control work or organizes and carries out programs/projects designed to study and evaluate environmental impact of specific projects on the environment; organizes and makes tests and reports to assess environmental impacts and investigates environmental complaints concerning projects; conducts contract, grant and/or loan processing; does related work as required.

The Commission agrees with Agency Services' determination that the appellant's position is properly classified as an Environmental Specialist 2. The appellant argues that as a Project Officer for two programs, he acts as a supervisor as he directs, trains, and monitors staff and is responsible for staff performance, but acknowledges that he does not conduct performance evaluations. However, even if his responsibilities as a Project Officer are as stated, the appellant is not performing supervisory duties as the one who signs the performance evaluation is ultimately the one who has the responsibility and accountability of recommending hiring, firing, and disciplining subordinate employees and therefore the signing of the performance evaluation is what makes a supervisor a supervisor. *See In the Matter of Robert E. Swanwick*, Docket No. A-1103-03T3 (App. Div. February 8, 2005) (Employee found to be properly classified as a Senior Building Maintenance Worker, *not* an Assistant Supervisor, Building Service, where he had no supervisory authority over contractual janitorial personnel and his completion of employee progress reports was subject to the review and signature of his immediate supervisor).

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). Additionally, even if the appellant is performing some lead worker responsibilities, this is not the appellant's primary responsibility. The appellant's PCQ indicates that he is only occasionally supervising other employees. Further, in reviewing the work duties performed and the percentages of time on his PCQ, while the appellant does list some lead worker responsibilities, these duties are listed in conjunction with other technical environmental work and other non-lead worker responsibilities. Therefore, the Commission finds that the appellant's primary responsibility, where he spends 50 percent or more of his time, is performing technical environmental work related to water quality management and other non-lead worker duties. Also, the fact that some of an employee'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 of work 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 of work 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 the job specification is appropriately utilized.

The appellant also argues that, since his name has been placed on the eligibility list for an Environmental Specialist 3 promotional examination, to not reclassify his position to Environmental Specialist 3 would be contradictory.

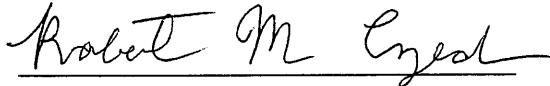
However, a determination that the appellant meets the eligibility requirements to compete for a promotional appointment as an Environmental Specialist 3 is not the same as determining that he is currently performing the duties of an Environmental Specialist 3.

ORDER

Therefore, the Civil Service Commission concludes that the position of Alexander Dinkel is properly classified as an Environmental Specialist 2.

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 17th DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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and
Correspondence

Henry Maurer
Director
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Attachment

c: Alexander Dinkel
Deni Gaskill
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
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ROBERT M. CZECH
Chair/Chief Executive Officer

March 24, 2015

Mr. Alexander Dinkel
New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Freshwater and Biological Monitoring
35 Arctic Parkway
P.O. Box 427
Ewing, New Jersey 08625

Re: Classification Appeal
Environmental Specialist 2
Position #654436
CPM #12140203
Employee ID #000371313

Dear Mr. Dinkel:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above. Our review involved a detailed analysis of the Position Classification Questionnaire (DPF-44S); organization chart; your Performance Assessment Review (PAR); your statements; the statements of your supervisor, division director, and appointing authority; additional information provided to augment your application; and a telephone audit that was conducted February 26, 2015.

Issue:

You are appealing the current classification of your position, Environmental Specialist 2. You contend that your current duties and responsibilities are consistent with those of an Environmental Specialist 3.

Organization:

The position is located in Water Resource Management, Division of Water Monitoring and Standards, Bureau of Freshwater and Biological Monitoring, Department of Environmental Protection. You are supervised by Christopher Kunz, Environmental Specialist 4 (S28) and you have no direct supervisory responsibility.

Finding of Fact:

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

- Project Officer for the Regional Targeted Water Quality Network and the Short Term Continuous Monitoring Program.
- Designs the monitoring network and prepares the Quality Assurance Project Plan for assigned projects.
- Collects, processes, analyzes, preserves, and delivers to the testing laboratory water quality samples of surface water.
- Analyzes, validates, and prepares technical reports on water sampling data compared against NJ Surface Water Quality Criteria.
- Trains and coordinates staff in collection techniques in water sampling for water quality monitoring networks.
- Coordinates the Innovative Technology Initiative EPA funded grant.
- Prepares SOPs and trains staff on operation and maintenance of new equipment, technologies, and sampling protocols as required.
- Conducts investigations and analysis of GIS related data.

Review and Analysis:

The duties and responsibilities of the position were compared to those described within the class specification for Environmental Specialist 2 and Environmental Specialist 3.

The definition section of the specification for the title, Environmental Specialist 2 (P22, 15853), states:

“Under the limited supervision of a supervisory official in a state department or agency performs technical or scientific work, including field and office studies, surveys, inspections or investigations associated with the enforcement of laws and/or regulations and environmental review and control work or organizes and carries out programs/projects designed to study and evaluate environmental impact of specific projects on the environment; organizes and makes tests and reports to assess environmental impacts and investigates environmental complaints concerning projects; conducts contract, grant and/or loan processing; does related work as required.”

An Environmental Specialist 2 gathers technical or scientific data to assess the environmental impact on specific projects; interprets bacteriological and chemical analysis and compiles reports upon data collected; conducts field investigations of projects to assess the environmental impact; prepares material for inclusion in environmental documents; may assign and instruct designated employees and may provide technical guidance to others; and prepares material for inclusion in environmental documents.

The definition section of the specification for the title, Environmental Specialist 3, (R25, 15854), states:

“Under the general supervision of a supervisory official in a state department or agency takes the lead or may supervise, organize and assign technical or scientific work, including field and office studies, surveys, inspections or investigations associated with the enforcement of laws and/or regulations and environmental review and control work, organizes and makes tests and reports to assess Environmental impacts and investigates environmental complaints concerning projects; conducts or supervises the processing of contract, grant and/or loan applications; does related work as required.”

An Environmental Specialist 3 is expected to instruct, assign, and organize the work of the organizational unit on a regular and recurring basis which includes the direct supervision of subordinate professional staff performing environmental specialist work. An Environmental Specialist 3 is assigned to the “R” bargaining unit and considered the first-level of supervision with responsibility for the completion of performance evaluations.

Your position coordinates and administers the Regional Targeted Water Quality Network project. In this capacity, you monitor and conduct sampling at water quality monitoring stations located throughout the State. Your position coordinates the assignment of personnel and the time designated to conduct sampling. Your position develops the Quality Assurance Project Plan which outlines the work to be done, how samples will be taken, and steps to ensure data quality. Your position reviews laboratory test results for quality assurance and forwards the results to the Bureau of Environmental Analysis, Restoration, and Standards. Your position coordinates and administers the Short Term Continuous Monitoring Program which utilizes specialized equipment deployed in streams for continuous monitoring and capturing of water quality data. Your position retrieves the equipment with the assistance of an Environmental Services Trainee, and downloads and analyzes the water quality data captured. Your position assists with collecting water quality samples, performing on-site testing, and delivering samples to the laboratory for further testing of various networks. Your position provides GIS support for the Bureau on regional targeted sites, mapping of testing areas, presentations, meetings, and data analysis. Your position coordinates the Innovative Technology Initiative EPA grant for new water quality testing equipment. Your position identifies new equipment technologies for purchase, prepares the appropriate purchase order, and monitors the use and availability of grant funds.

While your position performs technical environmental work related to water quality management, your position does not supervise subordinate staff. Environmental Specialist 3 is an inappropriate classification for the functions of this position.

Determination:

By copy of this letter, the Appointing Authority is advised that your position is properly classified as Environmental Specialist 2 (P22, 15853).

The class specification for Environmental Specialist 2 title 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

Name: Alexander Dinkel
Date: March 24, 2015

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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
Agency Services

MTB/rej
C: Robin Liebinskind
Veronica Kirkham
CPM #12140203

