



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Vincent Buonanno,
Department of Law and Public Safety

CSC Docket No. 2021-93

Classification Appeal

ISSUED: AUGUST 26, 2020 (RE)

Vincent Buonanno appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position is Investigator 3, Law and Public Safety. The appellant seeks an Investigator 4, Law and Public Safety classification.

The record establishes that the appellant was permanent in the title of Investigator 3, Law and Public Safety and is assigned to work in the Office of Consumer Protection, Division of Consumer Affairs. The position is supervised by a Chief Investigator, Law and Public Safety, and has no supervisory responsibility. The appellant seeks a reclassification of his position to Investigator 4, Law and Public Safety. Agency Services performed an analysis of all information submitted, including a Position Classification Questionnaire (PCQ), organization chart, and the appellant's Performance Assessment Review (PAR).

As a result of that review, the appellant's position was found to be properly classified as Investigator 3, Law and Public Safety. In arriving at its conclusion, Agency Services indicated that the duties of the position include complex investigative work which is independently conducted without the oversight of an investigative unit or team. As the requested title requires responsibility for leading an investigative unit, or team, or coordinating an investigative program, Agency Services found that the requested title did not properly classify the position.

On appeal, the appellant argues that the reading of the job was too narrow, and his supervisor recommends the requested title for the position. He states that

he is the leader of the annual sting operation for unlicensed moving companies, which he has organized and led seven times. He argues that his experience in a Supervising Investigator title should be considered, he possesses professional contacts in federal agencies, and is ethical and conscientious. He argues that Agency Services issued a form letter with no specific points, and therefore is insufficient and baseless.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Investigator 3, Law and Public Safety states:

Under general supervision of a Supervising Investigator or other supervisory official in the Department of Law and Public Safety, conducts in-depth regulatory and administrative audits and inspections of licensed premises; reviews records, files, financial statements, and other transactions to determine compliance with rules or regulations governing consumer protection laws; conducts complex investigations, performs other confidential and sensitive civil and regulatory investigative activities or specialized investigations to detect alleged noncompliance with or violations of New Jersey State statutes, administrative codes, Professional Rules of Conduct, or consumer protection laws; performs other related duties required.

The definition section of the job specification for Investigator 4, Law and Public Safety states:

Under direction of a Supervising Investigator or other supervisory official in the Department of Law and Public Safety, leads an investigative unit or team or coordinates an investigative program, conducting in-depth regulatory and administrative audits and inspections of licensed premises; reviews records, files, financial statements, and other transactions to determine compliance with rules or regulations governing consumer protection laws; performs other confidential and sensitive civil and regulatory investigative activities or specialized investigations to detect alleged noncompliance with or violations of New Jersey State statutes, administrative codes,

Professional Rules of Conduct, or consumer protection laws; performs other related duties as required.

In the instant matter, Agency Services determined that the appellant's position was appropriately classified as an Investigator 3, Law and Public Safety, and the appellant does not dispute the duties listed in that determination. 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 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.¹ How well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Also, in *In the Matter of Titus Osuagwu* (CSC, Decided December 3, 2008), the Commission found that a recommendation by appellant's management that he be promoted did not establish that the position he encumbers would be properly classified in the higher-level title.

One of the primary determinants in the appellant's classification review was that he was not a lead worker of *an investigative unit or team*. A leadership role refers to those 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 a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. See *In the Matter of Henry Li* (CSC, decided March 26, 2014). The Investigator 4, Law and Public Safety is a lead worker title, and lead worker duties must be performed on a consistent and daily basis, not merely intermittently as needed.

In addition to conducting complex investigations to determine compliance with law enforcement professional standards, an employee serving in the title of Investigator 4 Law and Public Safety would be responsible for leading an investigative unit, or team, or coordinating an investigative program. Agency Services indicated that the duties of the position include complex investigative work which is independently conducted without the oversight of an investigative unit or team. The review identified several instances in which the incumbent was responsible for the coordination of complex investigations. However, this is not to

¹ See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd* on reconsideration (MSB, decided November 22, 2005).

be confused with taking the lead of an investigative unit or the coordination of an investigative program. Coordination of an investigative program would involve the oversight and organization of investigative people and/or processes specific to an identified subject/area. While the appellant argues that he leads the annual sting operation for unlicensed moving companies, a duty performed annually is considered an intermittent duty as it is not leading an investigative unit or team on a consistent daily basis. The appellant also does not coordinate an investigative program, conducting in-depth regulatory and administrative audits and inspections of licensed premises. While many of his duties are complex in nature, the title of Investigator 4, Law and Public Safety is not the appropriate classification for this position.

Accordingly, the appellant has failed to establish that Agency Services' determination that his position was properly classified as an Investigator 3, Law and Public Safety was incorrect.

ORDER

Therefore, the Civil Service Commission concludes that the proper classification of the appellant's position is Investigator 3, Law and Public Safety.

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 19TH DAY OF AUGUST 2020

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