

**STATE OF NEW JERSEY** 

	FINAL ADMINISTRATIVE ACTION OF THE
In the Matter of Jason Ressler, Vernon Township	CIVIL SERVICE COMMISSION
CSC Docket No. 2020-2003	Classification Appeal
	ISSUED: SEPTEMBER 18, 2020 (RE)

Jason Ressler appeals the decision of the Division of Agency Services (Agency Services) which found that his position with Vernon Township is properly classified as Motor Broom Driver/Public Works Repairer. He seeks a Motor Broom Driver job classification in this proceeding.

Agency Services conducted a review of the appellant's position including a review of his position classification questionnaire (PCQ) and other documentation. That classification review determined that the appellant's position was properly classified as Motor Broom Driver/Public Works Repairer. The appellant was serving in the title Public Works Repairer when he requested a classification audit of his position as he believed he was performing the duties of a Motor Broom Driver. His position is assigned to the Vernon Township, Department of Public Works, is supervised by an Assistant Supervisor of Public Works, and has no supervisory responsibility. Agency Services found that the correct classification of the position was Motor Broom Driver/Public Works Repairer. This is a "dual" title which indicates that the employee performs the duties of both titles.

On appeal, the appellant believes that position should be classified as Motor Broom Driver. He provides attendance calendars from January 4, 2019 to August 7, 2019, and worksheets and attendance records for 2017, 2018 and 2019. He states that these facts should change his title to Motor Broom Driver. He states that in 2017, out of 1656 working hours, he operated a motor broom 778 hours, or 46% of the time. In 2018, in 1512 working hours, he operated a motor broom 670.5 hours, or 44% of the time. In 2019, out of 1664 working hours he operated a motor broom 756 hours, or 45% of the time. The appellant argues that his hours operating a motor broom would have gone up had he worked instead of taking leave time.

In response, the appointing authority, represented by James Prusinowski, Esq., argues that in his audit, the appellant overestimated the time he spent operating a motor broom as 70% of the job, while it was closer to 47% to 49%. It argues that other employees are also responsible for operating the motor broom machine including two other employees, and two more that want or wanted to be trained. The appointing authority states that the appellant has other duties beyond the machine's operation, and no one employee performs a substantial portion of his time operating the machine. It also provides calendars and attendance sheets.

## 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 if 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 Motor Broom Driver states:

Under direction, drives a motorized sweeping machine that cleans streets, parking lots, gutters and other areas to remove trash and other accumulations; does other related duties as required.

The definition section of the job specification for Public Works Repairer states:

Under direction, performs routine work involved in the construction, maintenance, and repair of street, sewer, water, sanitation, and other public facilities and may be required to operate, check, service, and make minor repairs to trucks and other maintenance construction equipment; does other related duties as required.

The dual title Motor Broom Driver/Public Works Repairer, which is the appellant's provisional title, involves duties of both titles. Based upon a thorough review of the information presented in the record, it is clear that the duties of the appellant's position match those of the dual title. At the outset, the classification of a position is determined based 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. 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).

In its decision, Agency Services indicated that the appellant's duties involve driving, operating, and performing routine maintenance on street sweeper and single axle dump truck vehicles, operating backhoe equipment to empty recycling bins and remove heavy debris from roadways and basins, and operating chainsaw and chipper equipment in the maintenance and removal of trees and brush. A large percentage of his time is spent operating and maintaining the motor broom vehicle as well. Thus, Agency Services indicated that the appellant was serving in the dual title.

On his PCQ, the appellant indicated that he operated a motor broom vehicle for 70% of the time, operated a single axle dump truck for 10% of the time, and for the remaining 20% of the time, he repaired basins, potholes, a road drainage issues, cut and trimmed brush, loaded trucks, and used a back hoe. The Division Director disagreed with the percentages of time, and found that the appellants spent 49% of his time on the motor broom vehicle. The information that the appellant submitted on appeal confirms the Division Director's data. From 2017 to 2019, of the appellant drove a motor broom vehicle for less than half the time that he was at work each year. It is noted that including paid leave in calculating motor broom driving hours is not appropriate, as Public Works Repairer duties may also have been assigned, and there were other employees operating the motor broom on those days. The duties are consistent with the dual title Motor Broom Driver/Public Works Repairer.

Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Motor Broom Driver classification of his position.

## ORDER

Therefore, the position of Jason Ressler is properly classified as Motor Broom Driver/Public Works Repairer.

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 DAY 16<sup>th</sup>OF SEPTEMBER, 2020

Derrare' L. Webster Cabb

Deirdre L. Webster Cobb Chairperson Civil Service Commission

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