



STATE OF NEW JERSEY

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

In the Matter of Leo Pursell Jr.,
Borough of Alpha

CSC Docket No. 2020-847

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Classification Appeal

ISSUED: SEPTEMBER 7, 2020 (RE)

The Borough of Alpha, represented by Francesco Taddeo, Esq., appeals the decision of the Division of Agency Services (Agency Services) which determined that Leo Pursell Jr.’s position is properly classified as Senior Public Works Repairer. It seeks a Public Works Repairer job classification in this proceeding.

The record in the present matter establishes at the time the appellant filed the request for reclassification, his permanent title was Public Works Repairer. He is assigned to work in the Department of Public Works, reports directly to the Director of Public Works, and has no supervisory responsibilities. Agency Services conducted a classification review of the appellant’s position at his request. A review of information regarding the appellant’s position was performed along with a detailed analysis of his Position Classification Questionnaire (PCQ) and related documents. Additionally, although an organizational chart and additional or clarifying comments from the Borough and the employee’s immediate supervisor were requested, none were provided. Agency Services found that this position would be properly classified as Senior Public Works Repairer effective April 13, 2019.

On appeal, the appointing authority explains that the former incumbent Senior Public Works Repairer retired in December 2016 and the appellant assumed the daily monitoring duties of the water system even though a resolution was passed in August 2016 appointing another individual to these duties on an emergent basis. The appellant was out on leave from July 2018 to November 2018. Upon his return, the appointing authority states that the Mayor, “during a brief

meeting at the Frace Street Water Treatment Plant” instructed the appellant to visit the plant to every morning so that, “Dan can teach you how to run the plant.” It explains that a plant had been shut down for major renovations and upgrades since August 2015 and required additional training to monitor and control the plant. The appointing authority alleges that the appellant refused to meet with this employee and did not learn how to operate the upgraded treatment plant. The former Senior Public Works Repairer had visited the plant for an hour each work day, 2 hours on Saturday, and 3 hours on Sunday. Based on these hours, it concludes that a minimum of 20% of the activity of the incumbent, which is material, relates only to the Frace Street Water Treatment Plant and does not include other essential duties related to the water system. The appointing authority argues that, based on the appellant’s refusal to perform duties, it passed a resolution extending the other employees assignment to operate and monitor the Frace Street Water Treatment Plant, and he continues in that role to the present moment.

The appointing authority states that the appellant failed to mention that the central role of the Senior Public Works Repairer is the daily monitoring of the water system. It also states that he did not indicate that he refused to perform used these duties and did not indicate the responsibilities of the Senior Public Works Repairer and overseeing the water system. As such, it maintains that Agency Services had misinformation when it issued its decision as the record was not complete. It requests that the appellant be returned to his Public Works Repairer title.

In response, the appellant argues that the appointing authority has no written proof of his refusal to do his job and he has had no disciplinary action taken against him. He states that his job duties and orders come from his supervisor, who has not instructed him to learn the new system with the other employee. He indicates that he changes, services, and reads all water meters, and manages all other aspects of the Department with no other full-time help.

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 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 ditties as required.

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

Under direction, performs responsible, varied work involved in the construction, maintenance, and repair of street, sewer, water, sanitation, and other public works facilities, and/or takes the lead in a very small unit; may be required to operate, check, service, and make minor repairs to trucks and other heavy road maintenance equipment; does other related duties as required.

In the instant matter, the duties performed are not in dispute. The appellant provided a list of duties on his PCQ, although he did not include percentage of time and importance of each duty. No comments from the supervisor were on the PCQ although the supervisor agreed with the statements of the appellant, and the director and appointing authority agreed with the statements of the supervisor. Nonetheless, when questioned by Agency Services, the appointing authority stated that the PCQ did not document actual work duties performed by the employee, and that he is not supervising personnel. Agency Services then requested a clarification of duties from the supervisor and this information was not provided. On his PCQ, the appellant indicated that he supervised and assigned jobs to staff, and he listed a full-time Park Attendant and six part-time employees. He indicated that he supervised them regularly and was responsible for their performance evaluations, assigning work, and reviewing their completed work. It is noted that 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). Further, each position has a primary focus and the objective of a classification review is to determine the most appropriate title based on the primary focus of the duties. Thus, pay differentials, over-time opportunities, concessions made as part of collective negotiations, and disciplinary matters are not determining factors and have no bearing on a classification review.

The Public Works Repairer title is not a lead worker title, while the Senior Public Works Repairer is a lead worker title. This is a major difference between titles. Incumbents in leadership roles refer to persons whose titles are non-supervisory in nature, but are required to act as leaders 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). A lead worker is the more experienced individual who guides and instructs others in proper methods and procedures, and who takes greater responsibility for ensuring a quality work

product, takes care of materials or equipment, directs the work of others, and maintains the safety and welfare of others.

Agency Services found that the major duties of the position included maintenance; overseeing, scheduling and maintaining records, including leading and assigning work to staff and maintaining timesheets; and public relations, planning and purchasing. As the position takes the lead over varied work involved in the maintenance and repair of assigned areas, and performs more responsible tasks, it was found that the Senior Public Works Repairer title was the best fit for the duties. Each position has a primary focus, and the most appropriate title can be found for each primary focus. It is not uncommon for an employee to perform some duties that are both above and below the level of work ordinarily performed. However, 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. Further, how a local appointing authority compensates employees is irrelevant to a classification review.

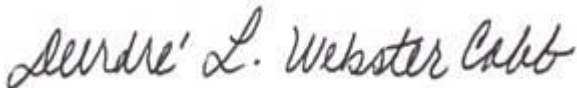
Accordingly, a thorough review of the entire record fails to establish that the Borough of Alpha has presented a sufficient basis to warrant a Public Works Repairer classification of this position.

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 2ND DAY OF SEPTEMBER 2020



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