



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Craig Augustoni, et al., Principal Planner, Emergency Management Fire

CSC Docket No. 2016-1975 et al.

Requests for Reconsideration

ISSUED: NOV 15 2016 (CSM)

Craig Augustoni, Michael Gallagher, David Hughes, James McFadden, Bruce Tynan, and Timothy Weiss, represented by Ira W. Mintz, Esq., request reconsideration of the attached decision rendered on October 21, 2015, which upheld the determinations of the Division of Agency Services (Agency Services) that the proper classification of their positions with the Department of Community Affairs is Senior Planner, Emergency Management Fire.

By way of background, at the time of Agency Services' initial classification reviews, the appellants were serving in the permanent titles of Principal Planner, Emergency Management Fire. As a result of an investigation conducted by the United States Department of Labor which found that their positions as Principal Planner, Emergency Management Fire were misclassified as exempt from the overtime provisions of the Fair Labor Standards Act (FLSA), classification reviews were initiated in order to ensure the appropriate classification. In support of the classification reviews, the appellants submitted Position Classification Questionnaires (PCQs) detailing the different duties they perform as Principal Planners, Emergency Management Fire. Agency Services reviewed and analyzed the PCQs completed by the appellants. In its decisions, Agency Services determined that since none the appellants supervised subordinate staff members, their positions would be properly classified as Senior Planner, Emergency Management Fire. In its prior decision upholding Agency Services' determinations, the Civil Service Commission (Commission) found that supervising subordinate staff is the key distinguishing factor between the Principal and Senior Planner, Emergency Management Fire titles, that it was irrelevant that their work unit does not consist of subordinate staff for them to supervise, and that titles utilized in

State service do not have the authority to supervise organizations in local government where the incumbent has the authority to evaluate employee performance and recommend the hiring, firing and disciplining of employees.

On reconsideration, the appellants initially argue that the Principal and Senior titles were originally evaluated pursuant to the New Jersey Job Content Evaluation System with the understanding that they were part of a title series and that incumbents at the Senior level would be supervised by incumbents at the Principal level. However, the appellants never supervised any incumbent at the Senior level, but rather supervised programs and performed the most complex work in the Office of Fire Department Preparedness. Further, the class codes assigned to the titles in the series were based on written job specifications that were created in anticipation of staffing rather than actual employees who were ultimately appointed to fill the positions. Therefore, the appellants requested all evaluations and reports that resulted in the class code designation of "22" for Senior Planner, Emergency Management Fire, all evaluations and reports that resulted in the class code designation of "25" for Principal Planner, Emergency Management Fire, and all evaluations and reports that resulted in the class code designation of "27" for Supervising Planner, Emergency Management Fire.

In response to the appellants requests for all evaluations and reports that resulted in the State Class Code designations for the Planner, Emergency Management Fire title series, by letter dated February 23, 2016, staff of the Division of Appeals and Regulatory Affairs (DARA) advised that the matter of a job title's salary range is not considered during a classification appeal since this type of review is limited to an evaluation of the duties of the specific position and how those duties compare to the job specification of record. As such, since the matter of class code designations was not an issue in the classification appeals, there was no evaluation data in the appeal files in these matters. Further, DARA advised that job title reevaluations do not have any bearing on a determination if duties conform with the job specification of record. Thus, since the evaluation data for the title series was not included in the initial appeal files, it could not be provided as part of a petition for reconsideration.

In a subsequent submission, the appellants argue that there was a clear material error in the Commission's prior decision. Specifically, while the Commission found that titles assigned to the "R" Employee Relations Group (ERG) must supervise subordinate staff, in *In the Matter of Tanaya Tukes, et al.* (CSC, decided February 4, 2015), it stated that "primary level supervisory titles are not necessarily required to supervise staff." Thus, since the Principal Planner, Emergency Management Fire is also included in the "R" ERG, as stated in *Tukes, supra*, "incumbents may or may not supervise subordinates, or they may supervise a program." Further, the appellant assert that it is inconsistent with Commission precedent, and is arbitrary, capricious and retaliatory to conduct a classification as

a result of an investigation conducted by the U.S. Department of Labor. In this regard, they state that but for their complaint to the Department of Labor about their overtime, their positions would not have been reclassified to Senior Planner, Emergency Management Fire and demoting them is not an appropriate response to their filing a complaint about failure to pay overtime. The appellants also request the right to further supplement its submissions upon receipt of documents it has sought through an Open Public Records Act (OPRA) request. Finally, the appellants state that if the Commission believes that *Tukes, supra*, does not reflect the current state of the law, it should direct a reevaluation of the Senior Planner, Emergency Management Fire title.

CONCLUSION

N.J.A.C. 4A:2-1.6(a) states that within 45 days of receipt of a decision, a party to the appeal may petition for Commission for reconsideration. *N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the instant matter, the appellants have not met the standard for reconsideration. Initially, as noted above, a petition for reconsideration must be filed within 45 days of the decision and show either a clear material error or new information which would change the outcome of the case. In other words, any information that would form the basis for a petition for reconsideration must be known and in a party's possession prior to filing the petition. In this case, the appellants argued that the new information they intended to submit was based on the evaluations and reports that resulted in the State Class Code designations for the Planner, Emergency Management Fire title series. As the appellants did not have this new information at the time they filed their petition for reconsideration, in conjunction with the fact that they were provided months of additional time beyond 45 days to obtain any information, there is no basis on which to continue to keep the record open to permit them to supplement the record should they receive asserted new information. Regardless, this asserted new information would not change the outcome in this case because the appellants were correctly advised that a job title's salary range is not considered during a classification appeal since this type of review is limited to an evaluation of the duties of the specific position and how those duties compare to the job specification of record.

The appellants also maintain that the Commission erred when it found that incumbents in the Principal Planner, Emergency Management Fire title are required to supervise subordinate staff. The Commission disagrees. The definition

section of the job specification for Principal Planner, Emergency Management Fire states:

Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the State and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work.

As noted in the prior decision, for purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition of the job specification is utilized. The definition section of the job specification for Principal Planner, Emergency Management Fire clearly indicates that an incumbent is required to both perform **and** supervise the more complex technical planning work. Thus, regardless of the appellants' arguments about its placement in the "R" ERG, there is no doubt that the job definition section of the job specification requires an incumbent whose position is classified as Principal Planner, Emergency Management Fire to supervise.

Moreover, *Tukes, supra*, does not represent the current "state of the law" with respect to classification of supervisory positions. Subsequent to its February 2015 determination in *Tukes*, in October 2015, the Commission clarified and articulated its standard regarding the classification of positions with titles assigned to the "R" ERG. In *In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015), a position classification matter, the Commission explained that titles are assigned to ERGs based on the classification of the position by this agency. See *N.J.S.A. 11A:3-1*. Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. Thus, based on the job definition, duties, and inclusion in the "R" ERG, the Commission found that the Auditor 1 title was a supervisory level title that required incumbents to supervise subordinate staff. Since that time, the Commission has consistently utilized that standard in its review of position classification appeals involving titles in the "R" ERG.¹ See e.g., *In the Matter of Dana Basile, et al.* (CSC, decided, November 5, 2015); *In the Matter of Art Eng* (CSC, decided November 18, 2015). Significantly, in *In the Matter of Michael Mariano et al.* (CSC, decided December 16, 2015), the Commission **reversed** a prior determination it had made in *In the Matter of Anthony Carl* (CSC, decided May 6, 2015) where it was erroneously determined that incumbents in the Emergency Response Specialist 2, an "R" title, were not necessarily required to perform all the duties of a supervisor and solely relying on the ERG was inappropriate in matters of position classification. In the instant petition for

¹ Further, Agency Services has recently undertaken review of job specifications for titles in the "R" ERG and is in the process of clarifying those job specifications to explicitly indicate that such titles require supervision of employees.

reconsideration, the job definition section of the job specification, the fact that the first two examples of work are listed as “plans, organizes, and assigns the work of the organizational unit and evaluates employee performance and conduct, enabling the effective recommendation of the hiring, firing, promoting, and disciplining of subordinates” and “provides guidance and instruction to professional and clerical employees and reviews their work performance,” and its inclusion in the “R” ERG, demonstrate that the Principal Planner, Emergency Management Fire title requires an incumbent to supervise subordinate staff.

As noted earlier, a job title’s salary range is not considered during a classification appeal since this type of review is limited to an evaluation of the duties of the specific position and how those duties compare to the job specification of record and job title reevaluations do not have any bearing on a determination if duties conform with the job specification of record. Therefore, there is no basis for the Commission to order a reevaluation of the Senior Planner, Emergency Management Fire title. *See N.J.A.C. 4A:3-4.3.*

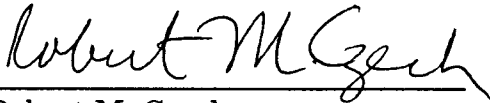
With respect to the assertion that it was arbitrary, capricious and retaliatory to conduct a classification review as a result of an investigation conducted by the U.S. Department of Labor, *N.J.A.C. 4A:3-3.5(b)* states that an appointing authority may request a classification review by the Chairperson of the Commission or designee in a manner and form as determined by the Chairperson or designee. In this case, Principal Planner, Emergency Management Fire is a “non-limited title” used to designate positions as exempt from the FLSA. Conversely, while the Senior Planner, Emergency Management Fire is also a “non-limited title,” that title is used to designate positions that are non-exempt from the provisions of the FLSA. Therefore, given that the U.S. Department of Labor determined that the appellants’ positions were misclassified as exempt from the overtime requirements of the FLSA, it would have been reasonable for the appointing authority to question their title classification. Moreover, *N.J.A.C. 4A:3-3.3(a)* provides that this agency is specifically authorized to administer the classification plan and *N.J.A.C. 4A:3-3.3(d)* specifically states that positions “shall be subject to job audit by the Chairperson or designee to ensure accurate classification” Accordingly, this agency may undertake such review at any time should there be a reason to do so, such as is the case in this matter. Thus, there is no evidence that the appointing authority or this agency conducted the classification reviews in retaliation for the appellants’ complaint to the Department of Labor about overtime.

ORDER

Therefore, it is ordered that these requests for reconsideration 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 10TH DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Craig Augustoni 2016-1975
Michael Gallagher 2016-1976
David Hughes 2016-1977
James McFadden 2016-1978
Bruce Tynan 2016-1979
Timothy Weiss 2016-1980
Ira Mintz, Esq.
Jodi Evangelista
Kelly Glenn
Records Center



STATE OF NEW JERSEY

In the Matter of Craig Augustoni, *et al.*, Principal Planner, Emergency Management Fire

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1404

Classification Appeals and Request for Stay

ISSUED: OCT 23 2015 (CSM)

Craig Augustoni, Michael Gallagher, David Hughes, James McFadden, Bruce Tynan, and Timothy Weiss, represented by Nicole M. Sharpe, Communications Workers of America, Local 1039 (CWA), appeal and request a stay of the attached decisions of the Division of Agency Services (Agency Services) that the proper classification of their positions with the Department of Community Affairs is Senior Planner, Emergency Management Fire. The appellants seek Principal Planner, Emergency Management Fire classifications.

The record in the present matter establishes that the appellants' permanent titles are Principal Planner, Emergency Management Fire. The appellants are assigned to the Office of Fire Department Preparedness and report to Richard Farletta, Supervising Planner, Emergency Management Fire. The appellants do not supervise any employees. The classification reviews in this matter were initiated as a result of an investigation conducted by the United States Department of Labor, in order to ensure the appropriate classifications of the appellants' positions. In support of the classification reviews, the appellants submitted Position Classification Questionnaires (PCQs) detailing the different duties they perform as Principal Planners, Emergency Management Fire. Agency Services reviewed and analyzed the PCQs completed by the appellants. In its decisions, Agency Services determined that the appellants' positions would be properly classified as Senior Planner, Emergency Management Fire, effective October 3, 2015.

On appeal, the appellants state that while it is true that they do not supervise other employees within their work unit, they in fact manage and

supervise organizations outside of their work unit, such as local fire departments. Further, they contend that they have numerous duties and responsibilities that go beyond those normally assigned at the Senior Planner, Emergency Management Fire level. For example, their current positions require direct supervision and management of the fire service and all emergency agencies in the State. Thus, reclassifying their positions would no longer allow them to properly accomplish the tasks that have been the long standing practice of the unit, such as meeting with agencies as part of executive planning teams and training committees and taking part in critical incident management. Additionally, the appellants note that they hold crucial positions on numerous teams and committees, such as the CBRNE Planning Committee, Area Maritime Security Committee, Emergency Service Sector Working Group, the Joint Terrorism Task Force with the Federal Bureau of Investigation, and the New Jersey Office of Homeland Security Investigative Unit. Thus, if a Principal Planner, Emergency Management Fire classification is not appropriate, the appellants maintain that the Senior Planner, Emergency Management Fire classification clearly does not reflect the duties and responsibilities of their positions and a new title should be developed.

In a supplemental submission, the appellants state that the head of their unit is a Supervising Planner, Emergency Management Fire, who currently reports to the Acting Director of Fire Safety. As the appellants report directly to the Supervising Planner, Emergency Management Fire, they note that there is no opportunity for any of them to supervise subordinates in the unit. Rather, their duties require that they be deployed regionally across the State and they autonomously perform their work. The appellants also state that they do not have any subordinates to supervise because it is more efficient and economical for them to perform the duties that could be performed by potential subordinates. Further, while there are similarities between the duties of the Senior and Principal level titles, the appellants note that there are several additional duties that they perform that can only be performed by incumbents in a Principal Planner, Emergency Management Fire classification. The appellants highlight duties listed in the job specification for Principal Planner, Emergency Management Fire that they perform which are not included in the job specification for Senior Planner, Emergency Management Fire which are major functions of their jobs. Thus, the appellants maintain that they would be unable to perform those duties if their positions were reclassified to Senior Planner, Emergency Management Fire.

With respect to their request for a stay, the appellants state that they have a clear likelihood of success on the merits of their appeal as the evidence they have presented overwhelmingly demonstrates that the Senior Planner, Emergency Management Fire classification is not appropriate based on the actual job duties and functions they perform. They also maintain that they would be immediately harmed in a number of ways, including a significant loss of wages, and there would be harm to the general public since a number of their functions cannot be performed

at the Senior Planner, Emergency Management Fire level. The appellants note that granting a stay would not substantially injure any other party and that there is a strong public interest to promote the safety and welfare of the public at large.

CONCLUSION

The definition section of the job specification for Principal Planner, Emergency Management Fire states:

Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the State and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work.

The definition section of the job specification for Senior Planner, Emergency Management Fire states:

Under direction, performs technical planning related to fire emergency management according to guidelines set forth by the State and federal government, for, and on behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; responds to operation difficulties around-the-clock; does related work as required.

Based on the information presented in the record, it is clear that the appellants' positions are properly classified as Senior Planner, Emergency Management Fire. As correctly noted in Agency Services' determinations, the Principal Planner, Emergency Management Fire and Senior Planner, Emergency Management Fire classifications encompass similar functions, but supervisory responsibility over subordinate staff is the key distinguishing factor between the two titles. None of the appellants supervise subordinate staff and it is irrelevant that their work unit does not consist of subordinate staff for them to supervise.

The appellants assert that they "manage and supervise" organizations outside of their unit, such as local fire departments and that their duties go beyond those consistent with a Senior Planner, Emergency Management Fire classification. However, neither the Principal nor Senior Planner, Emergency Management Fire classifications, or for that matter, any title utilized in State service, has the authority to supervise organizations of local governments, such as local fire departments. All supervisory titles in State service are limited to planning, organizing, and assigning work *of the organizational unit to which the position is located*. In this regard, it has been well established that supervisory duties include

responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Moreover, supervision or leading of staff from other bureaus is not considered supervisory or lead worker responsibility because there is no ultimate authority to enforce completion of assignments or to remedy staff's failure to meet work standards. *See In the Matter of Robert Barry* (CSC, decided May 7, 2014).

The appellants' argument that duties they perform go beyond those of a Senior Planner, Emergency Management Fire classification is misplaced. For example, they state that their work with city and state officials in New York and Pennsylvania to develop emergency preparedness for the Papal visit is an example of the work they do assisting in the development of an integrated emergency management system for the planned interaction of federal, state and local response organizations, an example of work only stated in the job specification for Principal Planner, Emergency Management Fire. However, this type of work falls squarely within the classification for Senior Planner, Emergency Management Fire as incumbents in that title may meet with federal, state, local, and private agencies to coordinate the planning of an integrated response and capability. Regardless, 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. Accordingly, the appellants' positions are properly classified as Senior Planner, Emergency Management Fire.

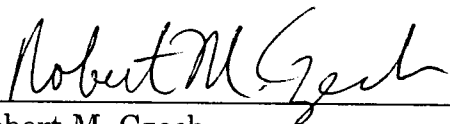
Since the Civil Service Commission (Commission) has determined that their positions are properly classified as Senior Planner, Emergency Management Fire, it is not necessary to address the appellants' request for a stay. Therefore, if it has not already done so, the Department of Community Affairs is directed to reclassify the appellants' positions as Senior Planner, Emergency Management Fire, effective October 3, 2015.

ORDER

Therefore, it is ordered that these appeals be denied.

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 21ST DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
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Attachments

- c: Craig Augustoni 2016-1404
- Michael Gallagher 2016-1405
- David Hughes 2016-1199
- James McFadden 2016-1406
- Bruce Tynan 2016-1407
- Timothy Weiss 2016-1408
- Nicole Sharpe
- Jodi Evangelista
- Kenneth Connolly
- Joseph Gambino



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
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Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

August 28, 2015

Jodi Evangelista, Director
Office of Human Resources
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

**Re: Classification Review
Craig Augustoni, Principal Planner Emergency Management Fire
Position # 097388, EID# 000009535, Log # 07150181**

Dear Ms. Evangelista:

This is to inform you, and the incumbent, of our determination concerning the classification review referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart and Performance Assessment Review (PAR).

Issue:

Craig Augustoni is serving permanently (RAO) in the title, Principal Planner Emergency Management Fire (16474J, R25, 25). This classification review has been initiated as a result of an investigation conducted by the U.S. Department of Labor, in order to ensure appropriate classification of the position.

Organization:

Mr. Augustoni is assigned to the Office of Fire Department Preparedness, Division of Fire Safety, Department of Community Affairs. He reports to Richard Farletta, Supervising Planner, Emergency Management Fire (16475I, S27, 27) and presently has no direct supervisory responsibility.

Findings of Fact:

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

- Function as Regional Fire Coordinator for Shore Region; facilitate regional meetings and provide logistical support for the County Fire Coordinators (CFC)
- Provide planning assistance to municipal, county and regional fire and emergency response services within assigned geographic region; attend emergency response planning meetings, training development meetings, and training exercises
- Assist CFCs to ensure that statutorily required County Fire Mutual Aid Plans are maintained, reviewed and updated as required
- Develop and maintain various databases
- Develop and/or deliver education and specialized training exercises
- Attend meetings with various agencies regarding emergency fire response and preparedness matters
- As required, respond to emergency incidents within assigned geographic region to assist with multi-agency coordination; may work with County Fire Coordinator and incident commander to meet the requirements of the incident with respect to fire service resources

Review and Analysis:

Currently, Mr. Augustoni's position is classified by the title, Principal Planner Emergency Management Fire (16474J, R25, 25). The definition section of the job specification for the title states:

"Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the state and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work."

An incumbent serving in a position classified by this title performs the more complex technical planning tasks related to fire emergency management; supervises subordinates, assigns the work of the unit, and reviews and evaluates employee performance. Further, this title is assigned to the "R" Employee Relations Group (ERG), which is defined as a primary or first level supervisory position. It has been the long-standing policy of the Civil Service Commission that titles assigned to a supervisory ERG, must supervise employees. It has been well established that the essential component of supervision is the responsibility for the administration of formal Performance Assessment Reviews (PAR) for subordinate staff.

The title Senior Planner Emergency Management Fire (16473J, 22, P22) was reviewed. The definition section of the job specification for the title states:

"Under direction, performs technical planning related to fire emergency management according to guidelines set forth by the state and federal"

government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; responds to operation difficulties around-the-clock; does related work as required."

An incumbent serving in a position classified by this title provides technical guidance for fire emergency response readiness; assesses established county and local fire department readiness and response plans; and meets with Federal, State, and local agencies to coordinate the planning of an integrated response and capability; and may be assigned to staff the State's Emergency Operations Center to coordinate the deployment of fire service resources.

While the titles Principal Planner Emergency Management Fire and Senior Planner Emergency Management Fire encompass similar functions, supervisory responsibility over subordinate staff is the key distinguishing factor between the two titles as noted above.

A review of Mr. Augustoni's duties and responsibilities indicates that he primarily provides technical planning guidance in regard to fire service emergency response readiness. Mr. Augustoni does not currently supervise employees; therefore, the title Principal Planner, Emergency Management Fire is an inappropriate title for the position.

Please also be advised, while use of functional titles is not considered a Civil Service Commission matter, those such as "Captain" and "Major" utilized at DCA suggest they are sworn officer titles (Captain/31865; Major/31866) and is likely to cause confusion. As such, it is strongly recommended that these functional titles, and other sworn titles, are not utilized by civilian employees of the Department of Community Affairs.

Determination:

Based on the findings of fact stated above, it is our determination that the current duties and responsibilities assigned to the position are commensurate with the title, Senior Planner Emergency Management Fire (16473J, 22, P22). This action shall be effective October 3, 2015.

New Jersey Administrative Code 4A:3-3.5(c)1 states, "Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

Jodi Evangelista
August 28, 2015

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Within 30 days of receipt of this letter, we will proceed with reclassifying the position to Senior Planner Emergency Management Fire, effective October 3, 2015, unless we are advised by the Appointing Authority that duties and responsibilities commensurate with the incumbent's current title will be assigned. If duties are reassigned commensurate with the current title, the Appointing Authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, the incumbent 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,



Kenneth J. Connolly
Director

KC/sr

C: Craig Augustoni
File
Nick Kanellis, Records Imaging Unit



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
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Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

August 28, 2015

Jodi Evangelista, Director
Office of Human Resources
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

**Re: Classification Review
Michael Gallagher, Principal Planner Emergency Management Fire
Position # 097393, EID# 000091244, Log # 07150180**

Dear Ms. Evangelista:

This is to inform you, and the incumbent, of our determination concerning the classification review referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart and Performance Assessment Review (PAR).

Issue:

Michael Gallagher is serving permanently (RAO) in the title, Principal Planner Emergency Management Fire (16474J, R25, 25). This classification review has been initiated as a result of an investigation conducted by the U.S. Department of Labor, in order to ensure appropriate classification of the position.

Organization:

Mr. Gallagher is assigned to the Office of Fire Department Preparedness, Division of Fire Safety, Department of Community Affairs. He reports to Richard Farletta, Supervising Planner, Emergency Management Fire (16475I, S27, 27) and presently has no direct supervisory responsibility.

Findings of Fact:

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

- Function as Regional Fire Coordinator for Delaware River Region; facilitate regional meetings and provide logistical support for the County Fire Coordinators (CFC)
- Provide planning assistance to municipal, county and regional fire and emergency response services within assigned geographic region; attend emergency response planning meetings, training development meetings, and training exercises
- Assist CFCs to ensure that statutorily required County Fire Mutual Aid Plans are maintained, reviewed and updated as required
- Maintain the Statewide Fire Resource Database in cooperation with CFCs
- Develop and/or deliver education and specialized training exercises
- Attend meetings with various agencies regarding emergency fire response and preparedness matters
- As required, respond to emergency incidents within assigned geographic region to assist with multi-agency coordination; may work with County Fire Coordinator and incident commander to meet the requirements of the incident with respect to fire service resources

Review and Analysis:

Currently, Mr. Gallagher's position is classified by the title, Principal Planner Emergency Management Fire (16474J, R25, 25). The definition section of the job specification for the title states:

"Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the state and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work."

An incumbent serving in a position classified by this title performs the more complex technical planning tasks related to fire emergency management; supervises subordinates, assigns the work of the unit, and reviews and evaluates employee performance. Further, this title is assigned to the "R" Employee Relations Group (ERG), which is defined as a primary or first level supervisory position. It has been the long-standing policy of the Civil Service Commission that titles assigned to a supervisory ERG, must supervise employees. It has been well established that the essential component of supervision is the responsibility for the administration of formal Performance Assessment Reviews (PAR) for subordinate staff.

The title Senior Planner Emergency Management Fire (16473J, 22, P22) was reviewed. The definition section of the job specification for the title states:

"Under direction, performs technical planning related to fire emergency

management according to guidelines set forth by the state and federal government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; responds to operation difficulties around-the-clock; does related work as required."

An incumbent serving in a position classified by this title provides technical guidance for fire emergency response readiness; assesses established county and local fire department readiness and response plans; and meets with Federal, State, and local agencies to coordinate the planning of an integrated response and capability; and may be assigned to staff the State's Emergency Operations Center to coordinate the deployment of fire service resources.

While the titles Principal Planner Emergency Management Fire and Senior Planner Emergency Management Fire encompass similar functions, supervisory responsibility over subordinate staff is the key distinguishing factor between the two titles as noted above.

A review of Mr. Gallagher's duties and responsibilities indicates that he primarily provides technical planning guidance in regard to fire service emergency response readiness. Mr. Gallagher does not currently supervise employees; therefore, the title Principal Planner, Emergency Management Fire is an inappropriate title for the position.

Please also be advised, while use of functional titles is not considered a Civil Service Commission matter, those such as "Captain" and "Major" utilized at DCA suggest they are sworn officer titles (Captain/31865; Major/31866) and is likely to cause confusion. As such, it is strongly recommended that these functional titles, and other sworn titles, are not utilized by civilian employees of the Department of Community Affairs.

Determination:

Based on the findings of fact stated above, it is our determination that the current duties and responsibilities assigned to the position are commensurate with the title, Senior Planner Emergency Management Fire (16473J, 22, P22). This action shall be effective October 3, 2015.

New Jersey Administrative Code 4A:3-3.5(c)1 states, "Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

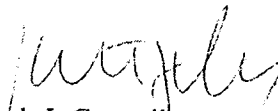
Jodi Evangelista
August 28, 2015

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Within 30 days of receipt of this letter, we will proceed with reclassifying the position to Senior Planner Emergency Management Fire, effective October 3, 2015, unless we are advised by the Appointing Authority that duties and responsibilities commensurate with the incumbent's current title will be assigned. If duties are reassigned commensurate with the current title, the Appointing Authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, the incumbent 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,



Kenneth J. Connolly
Director

KC/sr

C: Michael Gallagher
File
Nick Kanellis, Records Imaging Unit



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
Agency Services
P. O. Box 313
Trenton, New Jersey 08625-0313

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Governor
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Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

August 28, 2015

Jodi Evangelista, Director
Office of Human Resources
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

**Re: Classification Review
David Hughes, Principal Planner Emergency Management Fire
Position # 099454, EID# 000511740, Log # 07150176**

Dear Ms. Evangelista:

This is to inform you, and the incumbent, of our determination concerning the classification review referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart and Performance Assessment Review (PAR).

Issue:

David Hughes is serving permanently (RAO) in the title, Principal Planner Emergency Management Fire (16474J, R25, 25). This classification review has been initiated as a result of an investigation conducted by the U.S. Department of Labor, in order to ensure appropriate classification of the position.

Organization:

Mr. Hughes is assigned to the Office of Fire Department Preparedness, Division of Fire Safety, Department of Community Affairs. He reports to Richard Farletta, Supervising Planner, Emergency Management Fire (16475I, S27, 27) and presently has no direct supervisory responsibility.

Findings of Fact:

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

- Interact with multiple Federal and State agencies and preparedness units regarding issues which affect, or may affect, the safety and/or operation of the State's fire service
- Serve on various working groups and committees to address planning, training, and response for local, State and Federal entities
- Review, interpret, develop and disseminate information to assist the planning efforts of the fire service
- Periodically participate in security briefings
- As required, responds to emergency incidents to assist with multi-agency coordination

Review and Analysis:

Currently, Mr. Hughes' position is classified by the title, Principal Planner Emergency Management Fire (16474J, R25, 25). The definition section of the job specification for the title states:

"Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the state and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work."

An incumbent serving in a position classified by this title performs the more complex technical planning tasks related to fire emergency management; supervises subordinates, assigns the work of the unit, and reviews and evaluates employee performance. Further, this title is assigned to the "R" Employee Relations Group (ERG), which is defined as a primary or first level supervisory position. It has been the long-standing policy of the Civil Service Commission that titles assigned to a supervisory ERG, must supervise employees. It has been well established that the essential component of supervision is the responsibility for the administration of formal Performance Assessment Reviews (PAR) for subordinate staff.

The title Senior Planner Emergency Management Fire (16473J, 22, P22) was reviewed. The definition section of the job specification for the title states:

"Under direction, performs technical planning related to fire emergency management according to guidelines set forth by the state and federal government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; responds to operation difficulties around-the-clock; does related work as required."

An incumbent serving in a position classified by this title provides technical guidance for fire emergency response readiness; assesses established county and local fire department readiness and response plans; and meets with Federal, State, and local agencies to coordinate the planning of an integrated response and capability; and may be assigned to staff the State's Emergency Operations Center to coordinate the deployment of fire service resources.

While the titles Principal Planner Emergency Management Fire and Senior Planner Emergency Management Fire encompass similar functions, supervisory responsibility over subordinate staff is the key distinguishing factor between the two titles as noted above.

A review of Mr. Hughes' duties and responsibilities indicates that he primarily provides technical planning guidance in regard to fire service emergency response readiness. Mr. Hughes does not currently supervise employees; therefore, the title Principal Planner, Emergency Management Fire is an inappropriate title for the position.

Please also be advised, while use of functional titles is not considered a Civil Service Commission matter, those such as "Captain" and "Major" utilized at DCA suggest they are sworn officer titles (Captain/31865; Major/31866) and is likely to cause confusion. As such, it is strongly recommended that these functional titles, and other sworn titles, are not utilized by civilian employees of the Department of Community Affairs.

Determination:

Based on the findings of fact stated above, it is our determination that the current duties and responsibilities assigned to the position are commensurate with the title, Senior Planner Emergency Management Fire (16473J, 22, P22). This action shall be effective October 3, 2015.

New Jersey Administrative Code 4A:3-3.5(c)1 states, "Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

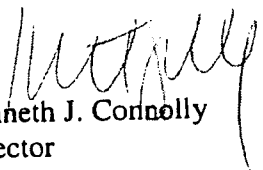
Within 30 days of receipt of this letter, we will proceed with reclassifying the position to Senior Planner Emergency Management Fire, effective October 3, 2015, unless we are advised by the Appointing Authority that duties and responsibilities commensurate with the incumbent's current title will be assigned. If duties are reassigned commensurate with the current title, the Appointing Authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

Jodi Evangelista
August 28, 2015

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Please be advised that in accordance with N.J.A.C. 4A:3-3.9, the incumbent 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,


Kenneth J. Connolly
Director

KC/sr

C: David Hughes
File
Nick Kanellis, Records Imaging Unit



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
Agency Services
P. O. Box 313
Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

August 28, 2015

Jodi Evangelista, Director
Office of Human Resources
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

**Re: Classification Review
James McFadden, Principal Planner Emergency Management Fire
Position # 099451, EID# 000011981, Log # 07150179**

Dear Ms. Evangelista:

This is to inform you, and the incumbent, of our determination concerning the classification review referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart and Performance Assessment Review (PAR).

Issue:

James McFadden is serving permanently (RAO) in the title, Principal Planner Emergency Management Fire (16474J, R25, 25). This classification review has been initiated as a result of an investigation conducted by the U.S. Department of Labor, in order to ensure appropriate classification of the position.

Organization:

Mr. McFadden is assigned to the Office of Fire Department Preparedness, Division of Fire Safety, Department of Community Affairs. He reports to Richard Farletta, Supervising Planner, Emergency Management Fire (16475I, S27, 27) and presently has no direct supervisory responsibility.

Findings of Fact:

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

- Provide planning assistance to municipal, county and regional fire and emergency response services; attend emergency response planning meetings, training development meetings, and develop training exercises to test the preparedness of county and state mutual aid plans
- Assigned as Division representative to the NJ Regional Operations and Intelligence Center; participates in briefs and monitors activities; disseminates information to field personnel as required
- Provide assistance to County Fire Coordinators (CFC); provide logistical support
- Maintain the Statewide Fire Resource Database
- Review, interpret, develop and disseminate information to assist the planning efforts of the fire service
- Function as the primary manager of the Division's Geographic Information System (GIS); providing maps, site plans and incident scene graphics as needed
- Attend meetings with various agencies regarding emergency fire response and preparedness matters
- Maintain the Division's mobile Logistic Support Vehicle (LSV) and its equipment; initiate and coordinate activation; ensure readiness
- As required, responds to emergency incidents to assist with multi-agency coordination

Review and Analysis:

Currently, Mr. McFadden's position is classified by the title, Principal Planner Emergency Management Fire (16474J, R25, 25). The definition section of the job specification for the title states:

"Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the state and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work."

An incumbent serving in a position classified by this title performs the more complex technical planning tasks related to fire emergency management; supervises subordinates, assigns the work of the unit, and reviews and evaluates employee performance. Further, this title is assigned to the "R" Employee Relations Group (ERG), which is defined as a primary or first level supervisory position. It has been the long-standing policy of the Civil Service Commission that titles assigned to a supervisory ERG, must supervise employees. It has been well established that the essential component of supervision is the responsibility for the administration of formal Performance Assessment Reviews (PAR) for subordinate staff.

The title Senior Planner Emergency Management Fire (16473J, 22, P22) was reviewed. The definition section of the job specification for the title states:

"Under direction, performs technical planning related to fire emergency management according to guidelines set forth by the state and federal government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; responds to operation difficulties around-the-clock; does related work as required."

An incumbent serving in a position classified by this title provides technical guidance for fire emergency response readiness; assesses established county and local fire department readiness and response plans; and meets with Federal, State, and local agencies to coordinate the planning of an integrated response and capability; and may be assigned to staff the State's Emergency Operations Center to coordinate the deployment of fire service resources.

While the titles Principal Planner Emergency Management Fire and Senior Planner Emergency Management Fire encompass similar functions, supervisory responsibility over subordinate staff is the key distinguishing factor between the two titles as noted above.

A review of Mr. McFadden's duties and responsibilities indicates that he primarily provides technical planning guidance in regard to fire service emergency response readiness. Mr. McFadden does not currently supervise employees; therefore, the title Principal Planner, Emergency Management Fire is an inappropriate title for the position.

Please also be advised, while use of functional titles is not considered a Civil Service Commission matter, those such as "Captain" and "Major" utilized at DCA suggest they are sworn officer titles (Captain/31865; Major/31866) and is likely to cause confusion. As such, it is strongly recommended that these functional titles, and other sworn titles, are not utilized by civilian employees of the Department of Community Affairs.

Determination:

Based on the findings of fact stated above, it is our determination that the current duties and responsibilities assigned to the position are commensurate with the title, Senior Planner Emergency Management Fire (16473J, 22, P22). This action shall be effective October 3, 2015.

New Jersey Administrative Code 4A:3-3.5(c)1 states, "Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and

Jodi Evangelista
August 28, 2015

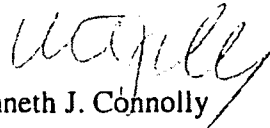
Page 4

responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

Within 30 days of receipt of this letter, we will proceed with reclassifying the position to Senior Planner Emergency Management Fire, effective October 3, 2015, unless we are advised by the Appointing Authority that duties and responsibilities commensurate with the incumbent's current title will be assigned. If duties are reassigned commensurate with the current title, the Appointing Authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, the incumbent 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,



Kenneth J. Connolly
Director

KC/sr

C: James McFadden
File
Nick Kanellis, Records Imaging Unit



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
Agency Services
P. O. Box 313
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Robert M. Czech
Chair/Chief Executive Officer

August 28, 2015

Jodi Evangelista, Director
Office of Human Resources
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

**Re: Classification Review
Bruce Tynan, Principal Planner Emergency Management Fire
Position # 097391, EID# 000491279, Log # 07150178**

Dear Ms. Evangelista:

This is to inform you, and the incumbent, of our determination concerning the classification review referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart and Performance Assessment Review (PAR).

Issue:

Bruce Tynan is serving permanently (RAO) in the title, Principal Planner Emergency Management Fire (16474J, R25, 25). This classification review has been initiated as a result of an investigation conducted by the U.S. Department of Labor, in order to ensure appropriate classification of the position.

Organization:

Mr. Tynan is assigned to the Office of Fire Department Preparedness, Division of Fire Safety, Department of Community Affairs. He reports to Richard Farletta, Supervising Planner, Emergency Management Fire (16475I, S27, 27) and presently has no direct supervisory responsibility.

Findings of Fact:

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

- Function as Urban Area Security Initiative (UASI) Regional Coordinator; facilitate regional meetings and provide logistical support for the County Fire Coordinators (CFC)
- Provide planning assistance to municipal, county and regional fire and emergency response services within assigned geographic region; attend emergency response planning meetings, training development meetings, and training exercises
- Assist CFCs to ensure that statutorily required County Fire Mutual Aid Plans are maintained, reviewed and updated as required
- Maintain the Statewide Fire Resource Database in cooperation with CFCs
- Develop and/or deliver education and specialized training exercises
- Attend meetings with various agencies regarding emergency fire response and preparedness matters
- Reviews fire department policies and procedures and provides technical assistance to ensure such meets State and Federal requirements
- As required, respond to emergency incidents within assigned geographic region to assist with multi-agency coordination; may work with County Fire Coordinator and incident commander to meet the requirements of the incident with respect to fire service resources

Review and Analysis:

Currently, Mr. Tynan's position is classified by the title, Principal Planner Emergency Management Fire (16474J, R25, 25). The definition section of the job specification for the title states:

"Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the state and federal government on behalf of the State of New Jersey and its political subdivisions, and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work."

An incumbent serving in a position classified by this title performs the more complex technical planning tasks related to fire emergency management; supervises subordinates, assigns the work of the unit, and reviews and evaluates employee performance. Further, this title is assigned to the "R" Employee Relations Group (ERG), which is defined as a primary or first level supervisory position. It has been the long-standing policy of the Civil Service Commission that titles assigned to a supervisory ERG, must supervise employees. It has been well established that the essential component of supervision is the responsibility for the administration of formal Performance Assessment Reviews (PAR) for subordinate staff.

The title Senior Planner Emergency Management Fire (16473J, 22, P22) was reviewed. The definition section of the job specification for the title states:

“Under direction, performs technical planning related to fire emergency management according to guidelines set forth by the state and federal government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; responds to operation difficulties around-the-clock; does related work as required.”

An incumbent serving in a position classified by this title provides technical guidance for fire emergency response readiness; assesses established county and local fire department readiness and response plans; and meets with Federal, State, and local agencies to coordinate the planning of an integrated response and capability; and may be assigned to staff the State’s Emergency Operations Center to coordinate the deployment of fire service resources.

While the titles Principal Planner Emergency Management Fire and Senior Planner Emergency Management Fire encompass similar functions, supervisory responsibility over subordinate staff is the key distinguishing factor between the two titles as noted above.

A review of Mr. Tynan’s duties and responsibilities indicates that he primarily provides technical planning guidance in regard to fire service emergency response readiness. Mr. Tynan does not currently supervise employees; therefore, the title Principal Planner, Emergency Management Fire is an inappropriate title for the position.

Please also be advised, while use of functional titles is not considered a Civil Service Commission matter, those such as “Captain” and “Major” utilized at DCA suggest they are sworn officer titles (Captain/31865; Major/31866) and is likely to cause confusion. As such, it is strongly recommended that these functional titles, and other sworn titles, are not utilized by civilian employees of the Department of Community Affairs.

Determination:

Based on the findings of fact stated above, it is our determination that the current duties and responsibilities assigned to the position are commensurate with the title, Senior Planner Emergency Management Fire (16473J, 22, P22). This action shall be effective October 3, 2015.

New Jersey Administrative Code 4A:3-3.5(c)1 states, “Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee’s position; assign duties and responsibilities commensurate with the employee’s current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the

Jodi Evangelista
August 28, 2015

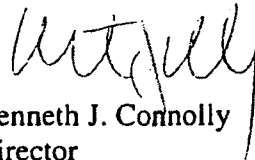
Page 4

classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

Within 30 days of receipt of this letter, we will proceed with reclassifying the position to Senior Planner Emergency Management Fire, effective October 3, 2015, unless we are advised by the Appointing Authority that duties and responsibilities commensurate with the incumbent's current title will be assigned. If duties are reassigned commensurate with the current title, the Appointing Authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, the incumbent 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,



Kenneth J. Connolly
Director

KC/sr

C: Bruce Tynan
File
Nick Kanellis, Records Imaging Unit



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
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P. O. Box 313
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Chair/Chief Executive Officer

August 28, 2015

Jodi Evangelista, Director
Office of Human Resources
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

Re: Classification Review
Timothy Weiss, Principal Planner Emergency Management Fire
Position # 099453, EID# 000079872, Log # 07150177

Dear Ms. Evangelista:

This is to inform you, and the incumbent, of our determination concerning the classification review referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart and Performance Assessment Review (PAR).

Issue:

Timothy Weiss is serving permanently (RAO) in the title, Principal Planner Emergency Management Fire (16474J, R25, 25). This classification review has been initiated as a result of an investigation conducted by the U.S. Department of Labor, in order to ensure appropriate classification of the position.

Organization:

Mr. Weiss is assigned to the Office of Fire Department Preparedness, Division of Fire Safety, Department of Community Affairs. He reports to Richard Farletta, Supervising Planner, Emergency Management Fire (16475I, S27, 27) and presently has no direct supervisory responsibility.

Findings of Fact:

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

- Function as Regional Fire Coordinator for Northwest Region; facilitate regional meetings and provide logistical support for the County Fire Coordinators (CFC)
- Provide planning assistance to municipal, county and regional fire and emergency response services within assigned geographic region; attend emergency response planning meetings, training development meetings, and training exercises
- Assist CFCs to ensure that statutorily required County Fire Mutual Aid Plans are maintained, reviewed and updated as required
- Maintain the Statewide Fire Resource Database in cooperation with CFCs
- Develop and/or deliver education and specialized training exercises
- Attend meetings with various agencies regarding emergency fire response and preparedness matters
- As required, respond to emergency incidents within assigned geographic region to assist with multi-agency coordination; may work with County Fire Coordinator and incident commander to meet the requirements of the incident with respect to fire service resources

Review and Analysis:

Currently, Mr. Weiss' position is classified by the title, Principal Planner Emergency Management Fire (16474J, R25, 25). The definition section of the job specification for the title states:

“Under direction, performs and supervises the more complex technical planning related to fire emergency management according to guidelines set forth by the state and federal government on behalf of the State of New Jersey and its political subdivisions; and emergency operational assignments, responds to operation difficulties around-the-clock; does other related work.”

An incumbent serving in a position classified by this title performs the more complex technical planning tasks related to fire emergency management; supervises subordinates, assigns the work of the unit, and reviews and evaluates employee performance. Further, this title is assigned to the “R” Employee Relations Group (ERG), which is defined as a primary or first level supervisory position. It has been the long-standing policy of the Civil Service Commission that titles assigned to a supervisory ERG, must supervise employees. It has been well established that the essential component of supervision is the responsibility for the administration of formal Performance Assessment Reviews (PAR) for subordinate staff.

The title Senior Planner Emergency Management Fire (16473J, 22, P22) was reviewed. The definition section of the job specification for the title states:

“Under direction, performs technical planning related to fire emergency management according to guidelines set forth by the state and federal

government, for, and in behalf of, the State of New Jersey and its political subdivisions, and emergency operational assignments; responds to operation difficulties around-the-clock; does related work as required."

An incumbent serving in a position classified by this title provides technical guidance for fire emergency response readiness; assesses established county and local fire department readiness and response plans; and meets with Federal, State, and local agencies to coordinate the planning of an integrated response and capability; and may be assigned to staff the State's Emergency Operations Center to coordinate the deployment of fire service resources.

While the titles Principal Planner Emergency Management Fire and Senior Planner Emergency Management Fire encompass similar functions, supervisory responsibility over subordinate staff is the key distinguishing factor between the two titles as noted above.

A review of Mr. Weiss' duties and responsibilities indicates that he primarily provides technical planning guidance in regard to fire service emergency response readiness. Mr. Weiss does not currently supervise employees; therefore, the title Principal Planner, Emergency Management Fire is an inappropriate title for the position.

Please also be advised, while use of functional titles is not considered a Civil Service Commission matter, those such as "Captain" and "Major" utilized at DCA suggest they are sworn officer titles (Captain/31865; Major/31866) and is likely to cause confusion. As such, it is strongly recommended that these functional titles, and other sworn titles, are not utilized by civilian employees of the Department of Community Affairs.

Determination:

Based on the findings of fact stated above, it is our determination that the current duties and responsibilities assigned to the position are commensurate with the title, Senior Planner Emergency Management Fire (16473J, 22, P22). This action shall be effective October 3, 2015.

New Jersey Administrative Code 4A:3-3.5(c)1 states, "Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

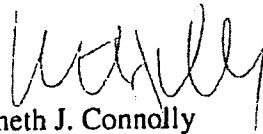
Jodi Evangelista
August 28, 2015

Page 4

Within 30 days of receipt of this letter, we will proceed with reclassifying the position to Senior Planner Emergency Management Fire, effective October 3, 2015, unless we are advised by the Appointing Authority that duties and responsibilities commensurate with the incumbent's current title will be assigned. If duties are reassigned commensurate with the current title, the Appointing Authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, the incumbent 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,



Kenneth J. Connolly
Director

KC/sr

C: Timothy Weiss
File
Nick Kanellis, Records Imaging Unit

