



STATE OF NEW JERSEY

In the Matter of Ronald Johnson,  
City of Plainfield

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-1409

Classification Appeal

ISSUED: **FEB 10 2017** (SLK)

Ronald Johnson appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the City of Plainfield is Assistant Zoning Officer. The appellant seeks a Zoning Officer classification.

By way of background, at the time he requested reclassification review, the appellant's title was Assistant Zoning Officer. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of a Zoning Officer. The request was received by Agency Services on June 24, 2016. The appellant's position is located in the Department of Public Works and Urban Development, Division of Inspections, and he is supervised by Audrey Counts, Chief Code Enforcement Officer. On August 4, 2016, the appellant was informed that Phillip Izzo, Zoning Officer, would have the responsibility of signing off on all of the appellant's zoning matters. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performed as an Assistant Zoning Officer. Agency Services reviewed all documentation supplied by the appellant including his PCQ, an organization chart, and other information provided. On August 15, 2016, Agency Services conducted a position audit with the appellant and Mr. Izzo. In its September 15, 2016 decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Assistant Zoning Officer. However, at the time Agency Services received the appellant's PCQ, the appellant had the responsibility of signing off on all zoning matters. Therefore, it determined that the appointing authority should enter a

Temporary Appointment from June 24, 2016 to August 4, 2016 to reflect the time that Mr. Johnson served as a Zoning Officer.

On appeal, the appellant asserts that in January 2015 the appointing authority passed a resolution appointing him as Zoning Officer and he has been performing those duties since that time. However, he states that he was advised by the personnel office that since he only had two years of experience at that time, he would have to wait until he had three years of experience before he could be permanently appointed as a Zoning Officer. He indicates that Mr. Izzo was hired as Director of Inspections<sup>1</sup> in February 2015 and also appointed as Zoning Officer at the time. He claims that he was advised that the title of Zoning Officer would be transferred to him once he had three years of experience. The appellant complains that Mr. Izzo was appointed as Zoning Officer without sitting for a Civil Service exam and that others, such as himself, may have been more qualified. He indicates that Mr. Izzo did not sign off on his work prior to August 4, 2016. The appellant represents that Mr. Izzo does not provide him any direction as Ms. Counts is his supervisor. He states that employees and the public have repeatedly been told that he is the Zoning Officer and the appointing authority's website indicates that he is the Zoning Officer. The appellant emphasizes that he also signs off on his work. He claims that he does all of the duties of a Zoning Officer and that Mr. Izzo does not perform any Zoning Officer duties such as going to court, writing summonses, and conducting zoning inspections. Further, he contends that Mr. Izzo only performs duties related to his other title, Assistant Director, Public Works, and only signs the appellant's work under this title and not Zoning Officer. The appellant argues that since he is performing all of the duties of a Zoning Officer and Mr. Izzo is not, the mere fact that Mr. Izzo is to sign off on all zoning matters does not mean that he is acting as the Zoning Officer.

## CONCLUSION

The definition section of the job specification for Assistant Zoning Officer states:

Under direction of a Zoning Officer, examines the working plans of proposed buildings for their compliance with state, county, and local zoning laws, ordinances, rules, and regulations; does related work as required.

The definition section of the job specification for Zoning Officer states:

---

<sup>1</sup> Personnel records indicate that Mr. Izzo was provisionally appointed as Director of Inspections on November 24, 2014. Thereafter, he was separated from this position on March 1, 2016 and provisionally appointed as both Assistant Director, Public Works and Zoning Officer on March 2, 2016.

Under direction, examines the working plans of proposed buildings for compliance with state, county, and local zoning laws, ordinances, rules, and regulations and conducts field work to ensure compliance with zoning regulations; does related work as required.

In the instant matter, it is clear that the appellant's position was properly classified as Assistant Zoning Officer. A review of the job specification for Assistant Zoning Officer indicates that incumbents in this position work under the direction of the Zoning Officer. Mr. Izzo was provisionally appointed by the appointing authority as its Zoning Officer. Further, as of August 4, 2016, Mr. Izzo instructed the appellant that he is to sign off on all of the appellant's zoning matters. As such, the appellant is working under the Zoning Officer. While the appellant complains that he is performing all the duties of the Zoning Officer, the record clearly indicates that he works under the direction of the Zoning Officer. Further, it is undisputed that Mr. Izzo signs off on all zoning matters.

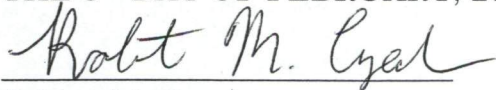
The appellant additionally argues that it is unfair that the appointing authority appointed Mr. Izzo as Zoning Officer without him sitting for a Civil Service examination when others, such as himself, may be more qualified. It is noted that Mr. Izzo was provisionally appointed as Zoning Officer subject to open competitive examination procedures. An appointing authority may provisionally appoint someone without Civil Service approval to fill an immediate need. A provisional appointment will then trigger the need for a competitive examination so that the appointing authority can make a permanent appointment for that title. An announcement for Zoning Officer (M0767U), Plainfield has been issued and both the appellant and Mr. Izzo have applied.

### 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 8<sup>th</sup> DAY OF FEBRUARY, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

- c: Ronald Johnson
- Rick Smiley
- Kelly Glenn
- Records Center



[ COPY ]

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

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

Robert M. Czech  
Chair/Chief Executive Officer

September 15, 2016

Mr. Rick Smiley  
Municipal Administrator  
Office of the City Administrator  
515 Watchung Avenue  
Plainfield, NJ 07060-1798

**Subject:** Classification Determination – Ronald Johnson (000724892); City of Plainfield; Department of Public Works and Urban Development; Division of Inspections; CSC Log #06160291

Dear Mr. Smiley:

This letter is in response to a request for a classification review of duties submitted by Mr. Ronald Johnson. The original request was dated June 20, 2016 and received by the New Jersey Civil Service Commission (NJCSC) on June 24, 2016. The appeal questions whether the employee's permanent title of Assistant Zoning Officer (00822@) is the most appropriate title in consideration of the employee's current duties and responsibilities. The appeal suggests the title of Zoning Officer (04338) or other similar title may be more appropriate.

The NJCSC has completed a thorough review of the permanent position of Mr. Johnson in the title of Assistant Zoning Officer. This review involved a detailed analysis of the Position Classification Questionnaire; the table of organization; and the results of the position audit with the incumbent and Mr. Phillip Izzo. The position audit was conducted on August 15, 2016.

**Organization:**

According to the documents provided, Mr. Ronald Johnson is currently working in the City of Plainfield, Department of Public Works and Urban Development. Mr. Johnson reports to Ms. Audrey Counts, Chief Code Enforcement Officer. The duties and responsibilities of the position does not require the supervision of other employees.

**Findings of Fact:**

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

- Conducts zoning reviews on new development applications and conducts zoning inspections
- Examines violations and summons and meets with the public regarding issues with zoning compliance
- Revamps ordinances, administrative policies, and letters for banks
- Creates and maintains development maps and urban design diagrams

**Review and Analysis:**

The requested title of the incumbent employee is that of Zoning Officer (00020). The definition section of the job classification specification for the title of Zoning Officer states:

Under direction, examines the working plans of proposed buildings for their compliance with state, county, and local zoning laws, ordinances, rules, and regulations and conducts field work to ensure compliance of zoning regulations; does related work as required.

An employee serving in this title works independently and has the final decision on all zoning matters on behalf of the City. On August 4, 2015, the incumbent employee received specific instructions from the employee the town has identified as the Zoning Officer (Mr. Phillip Izzo) that any decision from the incumbent employee is to be signed off by the Mr. Izzo. Thus, since the incumbent employee no longer has the responsibility to sign off on zoning matters, the current duties of the incumbent are not commensurate with the title of Zoning Officer.

The incumbent employee's current title is that of Assistant Zoning Officer (00822@). The definition section of the job classification specification for the title of Assistant Zoning Officer states:

Under direction of a Zoning Officer, examines the working plans of proposed buildings for their compliance with state, county, and local zoning laws, ordinances, rules, and regulations; does related work as required.

An employee serving in this title is responsible for ensuring building plans and proposals abide by all zoning laws and regulations under the direction of the Zoning Officer. Due to the fact the incumbent employee's decisions requires the review and approval of the Zoning Officer, the current duties of the incumbent employee are commensurate with the title of Assistant Zoning Officer.

**Determination:**

The review revealed the current duties and responsibilities assigned to Mr. Ronald Johnson are commensurate with the enclosed job specification for the title of Assistant Zoning Officer (00822@). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note, the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, the appropriate classification of Mr. Ronald Johnson's position is the title of Assistant Zoning Officer (00822@). Since the incumbent employee is currently serving with an appointment in the title of Assistant Zoning Officer, the employee's position is appropriately classified.

However, at the time the NJCSC received the Position Classification Questionnaire, the responsibility of signing off on all zoning matters belonged to Mr. Ronald Johnson. Effective

August 4, 2016, Mr. Phillip Izzo held the responsibility. For that period of time, June 24, 2016 to August 4, 2016, the Appointing Authority should enter a Temporary Appointment (TA) reflecting Mr. Johnson's time served as the Zoning Officer for the City of Plainfield.

The New Jersey Administrative Code (N.J.A.C.) 4A:3-3.5(c)1 states, "within 30 days of receipt of the reclassification determination, unless extended by the Civil Service Commission 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 the applicable rules."

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), either the affected employee or the Appointing Authority may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark B. Van Bruggen  
Supervising HR Consultant

MVB/AR

Encl.

C: Mr. Ronald Johnson, City of Plainfield  
Local Government Records Unit, NJCSC  
File

Mr. Rick Smiley  
September 15, 2016

Page 4

Mr. Ronald Johnson  
City of Plainfield  
Department of Public Works and Urban Development  
Division of Inspections  
PO Box 1401  
Plainfield, New Jersey 07060