



STATE OF NEW JERSEY

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

In the Matter of Shannon Boucher,
Department of Law and Public Safety

CSC Docket No. 2021-407

Classification Appeal

ISSUED: DECEMBER 21, 2020 (RE)

Shannon Boucher appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position is State Investigator 4, Law and Public Safety. The appellant seeks a State Investigator 3, Law and Public Safety classification.

The record establishes that the appellant was appointed on March 26, 2011 as a State Investigator 4, Law and Public Safety, an unclassified title, and is assigned to work in the Division of Gaming Enforcement, Regulatory Enforcement Bureau. The position is supervised by an Administrator of Investigations, Law and Public Safety. She has no supervisory responsibility. The appellant seeks a reclassification of her position to State Investigator 3, Law and Public Safety. Agency Services performed an analysis of all information submitted, including a Position Classification Questionnaire (PCQ), organization chart, and the appellant's Performance Assessment Review (PAR).

As a result of that review, the appellant's position was found to be properly classified as State Investigator 4, Law and Public Safety. In arriving at its conclusion, Agency Services indicated that the requested title has responsibility of taking the lead over an investigative unit or team. The Examples of Work section of the job specification include such duties as overseeing and commenting on the performance of subordinates, conducting assigned investigations with subordinates, and training subordinates.

On appeal, the appellant argues that she investigates incidents of noncompliance, prepares reports, investigates and resolves complaints, conducts interviews, and recommends approval, without assistance and she does not assist anyone else in the unit with these functions. She argues that the definition in this job specification for the requested title does not include responsibility for taking the lead over an investigative unit or team. She argues that her position performs investigative functions independently.

CONCLUSION

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

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

Under direction of a State Investigator 1 or 2 or other superior officer in the Divisions of Gaming Enforcement or Criminal Justice or New Jersey Racing Commission, Department of Law and Public Safety, assists in performing specific field and office work relative to financial, compliance, and enforcement functions, applicants for gaming licensure, or criminal or civil violations of other state statutes; may be authorized to exercise all powers and rights of police officers, constables, and special deputy sheriffs in criminal matters, and may be empowered to act as officer for the detection, apprehension, arrest, and conviction of offenders against the law; does other related duties as required.

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

Under direction of a State Investigator 1 or 2 or other superior officer in the Divisions of Gaming Enforcement or Criminal Justice or New Jersey Racing Commission, Department of Law and Public Safety, performs varied investigative functions involved with financial, compliance, and enforcement activities concerning licensure or criminal and civil violations of other state statutes; may be authorized to exercise all powers and rights of police officers, constables, and special deputy sheriffs in criminal matters, and may be empowered to act as officer for the detection, apprehension, arrest, and conviction of offenders against the law; does other related duties as required.

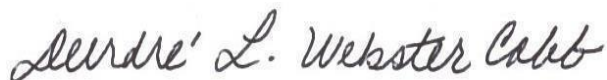
In the instant matter, Agency Services determined that the appellant's position was appropriately classified as State Investigator 4, Law and Public Safety on the basis that the position is not responsible for lead worker duties. The fact that some of an employee's assigned duties may compare favorably 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. The State Investigator 3, Law and Public Safety is not a lead worker title, which is the next level up, the State Investigator 2, Law and Public Safety. The appellant works under limited supervision, which is described as proceeding on his or her own initiative where the supervisor generally answers questions only on the more important phases of the work. The position primarily performs varied investigative functions, rather than assisting others with those duties. While the appellant does not perform lead worker duties, these are not required of a State Investigator 3, Law and Public Safety. Accordingly, the position is appropriately classified as a State Investigator 3, Law and Public Safety. Additionally, Agency Services should reevaluate the job specification for State Investigator 3, Law and Public Safety to determine if the Examples of Work are clear and unambiguous for the level of the title.

ORDER

Therefore, it is ordered that this appeal be granted and the classification of the position encumbered by Shannon Boucher is State Investigator 3, Law and Public Safety, effective December 7, 2019.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16TH DAY OF DECEMBER 2020



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Shannon Boucher
Valerie Stutesman
Division of Agency Services
Records Center