



**STATE OF NEW JERSEY**

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

In the Matter of Oscar Mejia,  
Department of Law and Public Safety

CSC Docket No. 2021-121

Classification Appeal

**ISSUED: SEPTEMBER 7, 2020 (RE)**

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Oscar Mejia appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position is Investigator 2, Law and Public Safety. The appellant seeks an Investigator 3, Law and Public Safety classification.

The record establishes that the appellant was permanent in the title of Investigator 1, Law and Public Safety and is assigned to work in the Office of Consumer Protection/Enforcement, Division of Consumer Affairs. The position is supervised by a Chief Investigator, Law and Public Safety, and has no supervisory responsibility. The appellant seeks a reclassification of his position to 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 Investigator 2, Law and Public Safety. In arriving at its conclusion, Agency Services indicated that the duties of the position have more responsibility than required of an Investigator 2, Law and Public Safety, and require independent judgement. However, as the duties of the position do not require responsibility for independent investigation of the most complex cases assigned to the unit, Agency Services found that the requested title did not properly classify the position. Agency Services found that the position, under limited supervision, independently conducts investigations of alleged violations, noncompliance, negligence and misconduct.

On appeal, the appellant argues that he has 14 years of experience and a work ethic, and his supervisor recommends the requested title for the position and indicates that he works under general supervision. He states that he plays an active role in training investigators, has initiated task force investigations, has worked undercover, provides translation services, and has received exceptional ratings on his performance assessment reviews (PARs).

## 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 Investigator 2, Law and Public Safety states:

Under limited supervision of a Supervising Investigator or under the guidance of an Investigator 4 or other supervisory official in the Department of Law and Public Safety, performs regulatory audits and inspections of licensed premises; reviews records, files, financial statements, and other transactions to determine compliance with rules or regulations governing consumer protection laws; conducts, under guidance of a team leader, civil and regulatory investigative activities or specialized investigations to detect alleged noncompliance with or violations of New Jersey state statutes, administrative codes, or Professional Rules of Conduct or consumer protection laws; performs other related duties required.

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

Under general supervision of a Supervising Investigator or other supervisory official in the Department of Law and Public Safety, conducts in-depth regulatory and administrative audits and inspections of licensed premises; reviews records, files, financial statements, and other transactions to determine compliance with rules or regulations governing consumer protection laws; conducts complex investigations, performs other confidential and sensitive civil and regulatory investigative activities or specialized investigations to detect alleged noncompliance with or violations of New Jersey State statutes, administrative codes, Professional Rules of Conduct, or consumer protection laws; performs other related duties required.

In the instant matter, Agency Services determined that the appellant's position was appropriately classified as an Investigator 2, Law and Public Safety, and the appellant does not dispute the duties listed in that determination. The classification of a position is determined based on the duties and responsibilities assigned to a position at the time the request for reclassification is received as verified by audit or other formal study. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan.<sup>1</sup> How well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Further, an appellant's bilingual ability is not a factor in determining the level of a position in the title series. Also, in *In the Matter of Titus Osuagwu* (CSC, Decided December 3, 2008), the Commission found that a recommendation by appellant's management that he be promoted did not establish that the position he encumbers would be properly classified in the higher-level title.

One of the primary determinants in the appellant's classification review was that he was not assigned investigations of the most complex cases assigned to the unit. The appellant's PAR indicates that he works under close supervision of a team leader or supervisor. Close supervision is work performed according to detailed instruction and supervision is available in short-term notice. The Investigator 3, Law and Public Safety expected to perform the non-routine, important or problematic work on a consistent basis with considerable latitude to apply judgment. Also, this incumbent should be working under general supervision, described as working independently where the supervisor is seldom consulted except for clarification of policy. The Investigator 2, Law and Public Safety works under limited supervision, which is described as proceeding on his own initiative where the supervisor generally answers questions only on the more important phases of the work.

The appellant provided many duties on his PCQ which were agreed to by the appellant's immediate supervisor. On his PCQ, the appellant indicated that for 70% of the time he conducts complex investigations, which included collecting evidence, reviewing documents, drafting legal documents, maintaining confidentiality, and conducting background checks. For 30% of the time, he maintains databases, inspects businesses for "accuracy of application" and secured filing cabinets, makes recommendations to supervisors regarding filing charges, liaisons with others, participates in team activities, and provides feedback for legislative improvements. However, merely stating that his investigations are

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<sup>1</sup> See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd* on reconsideration (MSB, decided November 22, 2005).

complex is insufficient to establish that they are. There is no evidence in the file indicating that work on cases involving health clubs and Notary Publics committing fraud are the complex cases. On the PCQ, the Chief of Staff clarified that the appellant is not responsible for conducting complex investigations. The majority of the appellant's duties fall within the purview of work expected of an Investigator 2, Law and Public Safety.

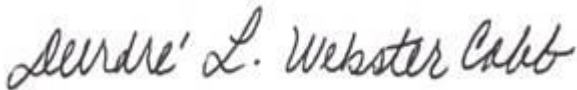
Accordingly, the appellant has failed to establish that Agency Services' determination that his position was properly classified as an Investigator 2, Law and Public Safety was incorrect.

### ORDER

Therefore, the Civil Service Commission concludes that the proper classification of the appellant's position is Investigator 2, Law and Public Safety.

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 2<sup>ND</sup> DAY OF SEPTEMBER 2020




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