

B-21



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Paul Tarlowe,
Department of Environmental
Protection

CSC Docket No. 2015-2506

Classification Appeal

ISSUED: SEP - 3 2015 (CSM)

Paul Tarlowe appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Environmental Protection is Senior Biologist, Education. The appellant seeks a Principal Biologist, Education or Principal Public Information Assistant classification.

The record in the present matter establishes that the appellant's permanent title is Senior Biologist, Education. He is assigned to the Office of Wildlife Education and Information and reports to Paulette Nelson, Assistant Division Director of Fish, Game, and Wildlife Administration. The appellant does not supervise any employees. The appellant requested a classification review of his position asserting that the title Principal Biologist, Education more accurately classifies his position. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performs as a Senior Biologist, Education. Agency Services reviewed and analyzed the PCQ completed by the appellant. In its decision, Agency Services determined that the appellant's position was properly classified as Senior Biologist, Education.

On appeal, the appellant maintains that the Principal Biologist, Education title properly classifies his position but also requests an evaluation of the Principal Public Information Assistant title to determine if that would appropriately classify his position. In this regard, the appellant contends that both the definition and the examples of work in the Principal Public Information Assistant title more precisely describe his duties than that of the Biologist, Education title series. Further, he highlights the fact that his performance assessment review (PAR) indicates that he

takes the lead in identifying topics and information needed to be posted on the division's website and if his duties are compared to other positions with similar responsibilities, it is clear that a higher classification is warranted. In this regard, he maintains that the lead person in the Division of Parks and Forestry's website and two Facebook pages serves in the title of Standards and Procedures Technician 3, which is in the primary level supervisory employee relations group (ERG) at pay range 27. The appellant also states that the Principal Public Information Assistant title does not require the incumbent to supervise subordinate staff. Therefore, the fact that he does not supervise staff would not be an impediment to his position being classified by that title. In a supplemental submission, the appellant highlights several examples of work from the job specification for Principal Public Information Assistant and reiterates that based on the level of responsibility associated with the duties he performs, his position should be reclassified.

CONCLUSION

The definition section of the job specification for Senior Biologist, Education states:

Under the general supervision of a Principal Biologist, Education, or other supervisory officer in Department of Environmental Protection, performs work relating to the development and presentation of educational and training programs dealing with the biology and management of the State's fish and wildlife resources; does other related work.

The definition section of the job specification for Principal Biologist, Education states:

Under the direction of a Supervising Biologist, Education or other supervisory officer in the Division of Fish, Game and Wildlife, Department of Environmental Protection, plans, organizes, coordinates, performs and/or supervises work relating to the development and implementation of various educational and training programs dealing with the biological aspects and management of the State's fish and wildlife resources and the users thereof: does related work as required.

The definition section of the job specification for Principal Public Information Assistant states:

Under direction of a supervisory official in a State department, institution, or agency, assists in the formulation, development, and operation of the public relations and information program of the department and its various units; does related work as required.

Based on the information presented in the record, it is clear that the appellant's position is properly classified as Senior Biologist, Education. As correctly noted in Agency Services' determination, an incumbent in the Principal Biologist, Education classification performs and/or coordinates the development of interpretive, training, and education materials for the public and wildlife resource users and is responsible for supervising the work of organizations and individuals who conduct contracted studies. The appellant's position serves as the main contributor to the division's website for education and interpretive articles. Although the appellant may review the work of lower level staff, his position does not supervise employees because he is not responsible for the completion of employee performance evaluations. Thus, the appellant may perform the work of a lead worker. In this regard, it is well established that a leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014). Since the job specification for Senior Biologist, Education indicates that incumbents assist in supervising non-professional staff and volunteers assigned to programs, it is a lead worker title. Therefore, Principal Biologist, Education would not appropriately classify the appellant's position.

The appellant's argument that the Principal Public Information Assistant is not a supervisory title is misplaced. In this regard, incumbents in this title plan, organize and assign the work of the organizational unit and evaluate employee performance and conduct, enabling the effective recommendation of the hiring, firing, promoting, and disciplining of subordinates. Moreover, positions classified in the Public Information Assistant title series are to be utilized for overall department-wide public relations and information programs, *not* specific educational and training programs of one particular division or unit. Additionally, 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

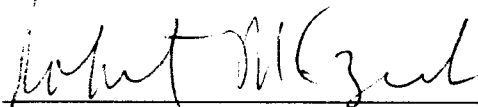
classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Accordingly, the appellant's position is properly classified as Senior Biologist, Education.

ORDER

Therefore, it is ordered that this appeal 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 2nd DAY OF SEPTEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Attachment

c: Paul Tarlowe
Robin Liebeskind
Kenneth Connolly



Received 2/13/15

CHRIS CHRISTIE
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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

February 9, 2015

Mr. Paul Tarlowe

Re: Classification Appeal
Senior Biologist, Education
Position #050959
CPM #10140186
Employee ID [REDACTED]

Dear Mr. Tarlowe:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above. Our review involved a detailed analysis of the Position Classification Questionnaire you completed, which was reviewed and signed by Paulette Nelson, Assistant Division Director of Fish, Game, and Wildlife Administration (M34).

Issue:

You are appealing the current classification of your position, (050959) Senior Biologist, Education (01753P, P22). You contend that the title Principal Biologist, Education (01754N, R25) more accurately classifies the current duties and responsibilities assigned to your position.

Organization:

The position is located in Office of Wildlife Education & Information, Division of Fish and Wildlife, Department of Environmental Protection. You are supervised by Paulette Nelson, Assistant Division Director of Fish, Game, and Wildlife Administration (M34) and you have no direct supervisory responsibility. Your unit is responsible for interpreting technical information about fish and wildlife. This information is used to develop and conduct the Division of Fish and Wildlife's information and education programs designed for various members of the public interested in and affected by the State's fish and wildlife populations.

Finding of Fact:

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

- Plans, coordinates, and organizes the presentation of information dealing with the biology and management of the State's fish and wildlife resources and the users thereof.
- Performs the development of interpretive materials for the public and wildlife resource users.
- Acts as a liaison to DEP Communications staff and OIRM to maintain website design and content approval and the development of new applications.
- Identifies fish and wildlife information that is important to the public, regulated community, organized groups, and other governmental entities and updates webpages and listserv messages with associated information.
- Responds to emails received by the Office of Wildlife Education & Information related to fish and wildlife regulations and information.
- Assists license agents and customers using the Integrated Electronic Licensing System.

Review and Analysis:

The duties and responsibilities of the position were compared to those described within the class specification for Senior Biologist, Education and Principal Biologist, Education.

The definition section of the specification for the title, Senior Biologist, Education (P22, 01753P), states:

“Under the general supervision of a Principal Biologist, Education, or other supervisory officer in Department of Environmental Protection, performs work relating to the development and presentation of educational and training programs dealing with the biology and management of the State's fish and wildlife resources; does other related work as needed.”

A Senior Biologist, Education develops training and educational materials for public programs, and wildlife resource users based upon the latest technical and general environmental, training, and educational information available. Incumbents in this

position may maintain contact with fish and wildlife resource users, other agencies influencing the fish and wildlife resource, environmental groups, and educational institutions. A Senior Biologist, Education may review the work of lower level and non-professional staff.

The definition section of the specification for the title, Principal Biologist, Education (R25, 01754N), states:

“Under the direction of a Supervising Biologist (Education) or other supervisory officer in the Division of Fish, Game, and Wildlife, Department of Environmental Protection, plans, organizes, coordinates, performs and/or supervises work relating to the development and implementation of various educational and training programs dealing with the biological aspects and management of the State’s fish and wildlife resources and the users thereof: does related work as required.”

A Principal Biologist, Education performs and/or coordinates the development of interpretive, training, and educational materials for the public and wildlife resource users. Incumbents in this title perform and/or supervise the development and implementation of fish and wildlife education programs. Incumbents in this title perform or supervise the issuance, scheduling, distribution, utilization, and maintenance of assigned supplies and equipment. A Principal Biologist, Education supervises the work of organizations and individuals who conduct contracted studies. In addition, the title Principal Biologist, Education is assigned to the “R” bargaining unit. Titles assigned to the “R” bargaining unit are considered first-level supervisors with the responsibility for completing performance evaluations of subordinate staff, and for effectively recommending the hiring, firing, promoting, demoting, and/or disciplining of employees.

Your position serves as the main contributor to the Division of Fish and Wildlife’s website for educational and interpretive articles. In this capacity, you identify information important to the public and review and evaluate existing educational and interpretive articles. Your position compiles these articles to be published on the website and ensures that all published articles are written in a manner that can be easily understood by the public which includes editing articles as necessary. Your position uploads articles to the online server and checks them for functionality before publishing them online. Your position drafts messages for dissemination to one or more of eight listservs and manages the contacts of these listservs. Your position receives and responds to email inquiries sent to the Division of Fish and Wildlife and when necessary fields calls to the appropriate authority. Your position serves as a liaison and point of contact for various federal, state, and municipal units.

While your position may review work of lower level staff, your position does not supervise employees which includes the completion of employee performance

Name: Paul Tarlowe
Date: February 9, 2015

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evaluations. Therefore, Principal Biologist, Education is an inappropriate classification for the functions of this position. A Senior Biologist, Education may function as a lead worker which includes assigning and reviewing work of other employees, and providing information to supervisory staff on the progress of other employees.

Your duties fall within the scope of a Senior Biologist, Education.

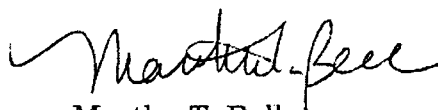
Determination:

By copy of this letter, the Appointing Authority is advised that your position is properly classified as Senior Biologist, Education (P22, 01753P).

The class specification for Senior Biologist, Education title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. The appeal should be addressed to the Written Records 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,



Martha T. Bell
Human Resource Consultant 5
Agency Services

MTB/rdd
C: Robin Liebiskind
Veronica Kirkham
CPM #10140186