

B-52



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Marcus Roorda,
Department of Environmental
Protection

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Classification Appeal

CSC Docket Nos. 2015-419

ISSUED: **OCT 03 2014** (SLK)

Marcus Roorda appeals the attached decision of the Division of Classification and Personnel Management (CPM) that the proper classification of his position with the Department of Environmental Protection (DEP) is Environmental Engineer 2. The appellant seeks a classification of Environmental Engineer 3.

The record in the present matter establishes that Mr. Roorda's permanent title is Environmental Engineer 2. He is assigned to Natural and Historic Resources, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control (Dam Safety), and reports to Darin Shaffer, Environmental Engineer 4. The appellant does not have direct supervisory responsibility. The appellant sought a reclassification of his position, alleging that his duties are more closely aligned with the duties of an Environmental Engineer 3. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performs as an Environmental Engineer 2. CPM reviewed and analyzed the PCQ completed by the appellant. CPM conducted a desk audit of Mr. Roorda's job duties on June 10, 2014. In its decision, CPM determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Environmental Engineer 2.

On appeal, Mr. Roorda presents that 12 employees work in Dam Safety, excluding the Bureau Chief and Administrator. The appellant highlights that Dam Safety is responsible for the oversight of approximately 2,000 dams. Mr. Roorda asserts that due to the specialized nature and sheer volume of work, every employee in Dam Safety, including himself, must take the lead on dozens of projects. The appellant maintains that to make it a requirement that he must function as a

supervisor or a lead worker for assigning work to other permanent staff within Dam Safety means that either Dam Safety would have to be restructured so as to make it possible for him to meet the interpreted definition of Environmental Engineer 3 or that he would have to be reassigned within DEP to a unit with more employees so that he could supervise others. However, he argues that if he were reassigned, Dam Safety would be even more understaffed than it already is, increasing the burden on Dam Safety and the residents of the State. He notes that Dam Safety has only hired one new employee within the past eight years while losing seven employees in this time.

CONCLUSION

The definition section of the job specification Environmental Engineer 2 states:

Under limited supervision of a supervisory official in a State department, institution, or agency, performs professional engineering work including but not limited to water management, air pollution control/management, noise pollution control/management, coastal resource management, hazardous/non-hazardous waste control/management; reviews engineering plans, makes determinations and/or recommendations on plans; field visits, inspections, investigations/surveys; gathers data, researches and analyzes information as it relates to environmental control work; and/or the enforcement of environmental laws and/or regulations; works with environmental impact statements; does related work as required.

The definition section of the job specification for Environmental Engineer 3 states:

Under the general supervision of a supervisory official in a State department, institution, or agency, takes the lead or may supervise the performance of engineering work including but not limited to water management, air pollution control/management, noise pollution control/management, coastal resource management, hazardous/non-hazardous waste control/management; reviews engineering plans, makes determinations and/or recommendations on plans; field visits, inspections, investigations/surveys; gathers data, researches and analyzes information as it relates to environmental control work; and/or the enforcement of environmental laws and/or regulations; works with environmental impact statements; does related work as required.

The Commission agrees with CPM's determination that the appellant's position is properly classified as Environmental Engineer 2. In reviewing the Environmental Engineer 3 job specification definition, an Environmental Engineer 3 takes the lead or may supervise the performance of engineering work. Further, the Environmental Engineer 3 title is classified as an "R", or primary level supervisory title. As indicated on Mr. Roorda's PCQ, the appellant does not supervise any employees. Further, in reviewing the appellant's PCQ and CPM's findings, there is not any indication that the appellant is leading other workers. Therefore, since the appellant does not supervise or act as a lead worker, there is no evidence that the position is misclassified.

Additionally, in reviewing the Environmental Engineering 2 job specification definition, an Environmental Engineer 2 performs professional engineering work including water management, reviewing plans, making determinations or recommendations, performing inspections and investigations, gathering and analyzing data, and ensuring compliance. The appellant's primary duties are to review permit applications, evaluate existing dams, ensure compliance with dam regulations, provide technical guidance, perform safety inspections, review inspection reports and investigate safety complaints, provide support for the internship program, monitor new constructions and rehabilitation, conduct final inspections, and review emergency plans for dams. As such, the appellant's duties are consistent with an Environmental Engineer 2 classification.

With respect to Mr. Roorda's comments that he takes the leads on dozens of projects due to the specialized nature and sheet volume of the engineering work, supervising a project is not the same as supervising or leading staff. *See In the Matter of Gloria Burnett-Harrison, et al.* (MSB, decided February 22, 2006).

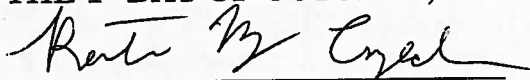
In reference to the appellant's argument that the requirement that he must serve as a supervisor or lead worker in order for his position to meet the Environmental Engineering 3 classification would mean that either Dam Safety would need to be restructured or that he would need to be reassigned within DEP, the Commission notes that the outcome of a position classification appeal is not to provide a career path to the incumbent, but rather to ensure the position is classified in the most appropriate title available within the State's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005).

ORDER

Therefore, the Civil Service Commission concludes that the position of Marcus Roorda is properly classified as an Environmental Engineer 2.

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 1st DAY OF OCTOBER, 2014



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Chairperson
Civil Service Commission

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and
Correspondence

Henry Maurer
Director
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Attachments

c: Marcus Roorda
Deni Gaskill
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CHRIS CHRISTIE
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STATE OF NEW JERSEY
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ROBERT M. CZECH
Chair/Chief Executive Officer

July 21, 2014

Mr. Marcus Roorda
New Jersey Department of Environmental Protection
Office of Engineering and Construction
Bureau of Dam Safety and Flood Control
501 East State Street
P.O. Box 420, Mail Code 501-01A
Trenton, New Jersey 08625

Re: Classification Appeal
Environmental Engineer 2
Position #653930
CPM #12130112
Employee ID #000506917

Dear Mr. Roorda:

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 Darin Shaffer, Environmental Engineer 4 and a desk audit that was conducted June 10, 2014.

Issue:

You requested that your position be audited to determine if you are performing out-of-title work for your title of Environmental Engineer 2. You have indicated that you believe that the duties you perform are more appropriate for the Environmental Engineer 3 title.

Organization:

The position is located in Natural and Historic Resources, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control, Department of

Environmental Protection. You are supervised by Darin Shaffer, Environmental Engineer 4 (S29) and you have no direct supervisory responsibility.

Finding of Fact:

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

- Performs technical evaluations of dam permit applications for the rehabilitation/modification and building of new dams.
- Performs evaluation of hydrologic, hydraulic, structural, geotechnical, and environmental parameters of existing dams.
- Ensures compliance with all applicable dam regulations (federal, state, and local).
- Provides technical guidance to dam owners and their consulting engineers regarding current best engineering practices for many aspects of dam design.
- Performs safety inspections to identify any conditions that may adversely affect the safety and functionality of a dam and its related structures.
- Reviews owner submitted inspection reports and investigates complaints about any unsafe conditions received from government officials or the public.
- Provides support for the internship program including assigning and reviewing work, and answering inquiries as needed.
- Monitors new/major reconstruction projects and rehabilitation of existing dams.
- Conducts a final inspection to ensure completed dam construction in compliance with the approved plans.
- Reviews submitted emergency action plans for completeness and assists dam owners in the development of the plan if needed.

Review and Analysis:

The duties and responsibilities of the position were compared to those described within the class specification for Environmental Engineer 2 and Environmental Engineer 3.

The definition section of the specification for the title, Environmental Engineer 2 (P22, 16303), states:

“Under limited supervision of a supervisory official in a state department, institution, or agency, performs professional engineering work including but not limited to water management, air pollution control/management, noise pollution control/management, coastal resource management, hazardous/non-hazardous waste control/management; reviews engineering plans, makes determinations and/or recommendations on plans; field visits, inspections, investigations/surveys; gathers data, researches and analyzes information as it relates to environmental control work; and/or the enforcement of environmental laws and/or regulations; works with Environmental Impact Statements; does related work as required.”

An Environmental Engineer 2 plans and conducts special investigations and surveys of proposed and completed projects. Incumbents in this position may provide technical guidance to others. An Environmental Engineer 2 develops, reviews, and issues permits applicable to the assigned element.

The definition section of the specification for the title, Environmental Engineer 3 (R25, 16304), states:

“Under general supervision of a supervisory official in a state department, institution, or agency, takes the lead or may supervises the performance of engineering work including but not limited to water management, air pollution control/management, noise pollution control/management, coastal resource management, hazardous/non-hazardous waste control/management; reviews engineering plans, makes determinations and/or recommendations on plans; field visits, inspections, investigations/surveys; gathers data, researches and analyzes information as it relates to environmental control work; and/or the enforcement of environmental laws and/or regulations; works with Environmental Impact Statements; does related work as required.”

An Environmental Engineer 3 is assigned to the "R" bargaining unit and considered the primary or first level of supervision and as such, must function as a supervisor or lead worker. A lead worker must oversee other permanent professional staff performing environmental engineering work which includes assigning and reviewing work. An Environmental Engineer 3 supervises or takes the lead over engineering and technical work and develops appropriate work methods and procedures.

Your position serves as a Dam Construction/Rehabilitation/Modification Permit writer. In this capacity, you evaluate applications for administrative completeness and recommend necessary revisions or approvals. If complete, you conduct a technical review of the application including hydrologic, hydraulic, structural, geotechnical, and environmental parameters as well as compliance with all applicable regulations. Your position reviews significant and minor modifications to approved permits. Your position provides technical guidance to dam owners and their consulting engineers. You perform safety inspections to identify any conditions that may adversely affect the safety and functionality of the dam and its apparent structures. Your position also assists in coordinating the internship program for the Bureau.

Your position does not supervise staff or function as a lead worker with responsibility for assigning and reviewing the work of professional staff on a regular basis. Therefore, Environmental Engineer 3 is an inappropriate classification for the functions of this position.

Your duties fall within the scope of an Environmental Engineer 2.

Determination:

By copy of this letter, the Appointing Authority is advised that your position is properly classified as Environmental Engineer 2 (P22, 16303).

The class specification for Environmental Engineer 2 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

Name: Marcus Roorda
Date: July 21, 2014

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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
Classification and Personnel Management

MTB/rdd
C: Robin Liebinskind
Joseph Siracusa
CPM #12130112

