



telecommunications devices for the deaf and/or other electronic devices to obtain and verify required data; relayed information or instructions to field units via radio or a mobile data terminal; determined the appropriate type of agency to respond to the specific emergency or call for assistance; coordinated the dispatching of units involving two or more jurisdictions; maintained and facilitated communication with responding units by receiving and relaying information including confidential information to authorized personnel; maintained a constant update on the status of emergency units in the field and of on-call personnel; made entries, inquiries, cancellations and modifications to records in various systems and databases; received and answered telephone, radio and video display inquiries of the National Crime Information Center and the State Crime Information Center for law enforcement agencies of the State; and maintained and updated various records and files. Based on the foregoing, CPM found that the appellant's assigned duties and responsibilities were commensurate with the title of Senior Public Safety Telecommunicator, effective September 13, 2013.<sup>1</sup>

On appeal, the appellant initially requests a hearing or a remand to CPM. With respect to the merits, the appellant states that he performs daily evaluations of certain employees, especially trainees, and periodic evaluations of new employees in their working test periods. Although the appellant notes that he does not have the final say regarding retention, he argues that the trainee evaluations are critical in determining whether they will be released at the conclusion of the training period. The appellant states that he provides the initial approval for leave requests for employees calling out while he is on duty; however, higher-ranking management provides the final approval for leave requests. In addition, the appellant states that he handles complaints and other problems as they arise. Although he does not issue disciplinary actions, he submits incident reports that may trigger discipline and makes recommendations "from time to time" as to whether disciplinary action is needed. The appellant further argues that he performs the following relevant duties: assigning Public Safety Telecommunicators to specific work positions daily; monitoring calls and dispatches to ensure that subordinates respond properly; recommending corrective training when necessary and providing such training as directed; ensuring that work schedules are filled by calling in employees as needed to maintain proper coverage; and forwarding administrative directives and ensuring that they are understood by the employees.

In response, the appointing authority contends that the appellant's position is properly classified as a Senior Public Safety Telecommunicator and presents several arguments. Initially, the appointing authority argues that the appellant assists his superiors and follows a reporting system established by his superiors

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<sup>1</sup> Agency records indicate the appellant was provisionally appointed, pending promotional examination procedures, to the title of Senior Public Safety Telecommunicator, effective September 13, 2013.

that communicates the appellant's observations of Public Safety Telecommunicator Trainees and Public Safety Telecommunicators. Any issues and concerns he raises are vetted and acted upon if the Supervising Public Safety Telecommunicator deems it appropriate and necessary. According to the appointing authority, the Supervising Public Safety Telecommunicators rely on multiple sources in assigning, directing, reviewing and evaluating subordinates, including their own observations and assessments, communications from Senior Public Safety Telecommunicators, other quality assurance practices, and feedback from the Public Safety Answering Point staff and community. The appointing authority next asserts that the appellant does not conduct annual evaluations. In this regard, it submits the 2013 annual "Employee Performance Evaluation" document for the employees the appellant claims to supervise and notes that the appellant did not conduct these evaluations. Additionally, the appointing authority submits disciplinary memoranda for the employees the appellant claims to supervise and notes that the appellant did not discipline these employees. The appointing authority also disputes the appellant's assertion that he evaluates trainees in their working test periods and submits the progress reports for trainees who served a working test period in the period from 2012 to the first half of 2014. The appointing authority notes that the appellant did not complete these progress reports. Furthermore, the appointing authority argues that the appellant overstates the training he provides. Specifically, the appointing authority states that the appellant is not a certified instructor qualified to provide the required classroom training classes. Rather, the appellant provides on-the-job training to assist trainees to become acclimated to day-to-day duties and assistance to lower-level Public Safety Telecommunicators in the performance of their duties. In addition, the appointing authority disputes the appellant's assertion that he assigns employees to specific work positions on a daily basis. The appointing authority asserts that the responsibility for determining schedules and work position assignments lies with the Supervising Public Safety Telecommunicators and that the appellant communicates the assignments that have been determined. Finally, the appointing authority asserts that while the appellant receives leave requests and forwards the requests to his supervisor, he does not authorize leave time.

In response, the appellant notes that he conducted annual performance evaluations prior to 2013 but that the responsibility for writing the annual evaluations was subsequently reassigned to Supervising Public Safety Telecommunicators. However, the appellant states that he has been preparing daily evaluations, shift reports and training reports for the past five years. Specifically, he performs Quality Assurance/Quality Improvement checks on individual employees by evaluating the daily performance of dispatchers using a "General Quality Assurance Evaluation Form." The appellant states that he also completes "Daily Observation Reports" analyzing the daily work performance and competencies of trainees and employees in their working test period and which are used by management to determine whether the employees will be retained.

Additionally, the appellant contends that he ensures that employees on his shift follow departmental rules and policies and may take informal corrective action or report disciplinary problems to a Supervising Public Safety Telecommunicator for further action. The appellant further argues that he only receives general instructions from a Supervising Public Safety Telecommunicator regarding daily assignments, and he then makes any needed adjustments, which may require the reassignment of work stations to maintain coverage. The appellant also assigns experienced employees to work with and provide on-the-job training for new employees. Furthermore, he submits "Daily Shift Reports" indicating the areas of responsibility that were assigned along with a summary of other matters arising in that shift. With respect to requests for vacation, administrative leave, and compensatory time off, the appellant checks the schedule to determine the adequacy of staffing levels and approves or disapproves the requests accordingly. Leave requests are then recorded and passed to a Supervising Public Safety Telecommunicator for final approval. However, the appellant argues that when employees call on short notice to request leave, there are usually no higher-level personnel available, and so he is effectively the only authorization for leave, and any action taken by higher-level personnel would be after the fact. The appellant also approves employee requests to switch shifts with other employees. In support, the appellant submits the following materials: examples of the "General Quality Assurance Evaluation Form," "Daily Observation Report" and "Daily Shift Report;" an example of a seating chart the appellant uses to assign work stations; an email from his supervisor indicating that Senior Public Safety Telecommunicators approve shift switches; an email directing Senior Public Safety Telecommunicators to ensure that staff are using proper terminology when communicating by radio; and documents outlining the job duties for the positions of Senior Public Safety Telecommunicator and Supervising Public Safety Telecommunicator respectively.

### CONCLUSION

The appellant requests a hearing in this matter. Classification appeals are treated as reviews of the written record. *See N.J.S.A. 11A:2-6b*. Hearings are granted in those limited instances where the Civil Service Commission (Commission) determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. *See N.J.A.C. 4A:2-1.1(d)*. No material issue of disputed fact has been presented which would require a hearing. *See Belleville v. Department of Civil Service*, 155 N.J. Super. 517 (App. Div. 1978).

The definition section of the job specification for Public Safety Telecommunicator states:

Under direction receives and responds to telephone or other electronic requests for emergency assistance, including law enforcement, fire,

medical, or other emergency services and/or dispatches appropriate units to response sites; does related work as required.

The definition section of the job specification for Senior Public Safety Telecommunicator states:

Under direction, takes the lead in receiving and responding to telephone or other electronic requests for emergency assistance including law enforcement, fire, medical, or other emergency services and/or dispatches appropriate units to response sites; does related work as required.

The definition section of the job specification for Supervising Public Safety Telecommunicator states:

Under direction, supervises and works with a group of employees engaged in receiving and responding to telephone or other electronic requests for emergency assistance including law enforcement, fire, medical, or other emergency services, and/or supervises employees involved in dispatching appropriate units to response sites; does related work as required.

Initially, it should be noted that the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Commission review and judicial challenges. *See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M62780), and Code Enforcement Officer (M00410), Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). See also, In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation, Docket No. A-277-90T1 (App. Div. January 22, 1992); and In the Matter of Theresa Cortina (Commissioner of Personnel, decided May 19, 1993).* Therefore, any duties the appellant may have previously performed, but was not performing at the time of the audit request, are irrelevant for determining the proper classification of the appellant's position.

In the instant matter, CPM found that that the appellant's position was properly classified as a Senior Public Safety Telecommunicator. A Senior Public Safety Telecommunicator functions as a lead worker. Although the appellant asserts that he performs supervisory duties, the record does not reflect that he does. The Commission and its predecessor, the Merit System Board, have consistently found that the essential component of supervision is the responsibility for the administration of formal performance evaluations for subordinate staff. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005). Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They also have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). However, providing on-the-job training, assisting lower-level employees in the performance of their duties, and monitoring employees and preparing reports without the responsibility for formal employee performance evaluations would be considered lead worker duties. Incumbents in the Senior Public Safety Telecommunicator title work as lead workers. It is emphasized that taking the lead is not considered a supervisory responsibility. In this regard, leadership roles refer to 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 lower level than themselves and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005). Lead worker duties are akin to that of a supervisor in many respects, absent the responsibility for formal performance evaluations that can lead to the effective hiring, firing, or demotion of a subordinate. *See In the Matter of Elizabeth Dowd, et al.* (MSB, decided February 9, 2005). In the present case, the appellant does not have the responsibility of supervising staff but instead acts as a lead worker by training, advising and assisting other Public Safety Telecommunicators. Although the appellant monitors employees and prepares reports of his observations, these reports are not equivalent to formal performance evaluations. Based on the appointing authority's submission, it is clear that it maintains a separate formal performance evaluation system. Moreover, the appellant acknowledges that the responsibility to conduct and write annual performance evaluations was reassigned to employees serving in the Supervising Public Safety Telecommunicator title.

Additionally, it is not uncommon for an employee to perform some duties which are above or below the level 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 a job specification is appropriately utilized. In addition, classification determinations are based on the primary functions assigned to the position, not temporary assignments or duties that are performed sporadically or infrequently. *See In the Matter of Harry Chen*, (CSC,



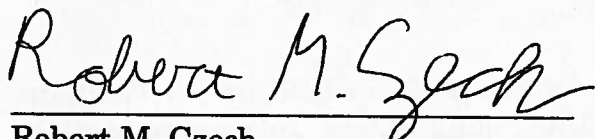
decided January 11, 2012). The appellant has not shown that the duties he currently performs are not properly performed by an incumbent in the Senior Public Safety Telecommunicator title. Accordingly, a review of the record fails to establish that the appellant has presented a sufficient basis to warrant a Supervising Public Safety Telecommunicator classification of his position.

### ORDER

Therefore, the position of William Barnett is properly classified as a Senior Public Safety Telecommunicator.

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 22<sup>ND</sup> DAY OF OCTOBER, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and  
Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, NJ 08625-0312

### Attachment

- c. William Barnett
- Richard Dann
- Chad Bruner
- Kenneth Connolly
- Joseph Gambino



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT  
P.O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

January 9, 2014

Chad M. Bruner,  
County Administrator  
Gloucester County  
PO Box 337  
Woodbury, NJ 08096

Dear Mr. Bruner:

This is in reference to a classification review of the position held by Mr. William Scott Barnett, currently permanent in the title, Public Safety Telecommunicator, effective October 21, 2001. This determination is based upon a thorough review and analysis of information and documentation received on September 13, 2013, as well as an onsite audit, conducted on November 13, 2013, with Mr. Barnett, his supervisor, Ms. Diane Morgan, Supervising Public Safety Telecommunicator and Mr. Joseph Thomas Butts, County Emergency Management Coordinator.

**ISSUE:**

Mr. William Scott Barnett requested the Civil Service Commission review his position, as he feels he is improperly classified. Mr. Barnett requests the title, Supervising Public Safety Telecommunicator.

**ORGANIZATION:**

Mr. Barnett is assigned to the Department of Emergency Response. He receives general supervision from his supervisor, Diane M. Morgan, Supervising Public Safety Telecommunicator. Mr. Barnett indicated on his DPF 44, Position Classification Questionnaire, that he supervises 13 employees. However, Ms. Morgan and Mr. Butts stated, during the onsite audit, that he does not supervise any employees, does not approve leaves, nor does he recommend or complete



disciplinary actions for any employees. Mr. Barnett stated that he does assign, direct, review, and evaluate the work of subordinate employees, however, Ms. Morgan and Mr. Butts disagree, instead, stating that these are the responsibilities of Ms. Morgan as a Supervising Public Safety Telecommunicator.

### **FINDINGS OF FACTS:**

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

- Provide on-the-job training for new employees.
- Provide the incoming shift and supervisor with a detailed report of the events of the day that have happened and the events that may affect their oncoming shift.
- Takes the lead in determining the nature of a call and may transfer calls to the appropriate Public Safety Dispatch Point (PSDP) to determine the nature of the call.
- Operate automatic number identification (ANI), automatic location information (ALI), telecommunication devices for the deaf (TTY/TDD), and/or other electronic devices to obtain and verify required data.
- Relay information or instructions to field units via radio or a mobile data terminal.
- Determine the appropriate type of agency(ies) to respond to the specific emergency or call for assistance.
- Coordinate the dispatching of units involving two or more jurisdictions.
- Maintain and facilitate communication with responding units by receiving and relaying information including confidential information to authorized personnel.
- Maintain a constant update on the status of emergency units in the field and of on-call personnel.
- Make entries, inquiries, cancellations, and modifications to records in various systems and databases such as the National Crime Information Center (NCIC), the State Crime Information Center (SCIC), the Stolen Vehicle File, the Stolen License Plate File, the Stolen-Missing Gun File, the Stolen Article

File, the Wanted Person File, the Stolen, Embezzled, Counterfeited or Missing Securities File, the Stolen Boat File, the hazardous material databases, and the hospital status files.

- Receive and answer telephone, radio, and video display inquiries of the NCIC and the SCIC for law enforcement agencies of the state.
- Maintain and update NCIC, SCIC, and other records and files.

### **REVIEW AND ANALYSIS:**

The duties that are currently being performed were reviewed to determine if the permanent title, Public Safety Telecommunicator, is appropriate.

The definition section of the job specification for the title, Public Safety Telecommunicator, states:

“Under direction receives and responds to telephone or other electronic requests for emergency assistance, including law enforcement, fire, medical, or other emergency services and/or dispatches appropriate units to response sites; does related work as required.”

An incumbent in this title would receive telephone calls or electronic requests for emergency assistance; and obtain, verify, and record the location of the emergency, the name of the caller, the nature and severity of the situation, the current status of the emergency, and obtain any other appropriate information needed to secure a full assessment of the situation.

The duties that are currently being performed were reviewed to determine if the requested title, Supervising Public Safety Telecommunicator, is appropriate.

The definition section of the job specification for the title, Supervising Public Safety Telecommunicator, states:

“Under direction, supervises and works with a group of employees engaged in receiving and responding to telephone or other electronic requests for emergency assistance including law enforcement, fire, medical, or other emergency services, and/or supervises employees involved in dispatching appropriate units to response sites; does related work as required.”

An incumbent appointed to this title would receive telephone calls or electronic requests for emergency assistance; and obtain, verify, and record the location of the emergency, the name of the caller, the nature and severity of the current situation,

the current status of the emergency, and obtain any other appropriate information needed to secure a full assessment of the circumstances. They would also supervise, assign, direct, and review work of subordinate employees; plan work schedules to ensure an even flow and distribution of work and expeditious handling of priority cases; ensure schedules and deadlines are met; and conduct training classes for Public Safety Telecommunicators of lower grades on work procedures and the use of equipment necessary to perform their duties.

The duties that are currently being performed were reviewed to determine if the title, Senior Public Safety Telecommunicator, is appropriate.

The definition section of the job specification for the title, Senior Public Safety Telecommunicator, states:

"Under direction, takes the lead in receiving and responding to telephone or other electronic requests for emergency assistance including law enforcement, fire, medical, or other emergency services and/or dispatches appropriate units to response sites; does related work as required."

An incumbent in this title would receive telephone calls or electronic requests for emergency assistance; obtain, verify, and record the location of the emergency, the name of the caller, the nature and severity of the situation, the current status of the emergency, and obtain any other appropriate information needed to secure a full assessment of the situation; locate or contact individuals needed to staff the response; seek guidance from supervisory personnel when circumstances warrant significant deviation from pre-established response plans; provide advice and assistance to Public Safety Telecommunicators and trainees in the performance of their duties; provide orientation and training to new personnel; assist the supervisor in planning operational procedures; and prepare required administrative reports as directed.

#### **DETERMINATION:**

It is my determination, based upon the review and analysis stated above, and the level of supervision received, that the appropriate classification of the position is consistent with the job specification for the title, Senior Public Safety Telecommunicator.

According to Title 4A:3-3.5 (1):

"Within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, the appointing authority shall either effect the required change in the

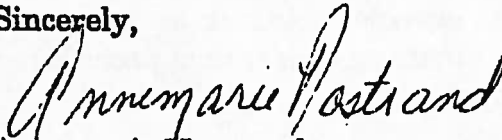
classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules."

Mr. Barnett is considered to be serving provisionally, in the title, Senior Public Safety Telecommunicator, pending promotional examination procedures. This action is effective, September 13, 2013.

This specification is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks as determined by an overall evaluation of their relationship to the general classification factors listed in the specification.


Pursuant to *N.J.A.C. 4A:3-3.9 et seq.*, either party may appeal this determination to the Chair/Chief Executive Officer, Civil Service Commission, within 20 days of receipt of this letter, by writing to the Director, Appeals and Regulatory Affairs, Written Records Appeals Hearings Unit, P.O. Box 312, Trenton, New Jersey 08625-0312. The appeal must include a copy of all materials initially submitted and a copy of this determination. Also, the appellant must state which segment(s) of the determination they are challenging and provide a basis for the arguments presented.

Sincerely,

  
Annemarie Nostrand,  
Team Leader

CC/TR

c: William Scott Barnett

Log # 

Records