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STATE OF NEW JERSEY

In the Matter of Director of Security
(M1044P), Jersey City

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2157

Request for Enforcement

ISSUED: AUG 15 2014 (CAG)

The Division of Classification and Personnel Management (CPM) requests that the Civil Service Commission (Commission) order Jersey City to return the May 15, 2013 certification (OL130665) of the eligible list for Director of Security (M1044P) for proper disposition.

The record reveals that Jersey City provisionally appointed Mark Timmins, pending open-competitive examination procedures, to the title of Director of Security effective March 27, 2012. As a result of the provisional appointment, an examination (M1044P) for the subject title was announced with a closing date of December 18, 2012, which resulted in a list of four eligibles that promulgated on May 9, 2013 and expires on May 8, 2016. Jersey City took no action to obviate the need for the examination at the time of the announcement or prior to the administration of the examination. On May 15, 2013, the names of all four eligibles were certified from the eligible list, including Mark Timmins, who appears as the first ranked veteran eligible. Jersey City did not return the certification and requested a waiver of the appointment requirement. Specifically, it maintained that there is a civilian employee of the Jersey City Police Department serving provisionally in the subject title and, as a result of his provisional status, a competitive examination was announced and Timmins, a veteran, placed number one on the eligible list and a certification was issued. After reviewing Mr. Timmins' duties, it determined that he does not perform any of the duties of the subject title. Specifically, Mr. Timmins supervises four clerks who process payments for off duty work performed by Jersey City Police Officers. It states that his duties are in the category of finance or accounting and requests a desk audit to properly place him in

the correct title. Jersey City states that it is not the intent to remove Mr. Timmins from his current title, but to secure the correct permanent title for him.

The job specification for Director of Security indicates that an individual in that title, under direction, plans, develops, organizes, directs, and supervises and is responsible for the security program and personnel for an agency or jurisdiction involving (1) the protection of public property such as schools, libraries, museums, hospitals, housing project, parks, garages, storage and other public buildings, facilities, and installations from fire, theft, vandalism, and illegal and unauthorized entry; and (2) the protection of persons gathered therein from harm; does other related duties as required.

CONCLUSION

N.J.S.A. 11A:3-1 and *N.J.A.C.* 4A:3-3.1(a) provide that each position in the career and unclassified services shall be assigned to a job title. *N.J.A.C.* 4A:3-3.3(d) provides that positions in the career, unclassified and senior executive service shall be subject to job audit to ensure accurate classification and compliance with Titles 11A and 4A. Moreover, *N.J.A.C.* 4A:3-3.4 provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds. In the instant matter, although Timmins' name appears as the first ranked veteran eligible, Jersey City asserts that Timmins is not properly classified by the subject title. Rather, it maintains that a more appropriate title would be in the category of finance or accounting. Since the Commission cannot determine on the existing record the title to which Timmins should be classified, it is appropriate that this matter be referred to the Division of Classification and Personnel Management for a classification review of Timmins' position.

ORDER

Therefore, it is ordered that the request for enforcement be held in abeyance pending the determination of the Division of Classification and Personnel Management regarding Timmins' position.

It is further ordered that the Division of Classification and Personnel Management complete its classification review of Timmins and issue its determination to Timmins, Jersey City and the Civil Service Commission within 60 days of the issuance of this decision.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 13TH DAY OF AUGUST 2014



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