

who do not do performance evaluations or discipline. In support of this appeal, the Supervisor of Pupil Registration and Transportation, and the Coordinator of Pupil Registration and Transportation, state that the employees under his direct supervision are in the same bargaining unit, and therefore he cannot evaluate or discipline these employees.

CONCLUSION

The definition section of the job specification for Senior Mechanic Diesel states:

Under direction, performs varied mechanical work involved in the maintenance and repair of motor vehicles and mechanized equipment containing diesel engines; works with various machines, testing equipment, and hand tools common to the trade; takes the lead over and gives assignments to mechanics of lower grade; does other related duties as required.

The definition section of the job specification for Supervising Mechanic Diesel states:

Under direction, supervises and works with employees involved in the maintenance and repair of various types of motor vehicles and mechanical equipment powered by diesel engines, working with various machine and hand tools; does related work as required.

Based upon a review of the information presented in the record, Mr. Hickman's position is properly classified as Senior Mechanic Diesel. His position is in charge of overseeing garage employees and performing the more complex service and repairs of diesel engines. He oversees Diesel Mechanics, Mechanics Helpers, a Supervising Inventory Control Clerk, and School Bus Drivers. Initially, it is noted that the Supervising Mechanic Diesel title is a supervisory title, and supervisory experience includes responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. 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 have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Moreover, the Civil Service Commission has determined that the *essential*

component of supervision is the responsibility for the administration of performance evaluations for subordinate staff. See *In the Matter of Timothy Teel* (MSB, decided November 16, 2001).

Clearly, Mr. Hickman's position is not supervisory as described above, since he has not indicated in his Position Classification Questionnaire (PCQ) or other information presented during the classification review, or on appeal, that he performs formal evaluations of employees. It must be emphasized that the appointing authority has the right to determine the organizational structure of its operation. As long as there are no improper reporting relationships or misclassifications, how the office is organized is not under the jurisdiction of the Civil Service Commission or reviewable in the context of a classification appeal. In addition, titles are assigned to bargaining units or ERGs based on an agreement between the appointing authority and the unions. However, *N.J.S.A. 11A:3-1* charges the Civil Service Commission with establishing, administering, amending and continuously reviewing a classification plan covering all positions in State service and similar plans for political subdivisions, and assigning and reassigning titles to appropriate positions.

The appellant indicated on the PCQ that he "supervised" various individuals, but does not perform evaluations. However, the large majority of the appellant's duties can be categorized as lead worker duties, which are permitted for a Senior Mechanic Diesel. A lead worker 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 and assigning 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. In *In the Matter of Elizabeth Dowd, et al.* (MSB, decided February 9, 2005), it was noted that lead worker duties are akin to those 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. Intermittently taking charge in the absence of the regular supervisor, instructing staff, training, and ensuring performance of assigned tasks, without the responsibility for employee performance evaluations would be considered duties of a lead worker. See *In the Matter of Diane Epps and Lisa Sallad* (MSB, decided May 15, 2002) and *In the Matter of Martha Grimm* (MSB, decided August 14, 2001).

However, such duties as, for example, reviewing work, should be assigned to supervisory staff. The appellant can lead and provide guidance to lower level staff but should not be performing duties and responsibilities which belong to the appellant's supervisor, who also supervises these staff. In this regard, if the appointing authority chooses to allow Mr. Hickman to continue with such duties, it

should provide him with performance evaluation responsibilities and appoint him as a provisional Supervising Mechanic Diesel. Otherwise, actual supervisory duties should be removed from the appellant and performed by his supervisor.

Regarding the appellant's claim that other employees are in supervisory titles but do not complete performance evaluations or discipline, it is noted that a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. *See In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, Decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, Decided March 28, 1996); *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, Decided February 20, 1997), *affirmed*, Docket No. A-5011-96t1 (App. Div. October 3, 1998). Even if this is true, the remedy would not be for the appellant's position to be upgraded, but rather, for the misclassified positions to be reclassified downward.

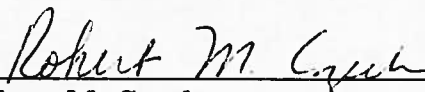
Accordingly, since the preponderance of the appellant's duties fall under the definition of Senior Mechanic Diesel, he is properly classified in that title. Therefore, a thorough review of the entire record fails to establish that Clifford Hickman has presented a sufficient basis to warrant a Supervising Mechanic Diesel classification of his position.

ORDER

Therefore, the position of Clifford Hickman is properly classified as a Senior Mechanic Diesel.

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
THE 1st DAY OF APRIL, 2015



Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
and
Correspondence**

**Henry Maurer
Director
Division of Appeals and Labor Relations
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312**

Enclosure

**c: Clifford Hickman
Joseph Rossi
Kenneth Connolly
Joseph Gambino**

File Copy



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
State and Local Operations
P. O. Box 313
Trenton, New Jersey 08625-0313

CHRIS CHRISTIE
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

August 12, 2014

Mr. Clifford Hickman
Vineland Board of Education
Registration-Transportation Department
625 Plum Street
Vineland, NJ 08360

Re: Classification Appeal – Senior Mechanic Diesel (04561), CPM Log# 10130351, EID # 000085385

Dear Mr. Hickman:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire and organizational chart submitted and the information and documentation provided by you and Joseph Callavini, Coordinator of School Transportation Services.

Issue:

You are serving permanently (RAT) in the title, Senior Mechanic Diesel, Vineland Board of Education. You contend you are performing duties and responsibilities commensurate with the title, Supervising Mechanic Diesel.

Organization:

Your position is assigned to the Registration-Transportation Department, Vineland Board of Education. You report directly to John Morris, Assistant Coordinator of School Transportation Services. You assign work to twelve staff members: James Bishop, Jr., Diesel Mechanic; Mark Cifelli, Diesel Mechanic; Mervin Jimenez, Diesel Mechanic; James Bishop III, Mechanic's Helper; James Hewitt, Supervising Inventory Control Clerk; School Bus Driver Rosa Izzary, School Bus Driver; Cheryl

Liberto, School Bus Driver; Robert Thomas, School Bus Driver; Alba Lopez, School Bus Driver; Neftali Lopez, School Bus Driver; Michele Russo, School Bus Driver and Carol Presgraves, School Bus Driver.

Findings of Fact:

The primary functions of your position are to oversee garage employees (Diesel Mechanics, Mechanic's Helpers, Supervising Inventory Control Clerk and School Bus Drivers) and to perform the more complex service and repairs of diesel engines.

You perform the following assigned duties and responsibilities:

- Approve time sheets and leave time for Diesel Mechanics and a Mechanic's Helper.
- Assign work duties to Diesel Mechanics, Supervising Inventory Control Clerk, Mechanic's Helper and School Bus Drivers.
- Schedule and approve garage overtime.
- Oversee and review work assigned to Diesel Mechanics, Mechanic's Helper and School Bus Drivers.
- Assist Assistant Coordinator of School Transportation Services by assigning work and completion of daily functions in the district School Bus Garage with a fleet of 193 vehicles.
- Responsible for the complete garage operation in the absence of the Assistant Coordinator of School Transportation Services.
- Complete the more difficult service and repairs of full size school buses and service trucks including in depth diagnostics of diesel engines, fuel systems, electrical systems, steering and heavy duty suspensions.
- Inspect vehicles prior to New Jersey State Inspection
- Conduct daily checks of repair records submitted by the Diesel Mechanics.
- Conduct daily checks on the status of parts on order and parts that need to be ordered.

- Dispatch personnel to break-downs and accidents, answer two-way emergency radio and assign spare busses to route drivers.

Review and Analysis:

Currently, your position is classified in the title, Senior Mechanic Diesel. The definition section of the job specification for the title states:

“Under direction, performs varied mechanical work involved in the maintenance and repair of motor vehicles and mechanized equipment containing diesel engines; works with various machines, testing equipment, and hand tools common to the trade; takes the lead over and gives assignments to mechanics of lower grade; does other related duties as required.”

Incumbents in this title function as a lead worker over lower grade mechanics and perform maintenance and repair of motor vehicles and mechanized equipment with diesel engines.

You contend your position should be classified in the title, Supervising Mechanic Diesel. The definition section of the class specification for this title states:

“Under direction, supervises and works with employees involved in the maintenance and repair of various types of motor vehicles and mechanical equipment powered by diesel engines, working with various machine and hand tools; does related work as required.”

Incumbents in this title function in a supervisory capacity over subordinate staff performing maintenance and repair of various types of motor vehicles and mechanical equipment with diesel engines as well as performing the more difficult service and repairs involving diesel engines. Incumbents in this title evaluate staff performance and discipline staff.

A defining factor in the classification of supervisory positions is the incumbent must have responsibility for disciplinary actions of subordinate staff and have the responsibility for evaluation of staff performance. The audit revealed you assign and review the work of Diesel Mechanics, Supervising Inventory Control Clerk, Mechanic's Helper and School Bus Drivers; approve time sheets and leave time, schedule and approve overtime for Diesel Mechanics and a Mechanic's Helper; and

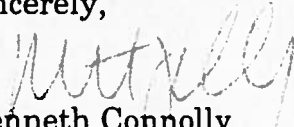
you complete the more complex service and repairs of full size buses and service trucks involving diesel engines. Although you approve timesheets and leave requests and schedule and approve overtime, you do not evaluate staff performance or discipline staff. The duties and responsibilities assigned to you compare most favorably with the title, Senior Mechanic Diesel (04561).

Determination:

It is our determination that the appropriate classification of your position is Senior Mechanic Diesel (04561). By copy of this letter the Appointing Authority is advised that your position is presently and properly classified as Senior Mechanic Diesel (04561) and is advised to remove the following duties you currently perform: approval of time sheets and leave requests and the scheduling and approval of staff overtime. The Appointing Authority is advised to remove these duties and submit a new Position Classification Questionnaire within thirty days of receipt of the determination letter.

If you wish to appeal this decision, you may do so within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments which you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Division of Appeals and Regulatory Affairs, Written Records Appeal Unit, 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,



Kenneth Connolly
Director, Classification and Personnel
Management

KC:kk

c. Joseph Rossi
File