

On appeal, the appellant states that while she originally requested the title of Resource Interpretive Specialist 4, she now believes the proper classification of her title is Resource Interpretive Specialist 3. In this regard, she argues that coworkers have received promotions to Resource Interpretive Specialist 3 and she lists some duties that they perform, include an excerpt from the job definition, examples of work from the job specification, and excerpts from Agency Services' determination on the duties of a lead worker. She argues that these individuals have not been required to be lead workers, and some guide only seasonal employees sporadically, as she does. The appellant argues that she provides guidance to seasonal employees "sporadically" for budgetary reasons and due to fiscal constraints. She states that, nevertheless, she has been a lead worker over several outstanding seasonal employees, who she identifies, and she states that the number of seasonal hires varies at field sites depending on budgets, needs and supervisory approval. She states that the quality of her work should be considered, and that Agency Services' determination was arbitrary. The appellant describes some of the major work projects and initiatives that she has performed over the years, and some of the conferences and workshops she has attended. She states that she performs professionally without supervisory oversight, and ranked first in the recent eligible list for the requested title.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Resource Interpretive Specialist 2, Historic Resources states:

Under the limited supervision of a Resource Interpretive Specialist 4 or other supervisory official in the Natural and Historic Resources Program, Department of Environmental Protection (DEP), coordinates the research and publicizing of information related to historic resource interpretation and scheduled events; monitors the use of a historic resource facility; researches, interprets, and presents information related to New Jersey history; does other related duties as required.

The definition section of the job specification for Resource Interpretive Specialist 3:

Under the general supervision of a Resource Interpretive Specialist 4 or other supervisory official in the Natural and Historic Resources

Programs, Department of Environmental Protection (DEP), researches and publicizes environmental, historic, and/or natural resource interpretation informational material; monitors the use of a natural or historic resource facility; makes recommendations regarding material, activities, and/or policies; functions as a lead worker handling the most complex work and providing guidance to lower-level staff; does other related duties as required.

In the instant matter, Agency Services found that the appellant's position was properly classified as an Resource Interpretive Specialist 2, Historic Resources on the basis that she is not performing the duties of a lead worker. 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 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). 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.

It is not apparent that the appellant's position involves leadership over other Resource Interpretive Specialists on a consistent, daily basis. Rather, the appellant's duties include oversight of volunteers and seasonal (summer/spring) hourly employees on a sporadic basis. On her PCQ, the appellant indicated that she spent 15% of her time both partnering with groups and the academic community and leading volunteer or seasonal staff. That indicates that the appellant was leading such staff less than 15% of the time. Even if she were to be leading such staff 15% of the time, this does not establish that this was a regular and recurring basis.

As to the quality of her work, how well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. *See In the Matter of Debra DiCello* (CSC, decided June 24, 2009). The Civil Service Commission has affirmed that the outcome of position classification is not to provide a career path to the incumbent, but rather to ensure the position was 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). Also, the appellant's rank on the current list has no bearing on the classification of the position.

Lastly, 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 Dennis Stover*, Docket No. A-5011-96T1 (App. Div. October 3, 1998), *affirming In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided February 20, 1997). *See also, In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995). In this respect, no proof has been provided that any identified individuals perform the same duties as the appellant. If others do perform identical duties and are misclassified, the classification of their positions does not support that the appellant's position should also be misclassified. Rather, misclassified positions should be reclassified to the appropriate title.

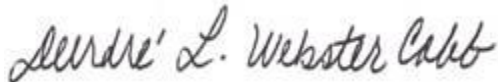
Accordingly, the record establishes that the proper classification of the appellant's title is Resource Interpretive Specialist 2, Historic Resources.

ORDER

Therefore, the position of Vicki Chirco is properly classified as an Resource Interpretive Specialist 2, Historic Resources.

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 16TH DAY OF FEBRUARY, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Vicki Chirco
Phiroza Stoneback
Division of Agency Services
Records Center