



**STATE OF NEW JERSEY**

In the Matter of Jason Flint,  
Department of Law and Public Safety

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2022-1517

Classification Appeal

**ISSUED: May 2, 2022 (JET)**

Jason Flint appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Law and Public Safety is Weights and Measures Inspector 1. The appellant seeks a Weights and Measures Inspector 2 classification. The appellant seeks a Weights and Measures Inspector 2 classification.

The record in the present matter establishes that at the time the appellant filed for a classification review, he was serving as a Weights and Measures Inspector 1. The appellant’s position is located in the Office of Weights and Measures, Division of Consumer Affairs, Department of Law and Public Safety, and he reports to John McGuire, Supervisor of Enforcement Weights and Measures, and he does not have any supervisory duties.

The appellant sought a reclassification contending that his position would be more appropriately classified as a Weights and Measures Inspector 2. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performed. Based on a review of all documentation supplied by the appellant, including the PCQ, an organizational chart, and recent employee evaluations, Agency Services concluded on December 10, 2021, that the appellant’s position was properly classified as Weights and Measures Inspector 1.

On appeal, the appellant asserts that he was initially hired in June 2015 as a Weights and Measures Inspector 3, and subsequently, in March 2020, this agency renumbered the job specifications for the Weights and Measures Inspector titles. As a result, the appellant was appointed a Weights and Measures Inspector 1, effective June 20, 2020.<sup>1</sup> The appellant states that the revised job specification for Weights and Measures Inspector 1 provide that incumbents in the title serve under the close supervision of a Weights and Measures Inspector 3 or other supervisory official, assist in performing office metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations, and does other duties. The appellant maintains that he routinely performs the duties as indicated in the job specification for Weights and Measures Inspector 2. The appellant contends that the revised job specification for Weights and Measures Inspector 2 replaced the word “assists” with the words “performing” and “performs.” Based on such information, the appellant explains that he submitted a classification request to this agency, as he was uncertain about the proper classification of his position.

Additionally, the appellant asserts that in July 2021, this agency again revised the job specifications for the Weights and Measures Inspector titles.<sup>2</sup> The appellant states that the definition section in the revised job specification for Weights and Measures Inspector 2 indicates that, “Under the general supervision of a Weights and Measures Inspector 3 or other supervisory official in the Department of Law and Public Safety, may function as a lead worker, providing guidance to staff of lower levels and taking the lead on work-related matters; performs and coordinates moderately complex office and metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations; and does other related duties.” The appellant maintains that he was assigned to perform lead worker duties at the time he was hired in 2015. The appellant adds that, in order to complete certain assignments, he reviewed inspector assignments, created a comprehensive user manual, and trained employees in various inspector titles with respect to device inspection, content inspection, and price verification. The appellant explains that his employee evaluations indicate that he is lead worker with respect to the WinWam system, and his duties include guiding inspectors in using the WinWam system, reviewing inspection reports, and making corrections.

The appellant also asserts that in 2015, he was assigned to a task force that investigated taxi meters in Newark, which were initially assigned to his supervisor and another supervisor, and they assigned leading the task force to him and another employee. The appellant states that, over a period of two years, the lead duties he performed with respect to the investigations included creating operation plans, assigning work to other inspectors, and reviewing inspections. The appellant adds

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<sup>1</sup> The appellant states that he was not notified that the renumbering of the titles had occurred until April 30, 2020.

<sup>2</sup> The appellant states that he was not notified of such changes to the job specifications until October 13, 2021.

that he was assigned to lead various other task force investigations, and he is routinely assigned to create policies for his unit with respect to using the WinWam system, daily activity reporting, summons writing and tracking, taxi inspections, property and evidence, dispenser inspections, petroleum sample analysis, inspection of drinking water vending machines, identifying credit card skimming devices, inspecting official seal and sticker information, and completing net content inspections. The appellant adds that he trained inspectors with respect to implementation of the policies, and he routinely performed audits to ensure that work was properly completed. The appellant adds that, since 2015, he has been the instructor for the Basic Weights and Measurement Course, where he developed a hybrid in-person/online adult learning environment as a result of the COVID-19 pandemic. Moreover, the appellant states that his employee evaluations since 2018 indicate that he takes a leadership role over other inspectors, and he was appointed as interim supervisor of the Enforcement Section in his supervisor's absence. Finally, the appellant requests a hearing in this matter.

### CONCLUSION

Initially, 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 in this matter which would require a hearing. *See Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978).

*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 in the job specification for Weights and Measures Inspector 1 provides that:

Under the limited supervision of a Weights and Measures Inspector 3 or other supervisory official in the Department of Law and Public Safety, performs routine office and metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations; does other related duties as required.

The definition section in the job specification for Weights and Measures Inspector 2 provides that:

Under the general supervision of a Weights and Measures Inspector 3 or other supervisory official in the Department of Law and Public Safety, may function as a lead worker, providing guidance to staff of lower levels and taking the lead on work-related matters; performs and coordinates moderately complex office and metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations, does related duties as required.

Initially, with respect to the appellant's contentions that the job specifications for the Weights and Measures Inspector titles were renumbered in June 2020, and were again amended in July 2021, such information does not change the outcome of the December 10, 2021, classification determination, or the outcome of the appeal in this matter.<sup>3</sup> The record reflects that the appellant submitted the instant request for a classification reevaluation to this agency on April 30, 2021. Although the appellant argues that the job specifications had changed during the pendency of the classification evaluation, Civil Service rules and law do not prevent this agency from modifying, amending or renumbering the job specifications at any time. As such, the classification evaluation was conducted based on the July 2021, job specifications for the Weights and Measures Inspector titles. In other words, although the June 2020 job specifications were in effect at time the appellant submitted the April 30, 2021 reclassification request, they were not in effect after July 2021, when the new job specifications were issued. Since the July 2021, job specifications were amended prior to the issuance of the December 10, 2021, classification determination, Agency Services properly relied on the July 2021, job specifications when issuing the underlying classification determination in this matter.

In the instant matter, Agency Services properly determined that the appropriate classification of the appellant's position is Weights and Measures Investigator 1. The December 10, 2021, classification determination indicated that appellant listed in the PCQ that the majority of his duties (70%) constituted conducting investigations relating to non-compliance with weights and measures laws, performing inspections to ensure accuracy of devices used for weighing, measuring and counting, and enforcing laws and regulations relating to weights and measures. Such duties are consistent with those performed by a Weights and Measures Inspector 1. Moreover, the appellant did not indicate in the PCQ that his duties included functioning as a lead worker, providing guidance to staff of lower levels and taking the lead on work-related matters or performing and coordinating moderately complex office and metrology laboratory work and field investigations involving the enforcement of weights and measures statutes and regulations. For

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<sup>3</sup> Although the appellant states he was not notified of the changes to the job specifications as indicated above, such information is irrelevant, as it is not this agency's responsibility to notify him of the changes to the job specifications. Regardless, such information does not establish the appellant's contentions that a higher classification is warranted in this matter.

purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Based on the information presented in the PCQ and the definition section of the job specification, the appellant did not establish that he is performing the duties of a Weights and Measures Inspector 2. Moreover, the appointing authority indicated that, although the appellant completes his work on an independent basis, it was not in support of the requested title, and he was appropriately classified as a Weights and Measures Inspector 1.

With respect to the appellant's contentions that he is performing lead worker duties, he has not established his contentions in this matter. The record indicates that the appellant submitted the classification review when the subject title series was renumbered in March 2020, and the revised job specification for Weights and Measures Inspector 1 at that time indicated that the incumbents in the title worked independently. The March 2020 job specification for Weights and Measures Inspector 2 indicated that incumbents perform lead worker duties. 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. 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. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014). Taking the lead is not considered a supervisory responsibility. An incumbent in a leadership role refers 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). The appellant did not indicate on the PCQ that he is performing lead worker duties. Indeed, the appellant's supervisor and the appointing authority indicated on the PCQ that the position is not assigned lead worker responsibility for the provision of guidance to staff of lower levels and taking the lead on work-related matters. Although the appellant may have trained employees and substituted for his supervisor on occasion, such information does not establish that he was performing lead worker duties, as he was not continuously assigning and reviewing their work. The training of employees, without the additional responsibility of assigning and reviewing the work of other employees on a regular and recurring basis, does not establish that the appellant was performing lead worker duties. *See In the Matter of Loretta Creggett* (CSC, decided August 1, 2018). Although the prior job specification for the Weights and Measures Inspector 2 title previously required incumbents to serve as lead workers, since the record does not reflect that the appellant was serving as a lead worker, and based on the information submitted by the appellant in the

instant matter, the changes in the job specification for the Weights and Measures Inspector 2 title was not applicable to his overall classification determination.

Regarding the appellant's contentions that his employee evaluations indicate that he was performing lead worker duties, such information does not establish his contentions. Employee evaluations are not determinative in nature with respect to classification reviews, but rather, may be used as pieces of information in evaluating the classification of the appellant's position. *See in the Matter of Jose Quintella* (CSC, decided June 21, 2017). Regardless, given that the appointing authority and the appellant's supervisor indicated on the PCQ that the appellant was not performing lead duties, and he did not indicate on the PCQ that he was performing such duties, there was no reason to consider the employee evaluations. Moreover, it must be recognized 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 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. *See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M6278O), and Code Enforcement Officer (M0041O)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting the 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); *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).

Although the appellant states that the word "assist" was replaced with the word "performs" in the most recent job specification for Weights and Measures Inspector 2, such information is of no moment, since it is this agency that determines what information that is included in a job specification for a title series. In this case, the changes in the examples of work section does not establish the appellant's contentions, since, as noted above, the July 2021 specifications were appropriately utilized by agency services. Regardless, the appellant did not indicate in the PCQ that he assisted anyone, but rather, he indicated that he works *independently*. Such information is consistent with the definition section in the job specification for Weights and Measures Inspector 1, which states that incumbents perform work under *limited* supervision of a supervisory official. It does not establish that a higher level classification is warranted in this matter, nor does it establish that he was performing lead duties. Rather, such information means that the appellant is able to perform his duties on a limited basis without being constantly supervised by his superiors. Moreover, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is

not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. In this regard, it is not uncommon for an employee to perform some duties which are above or below the level of work 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 the job specification is appropriately utilized. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. Moreover, the examples of work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992).

Finally, with regard to the appellant's further description of his duties provided on appeal, such information cannot now be considered, as it was not provided in his original PCQ. *See In the Matter of Jose Quintela* (CSC, decided June 21, 2017). *See also, In the Matter of Dolores Houghton* (Commissioner of Personnel, decided October 6, 1993). Moreover, the appellant's arguments about his skills and abilities, how well or efficiently an employee does his or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as positions, not employees, are classified. Further, any such new information cannot now be utilized to establish that the appellant performs "moderately complex" work. In this regard, other than a non-supported sentence in the PCQs stating that he performs complex work, the appellant did not provide anything in the record for Agency Services to evaluate whether he was performing "moderately complex" duties. Therefore, Agency Services correctly determined that they appellant's duties did not rise to the level of a Weights and Measures Inspector 2 classification.

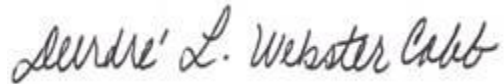
Accordingly, there is no basis to disturb the determination that the appellant's position is properly classified as a Weights and Measures Inspector 1. However, if the appellant believes that he is now performing lead worker or moderately complex duties outside of his current title, he may submit a request for a new classification evaluation to be conducted by this agency.

### **ORDER**

Therefore, it is ordered that this appeal be denied.

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 27<sup>TH</sup> DAY OF APRIL 2022



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