



Specifically, he disputes the findings that his position “does not perform scientific investigations or experiments.” He presents that he described his methods of conducting scientific investigations and experiments from start to finish and offered examples of the types of experiments that he carries out, including statistical, chemical, and petrological experience. The appellant indicates that he specifically described how he carried out these experiments. He notes that his direct superiors’ letters indicated their support for his statements. The appellant highlights his direct supervisor’s statements that indicates that he was puzzled by this agency’s finding that he did not perform scientific experiments. Further, his direct superiors affirmed that he made scientific breakthroughs and discoveries through his scientific research and experiments.

The appellant notes that this agency made conflicting statements regarding its findings of whether he conducts research experiments. Specifically, one section of the determination letter finds that he does not perform scientific investigation, where another section claims that he does.

Additionally, he disputes this agency’s finding that he did not develop and implement original theories and methods in a specific scientific field. He presented evidence to the contrary by detailing his work, and again, his superiors reiterated his claims. In the determination letter and his PCQ, he went through his method for developing and implementing original theories and methods, which include conducting a literature review, forming a hypothesis, testing his hypothesis through research and experiments, and submitting research to a rigorous peer review process prior to publication. The appellant indicates that he supported that he designs his own research and research methods and analyzes his own findings, which are duties that are present in the job specification for Research Scientist 3.

The appellant indicates that he highlighted errors that this agency made when it misstated his job duties. He notes that the determination states that his position “oversees and coordinates data management for federal programs...resolves administrative issues and oversees contracts and facilities and coordinates with partners to ensure grants are completed on a timely basis.” He states that it is unclear as to where this statement comes from as there was a complete misunderstanding of his job duties as he never stated that these were his duties in his PCQ.

The appellant disputes the determination that his duties are mostly conducted in the field and very rarely laboratory. However, he states that he provided information regarding his laboratory work and statements from his Section Chief that due to the nature of the work, both his work and the Research Scientists in his group, the field is their laboratory.

The appellant notes that in the original appeal, he described how this agency's interviewer did not seem to be paying attention, was frequently wrong when he asked her to repeat back his responses and would move on to the next question when he tried to clarify. He states that he noted that these misunderstandings do not reflect what he does and do not reflect actual scientific terms or situations. The appellant believes that the misunderstanding existed, in part, because the interviewer did not read his PCQ prior to the interview and did not request that he resubmit a PCQ with larger font, since the interviewer had trouble reading the original PCQ submitted. He believes that if the interviewer had made this request and read his PCQ prior to the interview, there would not have been the same mistakes regarding his duties. While the appellant acknowledges that he provided the interviewer with his accurate responses prior to the determination being issued, he contends that the job duties that were listed in the determination were inaccurate. He presents that not only did he explain that the interviewer's findings were inaccurate, but they were also nonsensical. The appellant indicates that the determination stated that he classified sinkholes to determine if they are "natural hazards with bedrock formation" and that he prepares "statistical stenotype data." He contends that scientifically, these statements do not make sense, but these statements were repeated back to him, and the interviewer did not give him an opportunity to correct them. The appellant questions why if the interviewer had read his accurate responses, that his job duties were inaccurately reflected in the determination.

The appellant presents that according to the Decision, a Research Scientist 3 "conducts or participates in research projects or developed programs in a specified professional field." The appellant notes that he completes his scientific research under the federal STATEMAP grants program, which is a federal grant that is used at the New Jersey Geological and Water Survey to research the geology of the entire State and to publish reports based on this research. He indicates that this work is a developed program, and as indicated on his PCQ, he spends 85 percent of his time on this developed program. Further, he highlighted on his PCQ the research that he conducted as part of this developed program. He provides that his supervisor at the time of the classification appeal process was doing work under the same developed program and held a title in the Research Scientific title series as does another supervisor in his work section. Moreover, since his supervisor was a Research Scientist, he believes that his classification as a Research Scientist 3 would have been consistent with the reporting structure.

Additionally, the appellant states that he provided why his position was inconsistent with a Geologist title series classification. He explains that those who work in the Geologist title series for the Department of Environmental Protection typically work on projects that cover smaller geographic areas and do not conduct and publish their own original research. Further, he noted that Geologists do not release findings that require the approval of senior management before it is published by Department of Environmental Protection. Also, the appellant indicates that the job

specifications for the Geologist title series do not indicate that incumbents work in a developed program. Moreover, his Section Chief expressed that to classify him in a Geologist title series rather than the Research Scientist title series would reflect a “gross misunderstanding” of his work in advancing geological science and developing and conducting his own research. He contends that the primary material error was the failure to address why his work researching as part of a developed program did not fit the job definition of a Research Scientist 3.

## CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. *N.J.A.C.* 4A:2-1.4(c) provides that the appellant has the burden of proof on appeal.

The definition section of the Geologist 2 (P22) job specification states:

Under the limited supervision of a Geologist 3, Environmental Protection, or other supervisory official in the Department of Environmental Protection, performs professional work relating to the collection/analysis of geological, hydrogeological, or geophysical data pertaining to environmental problems including groundwater resources, geological hazards pollution, and subsurface migration of pollutants; provides technical expertise, instruction, assistance, and consultation; does other related duties as required.

The definition section of the Research Scientist 3 (P25) job specification states:

Under direction of a Research Scientist 1 or other supervisory official in a state department, institution, or agency, conducts or participates in research projects or developed programs in a specified professional field; does other related work.

In the Decision, the Chair/CEO found that the appellant’s primary duties were conducting field-based scientific research on the geology of New Jersey, conducting field work through the year to collect raw data, collecting raw analytical data and preparing this information to generate new maps and reports, preparing structural analysis and statistical data, and conducting cartographic-based research and preparation of publications. The Decision noted that while the appellant disputed some of the claims in the determination letter, the appellant had not disputed the Findings of Fact regarding his primary duties. Further, while the determination letter indicated that the appellant conducts scientific research, the majority of the

appellant's primary duties were consistent with the Geologist title series, and more specifically, the Geologist 2 title.

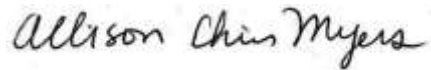
In this matter, a review of the appellant's request indicates that he has not met the standard for reconsideration. In his request, he presents 10 claims that he made in his appeal that he states were not addressed in the Decision and argues that the Decision made four errors. However, a review of the Findings of Facts, as presented in the determination letter, indicates that the majority of the appellant's duties are consistent with a Geologist 2 classification. Further, while the appellant claims that he disputed the Findings of Facts, a review of these claims and the alleged errors, do not indicate that the Findings of Facts are inaccurate. Instead, the appellant's claims and other arguments address various issues that he had with certain statements that were indicated in the determination letter and the interviewer's process. However, these statements were not part of the Findings of Fact in the determination letter. Moreover, even if there were mistakes made in the details of the determination letter, there is nothing in the record that indicates that the Findings of Fact are inaccurate. In fact, the appellant has not even alleged that he does not perform any of the duties as indicated in the Findings of Facts. Therefore, there was no need for the Decision to specifically address each claim. Additionally, the mere fact that the appellant's work is under a federal STATEMAP grants program and others who work under this program are classified as Research Scientist 3s does not signify that his position should be reclassified as Research Scientist 3 when the majority of his duties as indicated in the Findings of Fact align with a Geologist 2 classification. Concerning the appellant's comments about the Geologist title series, the size of the geographic area that incumbents in the Geologist 2 title work on is not part of the job specification definition for this title. Also, while the determination letter acknowledged that he conducted scientific research, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. Moreover, while the appellant emphasizes that his direct supervisor supports his appeal and the Section Chief stated that to classify the appellant in a Geologist title series rather than the Research Scientist title series would reflect a "gross misunderstanding" of his work in advancing geological science and developing and conducting his own research support his appeal, he ignores that the Program Manager believed that the duties that he described on his PCQ as well as indicated on his Performance Assessment Review (PAR) were consistent with a Geologist 2 classification. Regardless, as indicated in the Decision, while these opinions can be considered, it is this agency that makes the final determination. Therefore, as the record indicates that there were no clear material errors in the Decision, there is no basis to grant reconsideration.

## **ORDER**

Therefore, it is ordered that this request 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 1<sup>ST</sup> DAY OF NOVEMBER, 2023



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