

through Friday. Mr. Jervis is not directly responsible for the maintenance of apparatus and equipment at a firehouse. Instead, he is responsible for assisting the Fire Chief in the planning, writing and enforcement of Fire Department policies, training and safety of personnel, oversight of fire prevention and maintenance of records and equipment. The FMBA argues that Mr. Jervis' PCQ was incomplete in that it only accounted for 47% of his duties, and was inaccurate in that it contained duties not performed by Mr. Jervis such as the evaluation of subordinates (3%) and assignment and direction of subordinates at a fire scene (1%). The FMBA submits that, even if the Commission were to accept most of the Findings of Fact of DAS' determination, and supplement it with the correct percentage of time worked performing those duties, the only conclusion that can be reached is that Mr. Jervis' duties are those of a Deputy Fire Chief, not a Fire Captain. The FMBA also contends that the Training/Safety Coordinator position had been held by Deputy Fire Chiefs in the past in the Bloomfield Fire Department, and in other Fire Departments near Bloomfield, such as Belleville, the duties of this position are performed by Deputy Fire Chiefs.

It is noted that, despite being provided the opportunity, neither the appointing authority nor Mr. Jervis responded to the FMBA's submissions.

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 by the Civil Service Commission to a job title.

The definition section of the job specification for Deputy Fire Chief states:

Under direction of the Fire Chief, assists in the management and discipline of the fire department designed to provide fire protection for persons and property; does other related duties as required.

The definition section of the job specification for Fire Captain states:

Under direction, has charge of a fire department company intended to assist in the extinguishing of fires; does other related duties.

The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. A comparison of these job definitions indicates that the Fire Captain is a line supervisory function, acting in a supervisory capacity at the fire scene. In contrast, the Deputy Fire Chief usually performs administrative/management level functions, and is required to assist in managing and disciplining all subordinate personnel in the fire department. A review of Mr.

Jervis' duties reveals that he predominantly performs management-level duties. At this point, it is noted that Bloomfield does not utilize the Battalion Fire Chief title, which typically supervises the Fire Captain and reports to the Deputy Fire Chief.

Donald Jervis primarily performs administrative duties which have department-wide effects. He provides training and safety inspections, estimates expenses, reviews maintenance records, determines training needs, reviews bid returns, schedules training criteria, develops programs for staffing needs, writes and enforces standard operating guidelines and procedures, coordinates maintenance and costs of vehicles, assists with coordinating administrative responsibilities, inspects and orders gear, evaluates subordinate performance, coordinates training days, coordinates and maintains the respiratory protection program, and performs other duties 2% of the time or less each. Clearly, Mr. Jervis is not a line supervisor in charge of a company extinguishing fires. His administrative duties exceed the duties required of a Fire Captain.

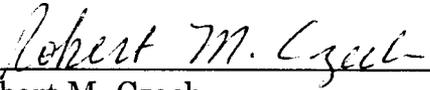
Accordingly, a thorough review of the entire record establishes that the proper classification of Donald Jervis' position is Deputy Fire Chief. It is noted that at that time the appeal was received, in March 2015, there was a Deputy Fire Chief eligible list in existence (PM1252N). The list had been promulgated on October 4, 2012 with six eligible candidates, and two had been appointed. Of the remaining four, Mr. Jervis ranked fourth. This list expired on October 3, 2015, and a new list (PM1694S) was promulgated on October 15, 2015 with the names of four passing candidates. Mr. Jervis did not file an application for that examination. Accordingly, Mr. Jervis should receive a provisional appointment as Deputy Fire Chief, effective April 4, 2015. If the appointing authority verifies that there is currently a genuine vacancy, the Commission revives the (PM1252N) eligible list so the appointing authority can make a permanent appointment from that list in accordance with certification procedures. See *N.J.A.C. 4A:4-3.4(a)2* and *N.J.A.C. 4A:4-4.8*. Otherwise, the appointing authority may assign the duties of the position to existing Deputy Fire Chiefs. Should Mr. Jervis not receive a permanent appointment, the appointing authority shall remove Mr. Jervis from his provisional appointment within 30 days of the issuance of this decision, and he should receive differential pay from April 4, 2015 until his removal from his provisional appointment.

ORDER

Therefore, the position of Donald Jervis is properly classified as Deputy Fire Chief, effective April 4, 2015.

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 5th DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Enclosure

- c: Craig S Gumpel, Esq.
- Linda Milone
- Donald Jervis
- Kenneth Connolly
- Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313
(609) 984-1901

Robert M. Czech
Chair/Chief Executive Officer

June 24, 2015

Ms. Linda Milone, Personnel Director
Township of Bloomfield
Municipal Building
Bloomfield, New Jersey 07003-3487

RE: Classification Review, Donald Jervis, Fire Department, City of East
Orange, Log # 04150118

Dear Ms. Milone:

This is to inform you of our determination concerning the classification of the position held by Donald Jervis. This determination has been made based upon a thorough review and analysis of the Position Classification Questionnaire submitted and telephone audit with Mr. Jervis on May 22, 2015 and a subsequent telephone audit with his immediate supervisor, Fire Chief, Joseph McCarthy on May 27, 2015.

ISSUE:

A classification review was initiated as a result of a letter dated March 8, 2015 from Captain Brian McDade, President of Bloomfield Fire Officers, FMBA 219, representing Mr. Jervis, alleging he currently performs duties as a Deputy Fire Chief while classified as a Fire Captain. The FMBA is requesting that the Division of Agency Services declare the existence of a vacancy in the rank of Deputy Fire Chief in the Township of Bloomfield and direct the Township to fill this permanent position utilizing the current promotional list for Deputy Fire Chief.

ORGANIZATION:

Donald Jervis is permanent as a Fire Captain in the Township of Bloomfield Fire Department since October 4, 2010, and reports directly to Fire Chief, Joseph McCarthy. According to the Position Classification Questionnaire, Mr. Jervis is the only Training/Safety Coordinator for the Township of Bloomfield.

Ms. Linda Milone, Personnel Director
June 24, 2015

2

FINDING OF FACT:

According to the position questionnaire submitted, the following duties and responsibilities are assigned to the position:

20% - Operates as the fire department's training safety officer and performs safety inspections of all stations to ensure compliance with PEOSHA.

10% - Estimates expenses required to keep the fire department up-to-date on new devices, equipment, and apparatus, and solicits bids for said devices, equipment, and apparatus.

7% - Reviews maintenance records submitted by subordinate officers to keep abreast on the current status of equipment and facilities.

7% - Determines the training needs of department in order to comply with regulatory requirements, current practice, and for budgetary input.

6% - Reviews bid returns from potential vendors for compliance with specifications and makes recommendations.

5% - Develops recruitment, selection and orientation programs for new hires as well as scheduling training criteria for current employees.

5% - Writes memos and SOGs to officers to inform, instruct, or direct their activities.

5% - Coordinates maintenance and costs of department's vehicles.

5% - Assist line Deputy Chiefs in coordinating their areas of administrative responsibilities.

5% - Responsible for inspecting and ordering and care of department PPE and station wear.

3% - Evaluates performance of subordinates to inform and offer mechanisms for more effective performance.

3% - Coordinates training days at local training academies.

3% - Development and review of Department Standard Operating Procedures and Policies and directs actions in order to encourage subordinates to adhere to standing policies, procedures, and SOGs.

Ms. Linda Milone, Personnel Director
June 24, 2015

3

- 3% - Directs actions, which encourage subordinates to adhere to standing policies, procedures, and Standard Operation Guidelines.
- 3% - Coordinating respiratory protection program and maintaining it to current standards.
- 2% - Reports to fires as indicated in pre-planning SOG or upon request of the incident commander.
- 2% - Coordinates with Central Communications to keep dispatch information, training, and contact information current.
- 1% - Ensures all departmental, county, state, and federal rules and regulations are followed at fire scene.
- 1% - Confers with the Chief for information in the preparation and submission of purchase, bud submissions or waivers, or specific processes.
- 1% - Assigns and directs subordinates at fire scene according to incident strategy and the evolving stage of preparations, issues, and prevailing circumstances.
- 1% - Ensures proper fit to SCBA masks for all members.

REVIEW AND ANALYSIS:

The definition section of the title **Deputy Fire Chief (01506)**, states the following:

"Under direction of the Deputy Fire Chief, assists in the management and discipline of the fire department designed to provide fire protection for persons and property; does other related duties as required."

The position currently performs duties and responsibilities that are not consistent with the title, Deputy Fire Chief in that the incumbent is not responsible for supervising employees on a consistent basis. He is called upon to assist fire personnel on an as-need basis.

The definition section of the title **Fire Captain**, states the following:

"Under direction, has charge of a fire department company intended to assist in the extinguishing of fires; does other related duties."

Mr. Jervis is responsible for a fire department company, the discipline of the employees, and the proper maintenance of apparatus and equipment at a fire station.

Ms. Linda Milone, Personnel Director
June 24, 2015

4

Additionally, he is responsible for the Fire Safety and Training for the department as noted in our Finding of Facts. The percentage of time he spends performing these duties does not represent a sufficient basis for a reclassification of his position.

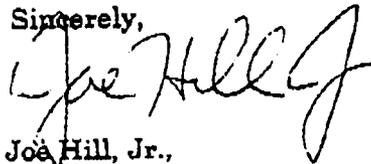
DETERMINATION:

The review revealed that Mr. Jervis' current duties and responsibilities are commensurate with the job specification for the title of Fire Captain. This specification is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of related tasks not specifically listed. The relevancy of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Donald Jervis position is properly classified by the current title of Fire Captain.

Please be advised that in accordance with *N.J.A.C.:3-3.9*, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to **Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, 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 documentation being disputed and the basis for the appeal.

Sincerely,



Joe Hill, Jr.,
Assistant Director

JH/MSK/cp

C: Brian McDade, President FMBA
Donald Jervis
Susan Cardone
Carmen Peer
Team Files