

B-5



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of William Lohman,
Department of Health

CSC Docket No. 2015-2896

Classification Appeal

ISSUED: **AUG 20 2015** (RE)

William Lohman appeals the attached decision of the Division of Agency Services (DAS) which found that his position with the Department of Health is properly classified as Architect. He seeks a Health Systems Specialist 2 job classification in this proceeding.

Mr. Lohman received a regular appointment to the title of Architect on March 19, 2005. Subsequently, he requested a classification review of his position. An audit was conducted consisting of a review of all documents, and a telephone interview with the appellant and his immediate supervisor, Director John Calabria. This position is located in the Department of Health, Division of Public Health Facilities Evaluation and Licensing, Office of the Certificate of Need and Licensing, Certificate of Need and Health Care Facility Licensure Unit. The position has no supervisory responsibilities.

The classification review found that Mr. Lohman's assigned duties and responsibilities, as detailed in DAS's March 31, 2015 decision, were commensurate with the title of Architect. On appeal, Mr. Lohman argues that DAS's determination is incorrect in its statement that he has no responsibility for researching the design, development and delivery of actual health systems for health care facilities, or the health services they provide. He explains the process for review of an application without providing specific duties he performs regarding such research. He also disagrees with the statement that his responsibility is to review the design of proposed new building construction, or alteration of hospitals, nursing homes and other medical care facilities to determine compliance with

building codes and regulations, and that he has no responsibility for researching the design, development, and delivery of actual health systems for health care facilities, or the health care services they provide. Instead, he states that he is one of a team, and he provides the "functional project review" of the submitted application, which incorporates aspects of infection control, staffing, patient observation and oversight, privacy and confidentiality during treatment, separation of sterile and non-sterile areas and processes, patient throughput, and staff and patient movement to minimize hospital and facility acquired infections and sterile protocol breaches that can be identified during plan review, in meeting regulatory compliance and published industry standards. He maintains that this review exceeds a review of just "building codes," as many of the clinical and protocol requirements overlap and exceed minimum basic building codes. He states that his current responsibilities include identifying unique project proposals, gathering information, and independent research into the proposed service, and, through his Unit Supervisor, establishing internal discussions as to the proposed service and where it might fit into the adopted regulations. He states that he provides functional review of a proposed project, bringing together aspects of planning, clinical requirements, staffing, facilities, infection control, security and regulatory compliance.

CONCLUSION

The definition section of the class specification for the title Architect states:

Under direction of a Supervising Architect, Engineer, or other supervisory official in a State department, institution, or agency, is responsible for the development, design, and /or review of the design of buildings and facilities in various building construction programs; does related work as required.

The definition section of the class specification for the title Health Systems Specialist 2 states:

Under direction of a Health Systems Specialist 1 or other supervisory official, Health Systems Review Program, Department of Health and Senior Services, performs independent research in the design, development, and delivery of specialized health services, sophisticated medical technologies, and health care facilities; prepares health service and medical facilities plans in specifically assigned technical areas; develops state regulations which form the basis for reviewing Certificate of Need applications; conducts technical reviews of long range hospital and other health facilities plans; does other related duties as required.

In making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. 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. On the other hand, 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). In his appeal, the appellant argues that he is involved in research activities in the "functional project review" of proposed projects.

It is noted that the appellant takes umbrage with DAS' statements, but does not directly dispute any of the duties listed in its decision. He places greater emphasis on researching activities as a function of the review of a proposed project. A review of his Position Classification Questionnaire (PCQ) indicates that the appellant reviews project documents for new building construction and alterations or renovations for varying types of medical establishments. This specific area involves a greater application of knowledge than a basic understanding of building codes; however, only a portion of the duties match those of the definition section of the job specification for Health Systems Specialist 2, which is not limited to the facilities. Health Systems involves the structure, but it encompasses all the activities that promote, restore or maintain health. People and resources are combined with facilities in accordance with established policies to improve health. The Health Systems Specialist 2 primarily performs research into all of aspects of health systems, prepares plans, develops regulations, and reviews long-range plans. In contrast, the majority of the appellant's work is to review plans prepared by the applicants to ensure compliance to code and feasibility of specialized use, provide technical advice, provide recommendations for approval or denial, and assign projects. The majority of the research he performs is for project compliance with regulations and guidelines, or for physical plant waiver requests, not for the preparation of health service and medical facilities plans and the development of state regulations which form the basis for reviewing Certificate of Need applications. While he may perform some duties of the Health System Specialist 2, the preponderance of the duties of the appellant's position more closely align with reviewing the design of buildings and facilities in various building construction programs.

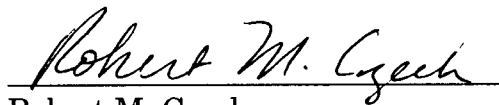
Accordingly, a thorough review of the entire record fails to establish that William Lohman has presented a sufficient basis to warrant a Health Systems Specialist 2 classification of his position.

ORDER

Therefore, the position of William Lohman is properly classified as an Architect.

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 19th DAY OF AUGUST, 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: William Lohman
Loreta Sepulveda
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

March 31, 2015

William Lohman
New Jersey Department of Health
Office of the Certificate of Need & Healthcare Facility Licensure
171 Jersey Street
Post Office Box 358
Trenton, New Jersey 08625-0358

**Re: Classification Appeal, Architect (R26); Position #: 950790;
CPM Log #: 07140277; EID #: 000207851.**

Dear Mr. Lohman:

This is to inform you and the New Jersey Department of Health of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted, as well as a phone audit conducted with you on December 16, 2014, and an interview with your supervisor, John Calabria, Senior Executive Service (Director), later that same day.

Issue:

You are appealing the current classification of your position (950790), Architect (17694, R26). You allege that your duties are not appropriately classified and you are seeking to reclassify your position to that of Health Systems Specialist 2 (00282, P27), which you feel more appropriately reflects your current duties and responsibilities.

Organization:

Your position is located in the Division of Public Health Facilities Evaluation and Licensing, Office of the Certificate of Need and Licensing, Certificate of Need and Health Care Facility Licensure Unit. The Division of Public Health Facilities Evaluation and Licensing ensure that New Jersey citizens receive quality health care at appropriate levels of care in regulated facilities. A review of the Position Classification Questionnaire Form (DPF-44S) and the table of organization submitted along with your appeal indicates that your position reports directly to John Calabria, Senior Executive Service (M98, M98). You do not have responsibility for the preparation of performance evaluations. Therefore, you have no supervisory responsibilities.

Findings of Fact:

The primary responsibilities of your position include, but are not limited to the following;

- Reviews the architectural portion of the Certificate of Need Licensing Application. Independently reviews project documents for new construction, and alternations/renovations for licensed acute healthcare facilities in New Jersey. These facilities include: general acute care facilities, psychiatric and/or rehabilitation hospitals; ambulatory surgery centers; hemodialysis facilities; primary care centers; sleep centers; and facilities that provide Computerized Tomography, Positron Emission Tomography, Magnetic Resonance Imaging, Radiological Services, as well as other health services offering specialized health services proposed by applicants.
- Reviews application documentation for compliance with Department of Health (DOH) licensing regulations and federal planning guidelines regarding the use and activities assigned to the specific facility, including clinical and non-clinical spaces of the facility by patients, staff, vendors and the public.
- Meets with facility and administrative staff at respective hospitals, clinics, etc., as well as facility owners, architects, builders, and local code inspectors during the preliminary planning stages and issues written report(s) informing them whether the building plans/construction meet the required (DOH) clinical criteria. Forwards copy of this report to the Department of Community Affairs (DCA) who reviews the report and has final approval of all building code and life and safety issues. Upon approval, DCA releases the project and issues report to local building departments who issue all required building permits.
- After construction is complete the facility owner contacts the DOH, who sends out a team to conduct on-site clinical and life safety inspections (after the Local Certificate of Occupancy [CO] has been approved) to ensure that the building has been built in accordance with approved plans and is ready for patient care. Upon successful inspection, the Office of Licensure issues a facility license (for new buildings). Once licensed, the building has to be re-inspected every two (2) years by DOH staff.
- Solely responsible for the review of project documents for proposed new building construction and alterations/renovations to ensure they are in compliance with new and existing Federally Qualified Healthcare Center (FQHC) guidelines for New Jersey. Ensures that projects are in compliance with life and safety and applicable fire codes, as required by licensing regulations.
- Answers calls and emails from doctors, new applicants, architects, etc., seeking interpretations / answers to life safety and construction regulations; researches

questions and responds either by phone, email, or via correspondence under supervisor's signature.

- Conducts meetings with representatives of acute healthcare organizations for the review of project and facility master plans, which may include multiple projects consisting of several phases of construction and varying timeframes to ensure compliance with licensing standards.

Review and Analysis:

You argue that your duties have increased and that a more appropriate classification for your position is that of Health Systems Specialist 2 (00282, P27). Therefore, the specification for this title was examined for appropriateness.

The definition section of the specification for the title, Health Systems Specialist 2 (00282, P27) states:

“Under direction of a Health Systems Specialist 1 or other supervisory official, Health Systems Review Program, Department of Health and Senior Services, performs independent research in the design, development, and delivery of specialized health services, sophisticated medical technologies, and health care facilities; prepares health service and medical facilities plans in specifically assigned technical areas; develops state regulations which form the basis for reviewing Certificate of Need applications; conducts technical reviews of long range hospital and other health facilities plans; does other related duties as required.”

A Health Systems Specialist 2 performs independent research in the design, development and delivery of specialized health services, sophisticated medical technologies and health care services, sophisticated medical technologies and health care facilities and includes the preparation of health care and medical facilities plans in specifically assigned technical areas and the development of state regulations which form the basis for reviewing Certificate of Needs applications. The Health Systems Specialist 2 conducts technical reviews of long range hospital and other facilities plans. From a position classification standpoint, this title is assigned to the occupational group: “Occupations in Community Development and Social Sciences,” which includes occupations primarily concerned with human society, its economic and social relations, and institutions involved in human existence in organized communities. This occupational group includes occupations concerned with community and social service program planning and program development related to community service oriented programs.

Positions in the title of Health Systems Specialist 2 are primarily responsible for performing research in the design, development and delivery of health systems for health care facilities and/or services they provide, identifying utilization factors, costs, quality of

William Lohman
March 31, 2015
Page 4.

care standards and other factors associated with the efficient placement/delivery of various specialized health services. The Health Systems Specialist 2 reviews aspects of the Certificate of Need Application as it pertains to specific medical specialty areas in order to ensure compliance with health policies, procedures and regulations.

Your position is currently classified in the title Architect (17694, R26). The definition section of the specification for this title states:

“Under direction of a Supervising Architect, Engineer, or other supervisory official in a state department, institution, or agency, is responsible for the development, design, and/or review of the design of buildings and facilities in various building construction programs; does related work as required.”

Positions in the title of Architect are primarily responsible for the development, design, and/or review of the design of buildings and facilities in various building construction programs. Titles functioning in this capacity are assigned to the occupational group: “Occupations in Architecture/Engineering/Surveying.” An Architect reviews plans and specifications prepared by outside architects, reviews architectural and mechanical drawings for proposed new building construction or alterations of hospitals, nursing homes and other medical care facilities to determine compliance with building and construction codes and with building and construction regulations of state, local, and federal agencies. An architect is responsible for making site inspections to enforce compliance with the approved plans and prepares reports based on these reviews and inspections. An Architect is primarily concerned with reviewing building plans and has no input into the actual medical services provided, the quality of care standards, or health policies, procedures, or regulations of the health services governing the delivery of health, or medical services provided to the residents of these health care facilities.

As your position is primarily responsible for the review of the designs of proposed new building construction, or alterations of hospitals, nursing homes and other medical care facilities to determine compliance with building codes and regulations and has no responsibility for researching the design, development and delivery of actual health systems for health care facilities, or the health services they provide, the Health Systems Specialist 2 title is not an appropriate classification for your position. Therefore, since your duties are central to the duties normally performed by an Architect (17694, R264), this title more accurately describes the functions performed by your position.

However, Architect (17694, R264) is assigned to the “R” bargaining unit, and as such is considered a first-line supervisor. Incumbents holding titles assigned to the “R” bargaining unit must supervise lower-level staff, including having responsibility for the preparation and completion of performance evaluations. The audit revealed that you have no responsibility for the preparation and completion of performance evaluations. This was confirmed by you and your supervisor during the audit process.

William Lohman
March 31, 2015
Page 5.

Determination:

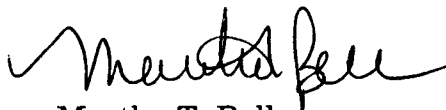
Therefore, based on the assigned duties of your position and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Architect (17694, R26). By copy of this letter the Appointing Authority is advised that your position is presently and properly classified as Architect. However, since your position is assigned to the "R" Bargaining Unit you must be assigned lower-level professional staff to supervise. Therefore, we are advising the Appointing Authority to assign the supervision of subordinate staff to your position.

By copy of this letter, the Appointing Authority is advised that they should submit a new Performance Assessment Review (PAR) form and a new Table of Organization within thirty (30) days of the date of this determination, indicating that supervisory responsibilities have been assigned to this position.

The class specification for this title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

An appeal of this decision may be filed within twenty (20) days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Written Records Appeal 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 determination being disputed and the basis for the appeal.

Sincerely,



Martha T. Bell,
Human Resource Consultant 5
Division of Agency Services

MTB/rwz
c: Loreta Sepulveda
Ann Kopczynski

