

preparation for other tests.¹ Further, the appellant contends that it was incorrectly determined that only 6% to 7% of her duties include conducting routine microbiologic tests and preparing tests. The appellant explains that she routinely conducts Acid-Fast Bacilli (AFB) smear tests to determine the presence of tuberculosis in clinical specimens. Moreover, the appellant maintains that over 80% of her duties include conducting routine microbiological tests and routine culture tests, and monitoring the results of such tests.

CONCLUSION

The definition section of the job specification for Microbiologist 5 states:

Under close supervision of a microbiologist or a higher grade in the Department of Health, conducts routine technical microbiologic and serologic tests/analyses; prepares reports; may assign work of lower level technical laboratory personnel; may assist in performing developmental procedures; may oversee completion of a single routine/standard assay in a unit; does other related duties.

The definition section of the job specification for Senior Laboratory Technician, Microbiology, states:

Under the supervision of a Principal Laboratory Technician or other professional staff, in a State department or agency, performs routine microbiological tests and assists in preparing for complex microbiologic tests; does related work as required.

In the instant matter, Agency Services appropriately determined that the proper classification of the appellant's position is Senior Laboratory Technician, Microbiology. As confirmed in the telephone interview, the majority of the appellant's duties include preparing and staining specimens for microbiologic tests. Indeed, the telephone interview confirmed that only 6% to 7% of her work constitutes routine microbiologic tests. Further, the appellant listed on her PCQ that only 6% of her duties include AFB testing, and only 9% of her duties include rapid DNA probe testing. Accordingly, it is clear that the majority of the appellant's duties do not include conducting routine microbiologic tests. Moreover, it is not uncommon for an employee to perform some duties which are above or below the

¹ The appellant indicates, among other things, that the AFB smear tests are conducted using two different staining process, Ziehl-Neelsen and Kinyoun, which utilize two different microscopes to determine results. The appellant adds that the cultures are created in two different medias and are used with BACTEC MGIT960 and agar based 7H11 plates. The appellant explains that one of the microbiological tests is used to identify the type of microbacterium present in a culture, and the other microbiological test is used to determine the drug susceptibility of a culture.

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. Accordingly, the appellant provides no substantive documentation in support of her claims that a higher classification is justified based on the work she performs.

With respect to the appellant's claim that Agency Services misinterpreted some of the information that she provided, the record indicates that all of her duties and responsibilities were reviewed and the classification determination was based on that information. The purpose of a classification evaluation is to conduct a fact-finding session and the classification reviewer's role is strictly limited to an independent review of the current duties and responsibilities of the position at issue. Moreover, it is longstanding policy that only those duties and responsibilities assigned at the time of the request for a reclassification are to be considered. Even assuming, *arguendo*, the validity of the appellant's claim, the entire record has once again been thoroughly reviewed in this matter in conjunction with the appellant's appeal and the Commission is satisfied that the classification determination was proper.


Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position was properly classified as a Senior Laboratory Technician, Microbiology.

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 23rd DAY OF NOVEMBER, 2016



Robert M. Czech

Chairperson

Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
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Attachment

c: Tunisia King
Loreta Sepulveda
Kelly Glenn
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
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P. O. Box 313
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

January 12, 2016

Ms. Tunisia King
[REDACTED]
[REDACTED]

**Re: Classification Appeal: Senior Laboratory Technician, Microbiology
(01923E, A15); Position #: 949709; CPM #: 10150093; EID #: 000372989**

Dear Ms. King:

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 January 5, 2016, and a follow-up interview conducted with your supervisor, Tilat Choudhry, Supervising Laboratory Technician, Microbiology (01924K, S22), later that same day.

Issue:

You are appealing the current classification of your position (949709), Senior Laboratory Technician, Microbiology (01923E, A15). You allege that your duties are not appropriately classified and you are seeking to reclassify your position to that of Microbiologist 5 (02002, P19), which you feel more appropriately reflects your current duties and responsibilities.

Organization:

Your position is located in the New Jersey Department of Health, Division of Public Health Infrastructure, Laboratories and Emergency Preparedness, Microbiology Laboratory, Mycobacteriology Unit. The Mycobacteriology Unit is responsible for performing tuberculosis testing and detection on sputum samples submitted from various County Health Clinics located throughout the State. Your unit is headed by a vacant Microbiologist 2 position. Your position reports directly to Tilat Choudhry, Supervising Laboratory Technician, Microbiology (01924K, S22). The rest of your unit is composed of: one (1) Microbiologist 4 position. Your position does not perform performance evaluations on lower-level staff, therefore you do not supervise.

Finding of Fact:

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

- Performs routine microbiological tests and assists in the preparation of tests to determine the presence of the tuberculosis (TB) virus in sputum specimens submitted by County health Clinics from throughout the state.

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- Prepares sputum specimens for mycobacteria isolation by employing methods including the utilization of n-acetyl-L-cysteine (NALC)-sodium hydroxide (NaOH) solution (used for the digestion and decontamination process), centrifugation, decanting supernatant fluid, resuspension of the sediment with phosphate buffer and inoculating MGIT tubes containing PANTA supplement, 7H11 plates and slides (media) with re-suspended sediment.
- Performs the florescent staining of slides with the appropriate stain kit in order to determine the preliminary evidence of the presence of mycobacteria. Utilizes a florescence microscope and interprets these findings to verify negative or positive results. As necessary, conducts additional verification procedures. Enters daily results into the LIMS Harvest computer system and a preliminary report is sent to the appropriate clinic that submitted the sputum sample.
- Performs Gen-Probe (DNA) testing (1 day per week [4-5 hours], every other week) on (sputum) specimens submitted by various County Health Clinics in order to determine which of the four types of TB virus is present in the specimen.
- Responsible for the proper retention and storage of patient specimens and the tracking and retrieval of patient test data and for maintaining an inventory of supplies and media needed in the Microbiology Laboratory. This includes ordering supplies from outside vendors and from the Department of Health's on-site warehouse.

Review and Analysis:

Your position is currently classified in the title Senior Laboratory Technician, Microbiology (01923E, A15). The definition section of the specification for this title states:

"Under the supervision of a Principal Laboratory Technician or other professional staff, in a state department or agency, performs routine microbiological tests and assists in preparing for complex microbiologic tests; does related work as required."

You believe that your duties are consistent with Microbiologist 5 (02002, P19). The definition section of the specification for this title states:

"Under close supervision of a microbiologist of a higher grade in the Department of Health and Senior Services, conducts routine technical microbiologic and serologic tests/analyses; prepares reports; may assign work of lower level technical laboratory personnel; may assist in performing developmental procedures; may oversee completion of a single routine/standard assay in a unit; does other related duties."

A Microbiologist 5 is responsible for conducting routine technical microbiological and serologic tests and analyses and the preparation of reports and may be responsible for work of lower level technical laboratory personnel and the performance of developmental procedures. In your appeal you argue that the titles of Microbiologist 5 and Senior Laboratory Technician Microbiology are "slightly similar." While it is true that Senior Laboratory Technician Microbiology and Microbiologist 5 both conduct, or perform routine microbiologic tests and prepare reagents, supplies and media for certain functions, the difference between the titles lies more in the frequency in which each of these titles is engaged in conducting microbiologic tests and the preponderance of other duties performed by the positions.

Your audit confirmed that while you do perform some routine microbiologic tests, you are only performing these tests 4-5 hours every other week; this constitutes between approximately 6% - 7% of your normal workweek. The rest of your time is spent in preparation for these tests: staining slides; preparing reagents and specimens for analysis; overseeing the retention and storage of patient specimens; tracking and retrieving patient test data; maintaining an inventory of supplies and media (needed in the Microbiology Laboratory); and ordering supplies from outside vendors and from the Department of Health's on-site warehouse.

The primary responsibility of a Microbiologist 5 involves the conducting of routine microbiologic and serologic tests. Your position's primary responsibilities involve the preparation and staining of specimens for microbiologic tests. The preponderance of your duties are consistent with those normally performed by someone in a Laboratory Technician series title. The volume of microbiologic tests performed by your position does not support the classification of Microbiologist 5. These duties are consistent with the classification of Senior Laboratory Technician, Microbiology (01923E, A15).

Determination

By copy of this letter, the Appointing Authority is advised that your position is presently and properly classified as Senior Laboratory Technician, Microbiology (01923E, A15).

The 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 Resources Consultant 5
Division of Agency Services

MTB/rwz

Cc: Loreta Sepulveda
Ann Kopczynski
CPM Log #: 10150093

