



STATE OF NEW JERSEY

In the Matter of Tunisia King,
Department of Health

CSC Docket No. 2025-1181

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

Classification Appeal

ISSUED: January 31, 2025 (SLK)

Tunisia King appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Health is Microbiologist 1. The appellant seeks a Microbiologist 2 classification.

The record in the present matter establishes that the appellant's permanent title is Microbiologist 1. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of a Microbiologist 2. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that she performs as a Microbiologist 1. Agency Services reviewed and analyzed the PCQ and all information and documentation submitted. Agency Services found that the appellant's primary duties and responsibilities entailed, among other things, assisting in conducting standardized and prescribed microbiologic, molecular, and serologic tests on submitted specimens; interpreting results and analyses; receiving, accessioning, setting-up, and processing specimens for the isolation of Mycobacteria; preparing clear and informative reports of microbiological tests, analyses and examinations while providing conclusions and recommendations; being responsible for the acquisition, storage, preservation, recording and proper use of laboratory equipment; staining and examining smear for the presence of fluorescent acid-fast bacilli and reporting results; determining the presence of Mycobacteria and recognizing the difference between Mycobacterium Tuberculosis and Mycobacterium other than Tuberculosis; keeping up to date on current literature and developments in the field

of microbiology; and assisting co-workers of varied grades to help increase accuracy and timely completion of assignments. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Microbiologist 1.

On appeal, the appellant states that it appears her request was denied because it was determined that she is not a lead worker. She asserts that her duties are aligned with the job specification for Microbiologist 2 because she performs independent analyses, and she completes final determination reports of samples that are submitted to the unit for evaluation. Concerning the lead worker requirements, the appellant presents that the job specification for Microbiologist 2 says that incumbents “may” be lead workers. However, it does not indicate that lead worker responsibilities are required. Regardless, since February 2022 after a supervisor retired, she claims to be performing all the duties of a supervisor, except completing performance evaluations. The appellant highlights her 2023 and 2024 performance evaluations which list her duties, including her participating in the planning and implementation of transition tasks that needed to be performed to implement changes in the laboratory, which entailed assisting in the preparation of new documentation, researching methods, performing validation testing and training new staff in lower title. However, the determination letter did not list this duty. The appellant indicates that she currently trains a Microbiologist 1 Trainee who was hired in July 2024, and she is responsible for the review of a Microbiologist of equal or lower level. She submits documentation to support her assertions.

CONCLUSION

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 of the Microbiologist 1 job specification states:

Under the close supervision of a Microbiologist 3 or other supervisory official in the Department of Health or in the Department of Agriculture, or in a county/municipal run laboratory, assists in conducting technical microbiologic, molecular, and serologic tests/analyses; assists in preparing reports; assists in performing developmental procedures; does other related duties as required.

The definition section of the Microbiologist 2 job specification states:

Under the limited supervision of a Microbiologist 3 or other supervisory official in the Department of Health or in the Department of Agriculture, or in a county/municipal run laboratory, independently conducts microbiologic, molecular and serologic tests/analyses; prepares reports; may coordinate the work of lower-level microbiologists and laboratory workers; does other related duties as required.

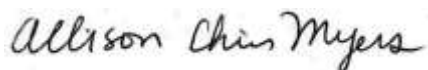
In this matter, a review of the definition section of the job specifications for the subject titles indicates that the key distinguishing characteristics between the two titles is that a Microbiologist 1 assists in performing analyses and other duties while a Microbiologist 2 works independently and may be lead workers. The record indicates that the appellant's superiors disagreed with the appellant's assertion that performing independent analysis was one of her primary duties. Instead, they presented that susceptibility drug testing is to be performed independently by all staff members, including Trainees. Therefore, there is nothing in the record that indicates that the appellant's primary duty is to perform independent analyses on matters that are not performed at all technician levels, including Microbiologist 1, that would warrant a change in the classification of her position. Further, based on the appellant's PCQ, she did not identify specific named individuals that she assigns and reviews the work on a regular and recurring basis. Therefore, it cannot be found that the appellant was acting as a lead worker based on the information that she submitted for the classification review. As such, any claim that she is now making that she performs lead worker duties cannot be considered as information and/or argument which was not presented at the prior level of appeal shall not be considered. See *N.J.A.C.* 4A:3-3.9(e). If the appellant believes her position is currently misclassified, she may request a new classification review under *N.J.A.C.* 4A:3-3.9.

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
THE 30TH DAY OF JANUARY, 2025



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Chair/Chief Executive Officer
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