



STATE OF NEW JERSEY

In the Matter of Tunisia King,
Department of Health

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2020-2477

Classification Appeal

ISSUED: JUNE 5, 2020 (JET)

Tunisia King appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Health is Senior Laboratory Technician, Microbiology. The appellant seeks a Microbiologist 1 classification.

The record in the present matter establishes that at the time the appellant filed for a classification review, she was serving as a Senior Laboratory Technician, Microbiology. The appellant's position is located in the Division of Public Health Infrastructure, Laboratories and Emergency Preparedness, Microbiology Laboratory, Mycobacteriology Unit, Department of Health, and she reports to Tilat Choudhry, Supervising Laboratory Technician. The appellant does not have any supervisory duties. The appellant sought a reclassification contending that her position would be more appropriately classified as a Microbiologist 1.¹ In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performed. Based on a review of all documentation supplied by the appellant, including the PCQ, an organizational chart, and telephone interviews that were conducted with the appellant and the appellant's supervisor, Agency Services concluded on February 26, 2020 that the appellant's position was properly classified as Senior Laboratory Technician, Microbiology. It is noted that the appellant previously filed for a classification evaluation and it was determined in

¹ Initially, the appellant requested the title of Microbiologist 5, however, that series was reordered and Microbiologist 5 became Microbiologist 1.

that matter that the proper classification of the appellant's position was Senior Laboratory Technician, Microbiology, which was upheld on appeal. *See In the Matter of Tunisia King, Department of Health* (CSC, decided November 23, 2016).

On appeal, the appellant asserts that her duties include conducting technical, standardized and prescribed microbiologic, molecular, and serologic tests on submitted specimens and materials; interpreting tests and analyses; submitting reports; assisting with the preparation of developmental procedures; overseeing the completion of a single routine/standard assay; and assisting co-workers with assignments. The appellant adds that her duties include preparing informative reports regarding microbiological tests, analyses, and examinations, and such reports include findings, recommendations, and conclusions. The appellant explains that her duties also include maintaining an inventory of laboratory supplies; maintaining reagents, supplies, media, and laboratory equipment; completing continuing education courses; and updating her knowledge regarding new developments in the microbiology field and reading related literature. Further, the appellant states that individuals in her unit who were serving as a Microbiologist 2 and a Microbiologist 4 retired from service in 2016, and such vacancies have not been filled in her unit. As such, the appellant contends that her assignments and duties have increased since the retirements. Specifically, the appellant explains that her additional assignments include conducting microbiologic, molecular and serologic tests and analyses, interpreting tests and analyses, and preparing reports, and the performance of such standardized microbiological tests was the sole responsibility of the Microbiologist 2 who retired from her unit. The appellant adds that she is responsible for overseeing a new developmental assay which was not implemented until February 2018, and the results of which must be interpreted to determine the presence or absence of mycobacterium, or any morphology of such, determining the type of mycobacterium present in a sample, and determining what drugs are effective for treating patients. The appellant adds that she submits reports for such tests, which contain findings, conclusions and recommendations. Moreover, the appellant asserts that her duties include maintaining and ordering supplies for the laboratory inventory, including various media and reagents, and attending continuing education classes and conferences.

In support, the appellant submits a March 24, 2020 letter from Alyssa MacMillan, Microbiology Program Manager and a Research Scientist 1, Public Health and Environmental Laboratory, who states that she interacts with the appellant on a weekly basis and is familiar with her assignments. MacMillan adds that since 2017, the appellant's unit has been understaffed as a result of the retirements of a Microbiologist 2 and a Microbiologist 3, and as such, the appellant and her supervisor are the sole staff in the unit. MacMillan explains that the vacancies have not been filled as a result of multiple barriers, and as such, the appellant and her supervisor are the only employees who are performing the duties of the unit. Additionally, MacMillan explains that the appellant's unit tests over 2,000 specimens per year, and

provide an array of testing services for diagnosis of tuberculosis in patients. MacMillan adds that the appellant's work is extraordinary given the staffing shortages in her unit, and her duties include receiving specimens, accessioning, processing and preparation, primary screening for tuberculosis, creating and reading slides, reporting results, conducting complex nucleic amplification testing, identification and speciation of mycobacteria, and drug susceptibility testing. MacMillan contends that the February 26, 2020 classification determination does not accurately reflect all of the duties that the appellant listed in the PCQ, and MacMillan disagrees with the findings that the appellant only assists with diagnostic services in the unit. Rather, MacMillan maintains that the appellant is required to fully perform, from start to finish, all diagnostic laboratory testing within her unit. Moreover, MacMillan contends that, although the February 26, 2020 classification determination indicates that a Microbiologist 1 is responsible for interpreting and analyzing results beyond positive reporting positive and negative outcomes, the laboratory tests that the appellant performs do not always have a simple positive or negative outcome. In this regard, MacMillan explains that such tests require accurate interpretation in order to determine the ultimate outcomes, which the appellant conducts on a daily basis. The record also reflects an August 5, 2019 memorandum from the appellant that was forwarded through MacMillan to the appointing authority, which essentially indicates the same information in MacMillan's March 24, 2020 letter.

CONCLUSION

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 other related work.

The definition section of the job specification for Microbiologist 1 states:

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

In the instant matter, Agency Services determined that the proper classification of the appellant's position is Senior Laboratory Technician. On appeal, the appellant maintains that Agency Services misinterpreted information that she provided, as the February 2020 classification determination incorrectly indicates that

she is “assisting” with conducting routine microbiologic tests. The appellant maintains that she is not merely assisting with conducting the tests, but rather, she indicated in the PCQ that she is conducting and interpreting complex tests. Indeed, a review of the appellant’s PCQ indicates that the majority of her duties (over 50%) include antimicrobial drug susceptibility testing on Mycobacterial Tuberculosis Complex (MTBC) cultures; creating an organism suspension of positive MTBC broth cultures for susceptibility testing; making specific dilutions; pipetting predetermined amounts of sterile saline from the tube and pipetting equal amounts of positive MTBC broth culture and vortexing; transferring organism suspension into different labeled tubes of broth cultures and inoculating with growth supplements and specific drugs to determine susceptibility; sub-culturing MTBC cultures from either liquid broth cultures or solid media; completing inoculation of other media for laboratory reference; confirmation of resistant drug result interpretations and genomic testing; conducting nucleic amplification tests and identifying MTBC and rifampin resistance mutation from processed sputum sediments; transferring re-suspended sediment and sample reagent to a labeled conical tube using a transfer pipette; vortexing and aspirating the liquefied sample; transferring the treated reagent sample into a corresponding labeled test cartridge and loading into GeneXpert system; reporting the results to submitting clinics; conducting rapid DNA probe testing; using nucleic acid hybridization technique; identifying the presence of Mycobacterium tuberculosis complex, Mycobacterium avium complex, Mycobacterium gordonae, or Mycobacterium kansasii from culture isolates; preparing equipment used to perform the testing; creating data report forms regarding culture isolates; labeling appropriate numbers with glycerol; lysing reagent and probe reagent tubes to be used for culture isolates for testing and controls used for the quality assurance of testing, centrifuging of broth cultures; removing supernatant from broth cultures after centrifuging; re-suspending of pellets into lysing reagent tubes; adding lysis reagent and hybridization buffer to pellets or solid media culture isolate; sample lysis by sonicating culture isolates and then heating; hybridization of culture isolates and controls by pipetting lysed specimens from lysing reagent tubes into probe reagent tubes; incubating culture isolates and controls in water bath; adding selection reagent to culture isolates and controls; vortexing probes; interpretation, recording and reporting of testing results; maintaining daily written records; recording negative and positive results using software; reporting preliminary findings and sending results to clinics; conducting secondary testing of Acid-Fast Bacilli (AFB); preparing slides from prepared cultures; examining slides under oil immersion objective lens light microscope; confirming results of AFB positive or negative slide; performing florescent testing of slides for preliminary evidence of mycobacteria; preparation of daily specimens for testing with daily digestion and decontamination for mycobacteria isolation which includes preparation of various solutions, centrifugation of specimens, decanting supernatant fluids, and re-suspension of sediment with phosphate buffer; and training and overseeing new laboratory employees.

The appellant also demonstrates that since 2017, her duties have increased as a result of retirements of a Microbiologist 2 and a Microbiologist 3. The appellant submits a letter in support of her claims in this matter from the Microbiology Program Manager, which was provided to Agency Services at the time of a classification evaluation by way of an August 5, 2019 memorandum to the appointing authority, which indicates that the appellant's duties have increased substantially since 2017, and that she and her supervisor are solely responsible for conducting complex tests on a daily basis from start to finish. While an increase in duties does not establish a change in classification, given the nature of the increase in duties as described previously, a higher classification is warranted in this matter.

Although the appointing authority indicated in the appellant's PCQ that it is not in support of the appellant's classification reevaluation request and her duties are consistent with those performed by a Senior Laboratory Technician, Microbiology, the Civil Service Commission is not convinced. As noted above, the Microbiology Program Manager confirms in the letter that a Microbiologist 2 and a Microbiologist 3 retired from the appellant's unit, and as a result of such vacancies, the appellant was assigned additional duties. Accordingly, the Commission is satisfied that the appellant has provided sufficient documentation to show that her duties as described are beyond those of her permanent title. Since the Microbiology Program Manager confirms that the appellant and her supervisor are the sole employees in her unit performing such complex tests and interpretations, the title of Microbiologist 1, as supported by the duties in the PCQ and by the Microbiology Program Manager, is the appropriate classification of the appellant's position. Accordingly, the appellant's position should be reclassified effective August 9, 2019, which is the pay period immediately after 14 days from the date this agency received the initial classification appeal, and her personnel record should reflect her provisional appointment, pending promotional examination procedures, to the title of Microbiologist 1 as of that date.

ORDER

Therefore, it is ordered that this appeal be granted.

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 3RD DAY OF JUNE, 2020

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