



STATE OF NEW JERSEY

In the Matter of Lisa Paddock,
Department of Health

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-1909

Classification Appeal

ISSUED: **NOV 30 2016** (JET)

Lisa Paddock appeals the attached decision of the former Division of Classification and Personnel Management (CPM)¹ that the proper classification of her position with the Department of Health is Research Scientist 2. The appellant seeks a Research Scientist 1 classification.

The record in the present matter establishes that at the time the appellant filed her request for a classification review, she was serving as a Research Scientist 2. The appellant's position is located in the Division of Environmental and Occupational Health Service, Cancer Epidemiology Services,² and she does not have any supervisory duties with regard to Department of Health employees. The appellant sought a reclassification contending that her position would be more appropriately classified as a Research Scientist 1. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performed. CPM reviewed all documentation supplied by the appellant including her PCQ. Based on its review of the information provided, including the unit organization chart, CPM concluded that the appellant's position was properly classified as a Research Scientist 2.

On appeal, the appellant maintains that she is performing the duties of a Research Scientist 1. Specifically, the appellant asserts that she listed on the PCQ

¹ Now the Division of Agency Services (Agency Services).

² The Cancer Epidemiology Services is comprised of two programs: The State Cancer Registry and the Cancer Research Program.

that her duties include supervision of employees, completing high level technical projects and reports, and initiating independent research projects. The appellant explains that, as a result of a Memorandum of Agreement (MOA)³ between the Department of Health (DOH) and Rutgers University, she is authorized to supervise seven Rutgers employees and two Adecco employees at the Rutgers Cancer Institute. The appellant adds that the process for completing employee evaluations for Rutgers employees is similar to the evaluations conducted under the PAR system. Further, the appellant contends that the job specification for Research Scientist 1 only indicates that incumbents "may" supervise employees. As such, supervision is not a requirement of the title. Moreover, the appellant asserts that the classification evaluation was erroneous since she was not interviewed in furtherance of the review and a desk audit was not conducted. In support, the appellant provides a copy of a performance evaluation that she completed for a subordinate employee.

CONCLUSION

The definition section of the job specification for Research Scientist 1 states:

Under general supervision of a division director or other supervisory official in a State department, institution, or agency, independently initiates and coordinates a research or developed program in a specified professional field; may supervise lower levels of Research Scientists and other technical staff, manages high level technical projects and reports results to designated officials for inter- and intra- agency response; does related work.

The definition section of the job specification for Research Scientist 2 states:

Under general supervision of a Research Scientist 1 or other supervisory official in a State department, institution, or agency, conducts research projects or participates in functional programs in a specified professional field; assumes appropriate administrative and scientific duties as delegated; heads complex

³ The appellant notes that the MOA states that Rutgers will hire all new employees. The appellant adds that the reporting structure is different than what is required by the Department of Health's Office of Human Resources. In this regard, based on the MOA, new hires in the cancer research program are Rutgers employees and all senior research staff are Department of Health (DOH) employees; therefore, DOH employees must supervise Rutgers employees. It has been determined by DOH and Rutgers University Human Resources that any employee can be supervised by senior level personnel at either organization. Based on this information, she has been given ultimate responsibility to supervise Rutgers staff. She currently participates in hiring and disciplinary processes. She independently administers annual assessment reviews for the subordinate staff that report directly to her.

projects and makes recommendations to the supervisor; does related work.

In the instant matter, the appellant's position should be classified as Research Scientist 1. It is clear that the appellant's duties include such things as independently researching or developing programs in a specified professional field, managing high level technical projects, and reporting related findings to designated officials. Indeed, the appellant indicated on her PCQ that 55% of her duties include developing research hypotheses in the implementation and maintenance of epidemiologic studies as they pertain to cancer research; overseeing day-to-day tasks and/or directing research operations; ensuring the successful implementation of research activities; preparing proposals with budgets; completing IRB approval applications and related reports; and maintaining communication with investigators and their supervisors. Such duties are consistent with the duties of a Research Scientist 1.

Significant in this case is the fact that Research Scientist 1 title is a supervisory title. Thus, incumbents are required to supervise subordinate Research Scientists or professional technical staff. Although the appellant maintains supervision is not necessary for a position to be classified as Research Scientist 1, the examples of work listed in the job specification confirm that individuals in this title are expected to function as supervisors. For example, and most illustrative, one example of work in the job specification states: "May plan, organize, and assign work of the organizational unit and evaluate employee performance and conduct, enabling the effective recommendation of the hiring, firing, promoting, and disciplining of subordinates." Further evidence that the Research Scientist title is at the supervisory level is its inclusion in the "R", or primary/first level of supervision Employee Relations Group (ERG). In this regard, titles are assigned to ERGs based on the classification of the position by the agency. See *N.J.S.A. 11A:3-1*. Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. See *In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015 (Commission found that Auditor 1 was a supervisory level position based on job definition, duties, and inclusion in the "R" ERG).

In this case, the appellant's position supervises lower-level subordinate employees and the Department of Health and Rutgers agreed that Department of Health employees can fully supervise Rutgers employees. Generally, the supervision that the appellant performs would be considered supervision of a contracted program. In this regard, it has been well established that supervising, training, and monitoring a program is not to be considered supervisory experience. However, it has been consistently determined that the *essential component* of supervision is the is the responsibility for conducting performance evaluations for subordinate employees. See *In the Matter of Timothy Teel* (MSB, decided November 8, 2001); *In the Matter of Charles Zingrone* (MSB, decided August 11, 2004). In this

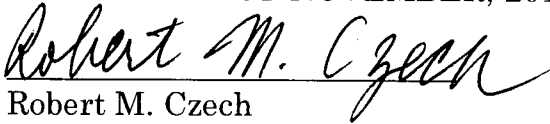
case, the MOA requires Department of Health employees to supervise lower level Rutgers employees. This supervisory responsibility specifically includes the responsibility of conducting formal performance evaluations and the appellant's position includes the ultimate authority to enforce completion of assignments or to remedy staff's failure to meet work standards. As such, the Commission finds that the appellant's performance of employee evaluation duties over subordinate Rutgers employees is substantially equivalent to her completing PARs of regular State employees. *See In the Matter of Virginia Stemler* (CSC, decided June 4, 2014). Therefore, even though the employees the appellant supervises are not in positions covered under the State Classification Plan, under these unique circumstances, the Commission finds that her position should be classified as Research Scientist 1. Accordingly, the appellant's position should be reclassified effective May 3, 2014, which is the pay period immediately after 14 days from the date this agency received the initial classification appeal.

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 23rd DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
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and
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Attachment

c: Lisa Paddock
Loreta Sepulveda
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11

Chris Christie
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STATE OF NEW JERSEY
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DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
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Robert M. Czech
Chair/Chief Executive Officer

December 19, 2014

Ms. Lisa Paddock
[REDACTED]

**Re: Classification Appeal: Research Scientist 2 (03165, P28);
CPM #: 05140048; EID #: 000310805**

Dear Ms. Paddock:

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 on information obtained during phone conversations with you and your Supervisor, Antoinette Stroup, Ph.D. (Director), on October 2, 2014.

Issue:

You are appealing the current classification of your position (068466), Research Scientist 2 (03165, P28). You allege that your duties are not appropriately classified and you are seeking to reclassify your position to that of Research Scientist 1 (03166, R30), 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 Environmental and Occupational Health Service, Cancer Epidemiology Services. The Cancer Epidemiology Services is comprised of two programs: The New Jersey State Cancer Registry and the Cancer Research Program. These two programs address important issues surrounding cancer, its causes and effects on the people of New Jersey. The Cancer Epidemiology Services, including the New Jersey State Cancer Registry (NJSCR), receives funding and other support from the Surveillance, Epidemiology and End Results (SEER) Program of the National Cancer Institute and the National Program of Cancer Registries (NPCR) of the Centers for Disease Control and Prevention (CDC), as well as state and other funding. Your position reports to Antoinette Stroup, Ph.D., Director, who is an employee of the Rutgers Cancer Institute of New Jersey. The remainder of your unit is composed of:

one (1) Senior Technical Assistant position; four (4) Research Teaching Specialist 5 positions; one (1) Cancer Registry Information Specialist 3 position; and one (1) Clerical position (temporary). All of these positions are filled by employees of the Rutgers Cancer Institute of New Jersey. According to information supplied by you and confirmed by Dr. Stroud, the State of New Jersey recently signed a Memorandum of Agreement with Rutgers University mandating that all research staff hired in the Cancer Epidemiological Services will be employees of Rutgers Cancer Institute of New Jersey.

Finding of Fact:

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

- Develops research hypotheses in the implementation and maintenance of epidemiologic studies as they pertain to cancer research. This involves managing the day-to-day research operations, the assignment of tasks to research staff and ensuring the successful implementation of research activities.
- Manages, plans and evaluates the performance of staff charged with conducting cancer research studies and the analyses of cancer incidence, causes and survival. Participates in public and professional education on cancer epidemiology, surveillance, and cancer control and prevention.
- Prepares proposals with budgets, Institutional Review Board (IRB) approval applications and other documents in coordination with study sponsors. Supervises appropriate field staff and prepares related reports. Maintains communication with investigators and their supervisors regarding any problems and questions that arise.
- When grant funding is required for a particular study, prepares components of the grant that are pertinent to the work occurring in New Jersey. Completes the application for the Scientific Review Board and the Institutional Review Board and navigates the research study through the approval process. Upon approval of the grant, implements research protocols, and assigns and trains appropriate staff for the research project.
- Organizes training opportunities when specialized training is required for a particular study. Selects which data will be used in order to meet the research objectives, how it will be collected, and who will be responsible for collecting the data and designing the data collection tools. Writes, or assigns staff to write, the findings of studies for publication in scientific journals and/or presentation at scientific conferences.

Review and Analysis:

Your position is currently classified in the title Research Scientist 2 (03165, P28). The definition section of the specification for this title states:

“Under general supervision of a Research Scientist 1 or other supervisory official in a state department, institution, or agency, conducts research projects or participates

in functional programs in a specified professional field; assumes appropriate administrative and scientific duties as delegated; heads complex projects and makes recommendations to the supervisor; does related work."

A Research Scientist 2 typically conducts research projects or participates in research projects in a specified field of study. This title may also be required to assume appropriate administrative and scientific duties as delegated, and may also be required to head complex projects which include making appropriate recommendations to supervisory personnel. You allege that you are performing the duties of a Research Scientist 1 (03166, R30).

The definition section of the specification for Research Scientist 1 (03166, R30) states:

"Under general supervision of a division director or other supervisory official in a state department, institution, or agency, independently initiates and coordinates a research or developed program in a specified professional field; may supervise lower levels of Research Scientists and other technical staff, manages high level technical projects and reports results to designated officials for inter- and intra-agency response; does related work."

A Research Scientist 1 independently initiates and coordinates a research or developed program in a specified professional field and is responsible for the supervision of lower-level Research Scientists and other technical staff. This title is also responsible for managing high-level technical projects and reporting related findings to designated officials. The Research Scientist 1 title is assigned to the "R" bargaining unit. Titles assigned to the "R" bargaining unit are considered to be first-level supervisors and must supervise subordinate staff. A Research Scientist 1 has the responsibility for evaluating employee performance and conduct, making recommendations for the hiring, firing, promoting, and for the disciplining of subordinates.

While you have responsibility for assigning, reviewing, and evaluating the work of employees of the Rutgers Cancer Institute of New Jersey, you have no supervisory responsibility over lower-level State employees, including Research Scientists. An employee cannot be considered a supervisor over individuals who are not part of the agency since the employee would have no ultimate responsibility to enforce completion of assignments or to remedy such staff's failure to meet work standards. Moreover, the employee would have no responsibility to administer Performance Assessment Reviews for subordinate staff. Therefore, Research Scientist 1 is an inappropriate classification for your position.

You are responsible for developing research hypotheses in the implementation and maintenance of epidemiologic studies as they pertain to cancer research. This involves conducting and/or directing the day-to-day research operations, the assignment of tasks to research staff and ensuring the successful implementation of research activities. Additionally, you prepare proposals with budgets, IRB approval applications and related reports. You maintain communication with investigators and their supervisors regarding problems, or questions that may arise. These duties are consistent with your current classification of Research Scientist 2 (03165, P28).


Determination

By copy of this letter, the Appointing Authority is advised that your position is presently and properly classified as Research Scientist 2 (03165, P28).

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
Classification and Personnel Management

MTB/rwz

Cc: Loreta Sepulveda
Ann Kopczynski
CPM Log #: 05140048

