

B-89



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Wieslawa Wlaz,
Department of Agriculture

Classification Appeal

CSC Docket Nos. 2015-1036

ISSUED: FEB 09 2015 (SLK)

Wieslawa Wlaz appeals the attached decision of the Division of Classification and Personnel Management¹ (CPM) that the proper classification of her position with the Department of Agriculture is Senior Laboratory Technician. The appellant seeks a classification of Research Scientist 3, Microbiology.

The record in the present matter establishes that Ms. Wlaz's permanent title is Senior Laboratory Technician. Ms. Wlaz is assigned to the Division of Animal Health and reports to Denise DiCarlo-Emery, Research Scientist 1, Microbiology. Her position does not possess supervisory responsibility. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Research Scientist 3, Microbiology. In support of her request, Ms. Wlaz's submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs as a Senior Laboratory Technician. CPM reviewed and analyzed the PCQ completed by the appellant as well as documentation submitted. CPM also conducted a telephone audit of Ms. Wlaz's job duties with her and her immediate supervisor on September 9, 2014. In its decision, CPM determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Senior Laboratory Technician.

On appeal, Ms. Wlaz provides further details outlining the complexity of the various tests that she performs and that she is responsible for finding the results. On some tests, the appellant maintains that she was the first person in the lab to

¹ Now known as the Division of Agency Services.

perform the test and that she has trained others on certain tests. Ms. Wlaz also presents that she has written Standard Operating Procedures for tests and has worked on various research projects. The appellant states that in her lab, the only two positions are Laboratory Technician and Research Scientist. Ms. Wlaz asserts that the number of college credits that she possesses far exceeds the requirements for a Laboratory Technician, that her work is essential to protect the public from the dangers of various diseases, that she performs these tests with the highest levels of accuracy and proficiency, and that the tests she performs are highly complex. Consequently, the appellant argues that her position should be classified as a Research Scientist 3, Microbiology.

CONCLUSION

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

Under direction of a Laboratory Supervisor or other appropriate administrative officer, takes the lead in a group of laboratory technicians making technical laboratory analyses in bacteriology, chemistry, parasitology, immunology and blood chemistry in a bacteriological, chemical, immunological, virological, criminological, animal industry, hospital, institution, forensic, research, or other laboratory; does other related duties as required.

The definition section of the job specification for Research Scientist 3, Microbiology states:

Under direction of a Research Scientist 1 or other supervisory official in a state department, institution, or agency, conducts or participates in research projects or functional programs in a specified professional field; does other related duties as required.

The Commission agrees with CPM's determination that the appellant's position is properly classified as Senior Laboratory Technician. In reviewing Ms. Wlaz's PCQ, her primary duty is to process bacteriological specimens for various tests. However, the appellant is not developing or investigating new laboratory procedures, not responsible for the initial set-up of new equipment or the planning of research projects, not drafting written professional reports or Standard Operating Procedures without assistance, or performing other duties that rise to the level of a Research Scientist 3, Microbiology. Instead, her duties and level of responsibility are consistent with a Senior Laboratory Technician.

In reference to Ms. Wlaz's comments regarding her educational background, the essential nature of her work, and her proficiency, how well or efficiently an

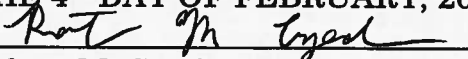
employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Regardless, the appellant's supervisor and Division Director indicated on her PCQ that these statements are not accurate and that she is working within the scope of her permanent title. Additionally, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the 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.

ORDER

Therefore, the Civil Service Commission concludes that the position of Wieslawa Wlaz is properly classified as a Senior Laboratory Technician.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4th DAY OF FEBRUARY, 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

Attachment

c: **Wieslawa Wlaz**
Linda Krajain
Kenneth Connolly
Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
CLASSIFICATION AND PERSONNEL MANAGEMENT
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

September 18, 2014

Ms. Wieslawa Wlaz
217 Avon Road.
Cherry Hill, New Jersey 08034

**RE: Classification Appeal, Senior Laboratory Technician,
CPM LOG# 04140087, Position# 957826, EID# 000490932**

Dear Ms. Wlaz:

This is to inform you, and the Department of Agriculture, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted and a telephone audit conducted with you and your immediate supervisor, Denise DiCarlo-Emery, Research Scientist 1, Microbiology, on September 9, 2014.

Issue:

You are appealing that your current permanent title of Senior Laboratory Technician (A15) is not consistent with your current assigned duties and responsibilities. You contend that a title of Research Scientist 3, Microbiology (P25) is an appropriate title for your position.

Organization:

Your position is located in the Department of Agriculture, Division of Animal Health, and you report directly to Denise DiCarlo-Emery, Research Scientist 1, Microbiology (R30). Your position does not possess supervisory responsibility.

Finding of Fact:

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

Ms. Wieslawa Wlaz
Page 2
September 18, 2014

- Extracting RNA manually or by using a magnetic particle processor for isolation of the Avian Influenza Virus.
- Performing Polymerase Chain Reaction (PCR) using a Cepheid Smart Cycler or an Applied Biosystems machine.
- Performing Johne's culture testing by preparing media, preparing acid fast stains, and identifying bacteria under a microscope.
- Processing bacterial specimens by preparing culture, gram stain, media, and setting up the identification of bacteria.
- Identifying *Typhlorella equigenitalis* by preparing specialized media for culture.

Review and Analysis:

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

You contend that the title Research Scientist 3, Microbiology (03164D-P25) is an appropriate title for your position. The definition section for this title states:

"Under direction of a Research Scientist 1 or other supervisory official in a state department, institution, or agency, conducts or participates in research projects or functional programs in a specified professional field; does other related duties as required."

An incumbent of the Research Scientist 3, Microbiology title conducts or participates in research projects. Typically an incumbent of the Research Scientist 3, Microbiology title will prepare reports containing findings, conclusions, and recommendations; interpret raw analytical data and submit conclusions and results to senior staff for approval; and implement and carry out research projects designed by senior scientific staff.

Ms. Wieslawa Wlaz

Page 3

September 18, 2014

Your position is currently classified by the title Senior Laboratory Technician (01923-A15). The definition section of the job specification for this title states:

"Under direction of a Laboratory Supervisor or other appropriate administrative officer, takes the lead in a group of laboratory technicians making technical laboratory analyses in bacteriology, chemistry, parasitology, immunology and blood chemistry in a bacteriological, chemical, immunological, virological, criminological, animal industry, hospital, institution, forensic, research, or other laboratory; does other related duties as required."

A review of your job duties and responsibilities finds that the primary responsibility of your position is to process bacteriological specimens. Your position processes samples for PCR; processes fecal samples for Johnne's testing; is responsible for the proper routing of specimens; prepares media used in the bacteriology lab; maintains lab equipment; performs packaging and shipping duties as needed; and assists with laboratory technical work in various subsections of the division. Your position performs a variety of tasks to assist in bacteriology, serology, and virology testing; however your position is not responsible for the implementation and responsibility associated with conducting research projects. The tasks associated with your position are descriptive of those associated with your position's permanent title of Senior Laboratory Technician.

A thorough review and analysis of the information submitted finds that the preponderance of the assigned duties and responsibilities of this position are encompassed within the title of Senior Laboratory Technician (A15).

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Senior Laboratory Technician (01923-A15).

Please be advised that in accordance with *N.J.A.C.* 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the


Ms. Wieslawa Wlaz

Page 4

September 18, 2014

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,

A handwritten signature in cursive script that reads "Joseph Ridolfi".

Joseph Ridolfi, Team Leader
Classification and Personnel Management

JR/tc

c: Ms. Linda Krajain, Human Resource Officer