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STATE OF NEW JERSEY

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

In the Matter of Ricardo Vega,
Department of Agriculture

CSC Docket No. 2015-2841

Classification Appeal

ISSUED: JUL 16 2015

(RE)

Ricardo Vega appeals the attached decision of the Division of Agency Services (DAS) which found that his position with the Department of Agriculture is properly classified as Principal Laboratory Technician. He seeks a Supervising Laboratory Technician job classification in this proceeding.

Mr. Vega received a regular appointment to the title Senior Laboratory Technician on August 18, 2007. He requested a classification review of his position as he believed that he was working out-of-title. A desk audit was performed including an interview with the appellant and his supervisor, and all relevant documentation was reviewed, including the completed Position Classification Questionnaire (PCQ). This position is located in the Department of Agriculture, Division of Animal Health, reports to an Assistant Director, Division of Animal Health Laboratory and does not supervise. The classification review found that Mr. Vega's assigned duties and responsibilities, as detailed in DAS' attached decision, were commensurate with the title of Principal Laboratory Technician.

On appeal, Mr. Vega argues that he supervises the laboratory functions as indicated in the examples of work section of the job specification, and reports to the Assistant Director, Division of Animal Health Laboratory, and indirectly reports to Research Scientists and Veterinarians. He states that, contrary to DAS' determination, he leads a group of Laboratory Technicians in the area of quality assurance standards and agglutination tests. All laboratory staff members are required to follow the quality assurance accreditation standards implemented by this position through Standard Operating Procedures (SOPs) and other procedures.

This position takes the lead in the implementation of the quality assurance accreditation requirements and ensures that the group of laboratory staff complies with the SOPs and other procedures. He documents non-compliance and reports to the employee for corrections and to the professional staff for performance documentation. He also indicates that he is the only one trained to conduct and supervise equine infectious anemia (EIA) tests, and the USDA requirement for EIA approval requires that one person have completed the training. As such, the EIA test is under his supervision.

Further, he argues that he supervises the laboratory quality assurance and quality management program as required by the American Association of Veterinary Laboratory Diagnosticians (AAVLD). He argues that failing to reclassify his position as Supervising Laboratory Technician will disqualify the laboratory from receiving accreditation, which will threaten the availability of federal funding to the laboratory, approval to conduct testing and New Jersey's ability to identify and stamp out diseases infectious to animals and humans through laboratory testing. Section 4.1.4 of the AAVLD accreditation requirement reads:

Appoint a member of staff as quality manager (however named) who, irrespective of other duties and responsibilities, shall have defined responsibility and authority for ensuring that the quality system is implemented and followed at all times, the quality manager shall have direct access to the highest level of management at which decisions are made on laboratory policy or resources.

The appellant argues that he is the employee responsible for ensuring that the quality system is implemented and followed at all times, and must also be granted "authority" to lead a group of laboratory staff to ensure that the quality system is implemented and followed at all times

CONCLUSION

The definition section of the job specification for Supervising Laboratory Technician states:

Under supervision of professional laboratory personnel, supervises and conducts tests and analyses in either a microbiological or analytical chemistry laboratory; or may supervise other technical or support personnel in the preparation of laboratory specimens or related data; does other related duties as required.

The definition section of the job specification for Principal Laboratory Technician states:

Under the direction of supervisory personnel or laboratory technicians of a higher grade, supervises a group of laboratory technicians, conducting technical laboratory analysis, or performs difficult and complex technical laboratory analysis in bacteriological, chemical, serological, virological, histological, venereal disease control, animal industry, hospital, institution or other laboratory; does related work as required.

A review of the duties of Mr. Vega's position indicates that they match the job description for Principal Laboratory Technician. The Supervising Laboratory Technician job specification *requires* an incumbent to supervise other technical or support personnel in the preparation of laboratory specimens or related data, or in conducting tests and analyses. Mr. Vega's position is not responsible for the performance of those duties. It is well established that supervisory duties include responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, *and make employee evaluations based on their own judgment*. In this regard, the Civil Service Commission has found that the essential component of supervision is the responsibility for formal performance evaluation of subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 8, 2001). They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). It is uncontested that the appellant does not have the responsibility for administering formal performance evaluations. In the absence of supervisory duties over personnel, the position is not properly classified as a Supervising Laboratory Technician. However, since the record evidences that Mr. Vega performs difficult and complex technical laboratory analysis, the most appropriate classification of his position is Principal Laboratory Technician.

Further, the appellant's training has no bearing on this determination. It is noted that the outcome of position classification is not to provide a career path to incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the state's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). How well or efficiently an employee does his or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. Additionally, the AAVLD accreditation standards are not germane to the classification of the position.

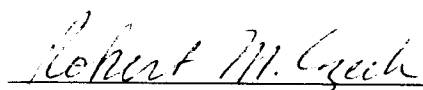
Accordingly, a thorough review of the entire record fails to establish that Ricardo Vega has presented a sufficient basis to warrant a Supervising Laboratory Technician classification of his position.

ORDER

Therefore, the position of Ricardo Vega is properly classified as a Principal Laboratory Technician.

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
THE 15th DAY OF JULY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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Director
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Enclosure

c: Ricardo Vega
Linda Krajain
Kenneth Connolly
Joseph Gambino



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March 30, 2015

Mr. Ricardo Vega
Department of Agriculture
Division of Animal Health
3 Schwarzkopf Drive
P.O. Box 330
Trenton New Jersey 08625

**RE: Classification Appeal – Senior Laboratory Technician, AS Log #
09140232; Position #095638, EID # 000347006**

Dear Mr. Vega:

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 submitted and a telephone audit conducted on March 20, 2015 with you and your immediate supervisor, Dr. Amar Patil, Assistant Director, Division of Animal Health Laboratory (M32)

Issue:

You contend that the duties of your position are inconsistent with your current title of Senior Laboratory Technician (A15) and the title Supervising Laboratory Technician (S22) is an appropriate title for the position.

Organization:

Your position is located in the Department of Agriculture, Division of Animal Health; you report to Dr. Amar Patil, Assistant Director, Division of Animal Health Laboratory (M31-02476). Your position does not have supervisory responsibility.

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The Department of Agriculture, Division of Animal Health maintains disease control programs to protect health and wellbeing of livestock in New Jersey

Finding of Fact:

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

- Overseeing the quality control management system within the laboratory for implementation of accreditation standards; supervising and performing agglutination tests for microorganisms; preparing specimens for serologic and histologic examinations.
- Coordinating documentation of nonconformance in laboratory testing; ensuring corrective and preventative actions are undertaken and completed by the laboratory staff; coordinating and performing evaluations, inspections, and reviews.
- Instructing laboratory staff on processes related to quality assurance; ensuring laboratory staff is on authorized standard operating procedures; supervising the administration of quality manual procedures appropriate to analytical area.
- Supervising and maintaining essential quality assurance documents, records, and files; supervising periodic calibration of equipment, meters, and instrumentation as necessary to meet federal requirements; performing and supervising routine instrument and equipment maintenance procedures.

Review and Analysis:

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

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“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.”

You contend that the title Supervising Laboratory Technician (S22-01925) is an appropriate title for your position. The definition section of the job specification states:

“Under supervision of professional laboratory personnel, supervises and conducts tests and analyses in either a microbiological or analytical chemistry laboratory; or may supervise other technical or support personnel in the preparation of laboratory specimens or related data; does other related duties as required.”

The title Principal Laboratory Technician (R18-01924) was also reviewed. The definition section for the job specification for this job title states:

“Under direction of supervisory personnel or laboratory technicians of a higher grade, supervises a group of laboratory technicians, conducting technical laboratory analysis, or performs difficult and complex technical laboratory analysis in bacteriological, chemical, serological, virological, histological, venereal disease control, animal industry, hospital, institution or other laboratory; does related work as required.”

A review of the assigned duties and responsibilities for this position finds that it supervises the quality assurance program ensuring the implementation of accreditation standards; supervises and performs agglutination tests for microorganisms and prepares specimens for serologic and histologic examinations; supervises and maintains essential quality assurance documents, records, and files; coordinates and performs evaluations, inspections, reviews, and audits to ensure compliance with all facets of quality assurance program by the laboratory staff; coordinates documentation of nonconformance in laboratory; ensures that corrective

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and preventative actions are completed by laboratory staff; instructs laboratory staff on processes related to quality assurance; supervises the administration of manuals and procedures appropriate to analytical area to include quality control procedures; prepares evaluations, audit reports, management reports, and reports related to laboratory quality control; and ensures that instruments are calibrated and cleaned in order to meet federal requirements as outlined in the standard operating procedures.

The position does not take the lead in a group of laboratory technicians making technical laboratory analyses, due in part to the fact that the work is done individually. The position does not demonstrate supervising along with conducting tests and analyses within the laboratory, or supervising other technical or support personnel in the preparation of laboratory specimens for a significant portion of time. However, the responsibilities of this position include performing difficult and complex technical laboratory analysis within the animal industry laboratory.

The preponderance of your duties and responsibilities are significantly descriptive of tasks assigned to the title Principal Laboratory Technician (R18-01924).

Determination:

Based on the findings of fact above, it is my determination that the assigned duties and responsibilities performed by your position would be properly classified by the title Principal Laboratory Technician (R18-01924), effective October 4, 2014.

The Civil Service Commission will work with the Department of Agriculture to effectuate this transaction.

Please be aware that an incumbent's eligibility in meeting specification requirements is not the same as properly classifying the duties of the position. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment to the title.

The New Jersey Administrative Code 4A:3-3.5©1 states that, "within 30 days of the receipt of the classification determination, unless extended by the Commissioner in a particular case for good cause, the Appointing Authority shall either effect the required change in the classification of an employee's position; assign duties and

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responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position whether promotional, demotional or lateral, shall be effected in the accordance with all applicable rules."

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision with 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 submission of an appeal must include a copy of the determination being appealed along with written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader
Agency Services

JR/ts

c: Ms. Linda Krajain, Human Resources
PMIS Unit, CSC

