



STATE OF NEW JERSEY

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

In the Matter of Venita Puerto,
Department of Health

CSC Docket No. 2020-2386

Classification Appeal

ISSUED: DECEMBER 21, 2020 (RE)

Venita Puerto appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Health is properly classified as Health Data Specialist 2. She seeks a Research Scientist 2 job classification in this proceeding.

The appellant received a regular appointment to the title of Research Scientist 3 in the noncompetitive division on October 2, 2017. Subsequently, she requested a classification review of her position on the basis that she was performing the duties of a Research Scientist 2. An audit was conducted consisting of a review of all documents, including a Position Classification Questionnaire (PCQ).. This position is located in the Department of Health, Healthcare Quality and Informatics Unit, which is responsible for compiling and releasing statistical information on the health of New Jersey residents. The position is supervised by a Health Science Specialist and has no supervisory responsibilities, and there are no other current employees in the unit although there were two vacancies at the time of the audit. The classification review found that the appellant's assigned duties and responsibilities, as detailed in Agency Services' February 25, 2020 decision, were commensurate with the title of Health Data Specialist 2.

On appeal, the appellant argues that Agency Services' determination was inconsistent with the information provided, and that her job responsibilities include conducting specialized research studies and surveys to support the CDC funded Data Driven Prevention Initiative Project (DDPI). She indicates that one of her job responsibilities is to design, coordinate and implement research studies; develop

study protocols, collect and analyze data, and prepare and disseminate reports on findings, conclusions, and recommendations. She states that during a telephone audit, she spoke extensively about scientific investigations that she has led and the findings that emerged as result of her studies. The appellant argues that Agency Services has placed too much emphasis on temporary grants management responsibilities, and not enough on her involvement in leading, designing, coordinating, and implementing highly specialized research studies over the past year to further the understanding of the opioid epidemic. She states that, contrary to Agency Services' determination, she was not carrying out grant management responsibilities in her 2019 ePAR. As to lead worker duties, the appellant argues that the primary responsibility of her position is to oversee and validate data preparation, analysis, and development of the Opioid Data Dashboard website. In doing so, she assigns and reviews the work of two temporary employees who are responsible for preparing data from the dashboard, and serves as the project lead and point of contact on activities regarding two Federal grants. Additionally, she serves as the Strategy 3 Lead on the CDC Overdose Data to Action grant, where she designs and leads innovative research projects and reviews the analytical programs, results, and analyses made by technical research staff, and ensures availability of funding from ongoing proposed research projects. For example, as a Strategy 3 Lead she performed case linkages, which is merging individual records from disparate datasets that are believed to relate to the same individual, between overdosed data and EMS and prison data. She argues that study designs with this degree of complexity are outside the scope of the Health Data Specialist title series, and above the scope of a Research Scientist 3, who carries out the research or analytical programs designed by senior scientific staff. She states that to do so, she conducts a literature review to identify gaps in research, generates a hypothesis/research question, and submits proposals to the Institutional Review Board (IRB) which ensures adherence to standards for research on human subjects.

In support, her supervisor states that the appellant is responsible for independently coordinating and implementing complex scientific research studies. The supervisor explains that the IRB reviews protocols to assess whether it is deemed research in accordance with Federal guidelines or is exempt from such a review. The appellants protocol entitled, "Maximizing Resources-Analyzing Hospital and EMS Data to Improve Patient Outcomes," was reviewed by the IRB and deemed to be research. The appellant must ensure that the study she developed is followed exactly as written to protect the rights of the research subjects, will oversee the implementation of the study, and will confer with collaborators, will clean and analyze data, and will produce a written report of publishable quality of the research findings. Also she will ensure adequate funding and resources are available. Her supervisor indicates that she has conducted other investigative activities, which are documented in her 2019 and 2020 ePARs.

Further, the Director of Population Health within the Department of Health, which oversees the appellants unit, indicated that the appellant's work has resulted in critical breakthroughs and new discoveries that address public health crises such as the opioid and overdose epidemics. It is stated that the appellant performs research design, protocol development, IRB submissions, subject recruitment, and data collection, analysis, interpretation and dissemination. The appellant's experimentation with multi-level linkages between complex data sets have led to geographic and social demographic trends and vulnerabilities that have improved the State's response to the opioid crisis. He states that the appellant advises researchers from Rutgers University, collaborating in the study of opioid use over various disciplines. She is appraised of scientific literature and population health trends, participates in surveillance and research workshops and conferences, designs original research and builds unique research teams, provides insightful reports and, policy briefs and publications, teaches others, oversees technicians' implementation of her research methodologies, and provides advice regarding research.

Next, the Director of Opioid Response and Policy indicates that the appellant is a primary epidemiologist focused on the overdose epidemic and charged with developing innovative surveillance methods that the necessity investigations and experiments, identifying breakthroughs, and reporting new discoveries within the field of Epidemiology¹. The Director indicates that this is a scientific field, and that the appellant performs scientific investigations and experiments, identifies breakthroughs, and reports new discoveries. She argues that the Health Data Specialist title series focuses on aspects related to data management and data analysis to support the operation or management of a database system, while the Research Scientist title series emphasizes work in the scientific realm. She states that the appellant's duties regarding significant data management and analysis are not to support the operation or management of the database system, but are employed for the furtherance of epidemiological/scientific investigations to identify new findings and advance scientific knowledge around the overdose epidemic. She states that the appellant develops innovative surveillance methods to address the overdose epidemic, performs scientific investigations, defines breakthroughs, and reports and discoveries. The investigations are data driven and employ a systematic and unbiased approach to the collection, analysis, and interpretation of data that involves biostatistics, probability, hypothesis testing, development of original theories, and careful observation and use of valid comparison groups to assess whether what was observed differs from what was expected. She then identifies epidemiological

¹ Epidemiology is the method used to find the causes of health outcomes and diseases in populations. In epidemiology, the patient is the community and individuals are viewed collectively. By definition, epidemiology is the study (scientific, systematic, and data-driven) of the distribution (frequency, pattern) and determinants (causes, risk factors) of health-related states and events (not just diseases) in specified populations (neighborhood, school, city, state, country, global). It is also the application of this study to the control of health problems (Source: *Principles of Epidemiology in Public Health Practice, 3rd Edition, An Introduction to Applied Epidemiology and Biostatistics*, Centers for Disease Control and Prevention (CDC)).

breakthroughs, submits findings to scientific journals, presents at relevant scientific conferences, and functions as a scientific consultant.

Lastly, the Chief of Staff states that the appellant has conducted several studies that identified new effective strategies to focus of surveillance and prevention efforts regarding the opioid epidemic. She designs, oversees, coordinates, and implements research projects using appropriate research methods and statistical techniques, and prepares reports on findings and recommendations.

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 if 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 class specification for the title Research Scientist 3 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 developed programs in a specified professional field; does other related work.

The definition section of the class specification for the title 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 projects and makes recommendations to the supervisor; does related work.

The definition section of the class specification for the title Health Data Specialist 2 states:

Under the limited supervision of a Health Data Specialist 3 or other supervisory official in the Department of Health, organizes and directs assigned health research activities of a complex and technical nature; may function as a lead worker, providing guidance to staff of lower levels and taking the lead in health research-related matters; does other related duties as required.

At the outset, it is noted that the duties listed in the determination are a summary of duties rather than a word for word copy of what was listed in the PCQ. The appellant indicated on her PCQ that for 30% of the time she oversees the coordination and conduct of activities of the federal grant “CDC Prescription Overdose: DDPI” grant; resolves administrative issues; hires temporary staff; oversees contracts and facilitates the coordination of partners to ensure that the deliverables of the grant are completed on a timely basis with high quality; drafts legal contracts for review, including data use agreements and memorandum of agreements to collaborate on projects with external agencies; and maintains essential documents pertaining to the grant. Her supervisor indicated that this is one of the most important duties of the position. The other important duty is also performed 30% of the time, which is oversees, manages and validates the data preparation, analysis and development of the Opioid Data Dashboard website, which publicly shows opioid-related statistics and trends; assigns work and reviews completed assignments of two temporary employees responsible for preparing data for the dashboard; and conducts in-person training session for internal senior staff and external partners on how to use the dashboard. The remaining duties are overseeing research studies and preparing and disseminating reports for 15% of the time; serving as primary epidemiologist on the DDPI grant by studying data sources, performing data management, and preparing data for analysis for 10% of the time; serving as point of contact and project lead on two federal grants functioning as a scientific consultant to ensure compliance with appropriate statistical techniques and methodology for 10% of the time; and participating in meetings, workshops and conferences to present scientific findings and acting as Department representative.

In making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the Examples of Work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O’Connell* (Commissioner of Personnel, decided April 10, 1992). Performing research to find the data which is needed for analysis is directly in line with the purpose of the Health Data Specialist 2 title. In that regard, the appellant’s work with the Opioid Data Dashboard website, performed 30% of the time, is Health Data Specialist work.

However, the Research Scientist titles typically perform scientific investigations and experiments, identify breakthroughs, and report on new discoveries. Scientific research involves the development and implementation of innovative original theories or methods, making independent decisions in a very limited or restricted area of a specific scientific field, and solving problems using standard principles, procedures, and techniques for their scientific area of expertise.

Research Scientists design their research, choose methods, and analyze findings. It is significant that the Research Scientist works “in a specified professional field,” and this is supported by the substitution clause which allows for a Doctorate in a discipline appropriate to the position to be substituted for years of experience. This title series originated for chemistry, and evolved to include health in a laboratory setting, and then physical, environmental, microbiological, and biological sciences. Later, references to these specific fields were removed. However, the intent is that the series remain in the scientific realm. On the other hand, the definition of the Health Data Specialist 2 title specifically focuses on organizing and directing complex and technical health research activities. One of the examples of work for this title is to evaluate health data included in surveys, test methodologies used, assumptions made, and evaluate conclusions reached. This is similar to the scientific method, except that it refers to assumptions rather than hypotheses. Another example of work is to devise methods for collecting and processing socioeconomic and health data and organize, and interpret the data for use in health planning studies. While the requested title is similar to the title given by Agency Services, the appellant performs research that is technical, informational, and related to medical issues. A portion is also scientific, such as overseeing research studies, serving as primary epidemiologist, and presenting research findings. However, a Health Data Specialist 2 specifically has responsibility for research of statistical health data. A holistic view of the duties presented does not support that the primary focus is conducting research projects or participating in functional programs in a specified professional field. While this may be included in some of her responsibilities, particularly in developing her own studies, the majority of the appellant’s work involves collecting and studying data, data analysis, data management, reviewing data collection methods, tracking data trends, overseeing the Overdose Data Dashboard, and grants management. It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent’s duties and responsibilities correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. The preponderance of the duties of the appellant’s position more closely match the definition of Health Data Specialist 2 than those of Research Scientist 2.

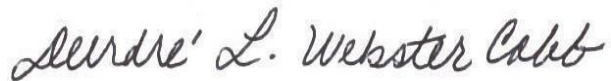
Accordingly, a thorough review of the entire record fails to establish that Venita Puerto has presented a sufficient basis to warrant a Research Scientist 2 classification of her position.

ORDER

Therefore, the position of Venita Puerto is properly classified as a Health Data Specialist 2.

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 16TH DAY OF DECEMBER 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Venita Puerto
Loreta Sepulveda
Division of Agency Services
Records Center