



STATE OF NEW JERSEY

In the Matter of Suzanne DeLorenzo,
Supervisor of Laboratories (Clinical
and Water Analysis) (M0725B),
Passaic Valley Water Commission

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

CSC Docket No. 2022-1095

Examination Appeal

ISSUED: MARCH 4, 2022 (HS)

Suzanne DeLorenzo, represented by Yaacov Brisman, General Counsel, appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the education and experience requirements for the open competitive examination for Supervisor of Laboratories (Clinical and Water Analysis) (M0725B), Passaic Valley Water Commission (PVWC).

The subject examination was announced with a closing date of December 21, 2020 and was open to Passaic County and New Jersey residents who possessed a Bachelor's degree in Medical Technology from an accredited college or university and six years of experience as a medical technologist conducting chemical, bacteriological, serological, and/or other tests and analyses in a clinical laboratory. Applicants who did not possess the required education could substitute 90 semester hour credits from an accredited college or university, which shall have included 24 semester hour credits in the chemical, biological, and physical sciences, and must have successfully completed 12 months in an accredited school of medical technology. A Master's degree in a chemical, physical, or biological science could be substituted for two years of required experience. A license as a medical physician or a Ph.D. in a chemical, physical, or biological science could be substituted for four years of required experience. The resulting eligible list containing the names of two eligibles promulgated on October 28, 2021 and expires on October 27, 2024. A certification issued from the list on November 3, 2021, but it has not yet been returned.

On her application, the appellant indicated possession of a Bachelor's degree in Biology from Monmouth University with 139 credits; a Master's degree in Biomedical Science from the University of Medicine and Dentistry of New Jersey (UMDNJ); and a Ph.D. in Environmental Science and Engineering from Oregon Health and Science University. The appellant also indicated various legislative experience and the following positions: provisional Supervisor of Laboratories (Clinical and Water Analysis) with the PVWC from March 2020 to December 2020; Water Quality and Conservation Manager with Clackamas River Water from November 2011 to March 2020; Adjunct Professor with Portland Community College from November 2018 to March 2020; and Graduate Research Assistant with Oregon Health and Science University from 2006 to 2014. The appellant's major duties in the position of Water Quality and Conservation Manager included the following: Laboratory Director for the analysis of microbial and chemical contaminants (cyanotoxins); coordination of regulatory sampling, reporting, and compliance monitoring of water quality parameters with the Environmental Protection Agency and Oregon Health Authority; coordination and implementation of watershed management research and monitoring; calibration and operation of analytical equipment; training laboratory staff on analytical techniques, protocols, and associated equipment such as the Cyanotoxin Automated Assay System and Quantitative Polymerase Chain Reaction; compiling testing data and interpreting data to determine testing standards, special testing procedures, quality assurance standards, and efficiency of the equipment; and interpreting the technical significance of data and preparing reports and recommendations.

Agency Services noted that while the appellant's Bachelor's degree was not in Medical Technology, she possessed 90 semester hour credits that included 24 semester hour credits in the chemical, biological, and physical sciences. Agency Services also credited the appellant with 10 months of applicable experience based on her provisional service in the subject title from March 2020 to December 2020 and the equivalent of two years of applicable experience based on her possession of a Master's degree in Biomedical Science. However, Agency Services determined that the appellant lacked 12 months in an accredited school of medical technology since she had not completed a 12-month program of instruction in medical technology. Her Ph.D. was deemed inapplicable because it was not in any of the required areas in the substitution clause. The appellant's Water Quality and Conservation Manager, Adjunct Professor, and Graduate Research Assistant positions, along with her legislative experience, were deemed inapplicable. Specifically with respect to the Water Quality and Conservation Manager position, Agency Services noted that a medical technologist performs diagnostic testing of blood and body fluids in clinical laboratories and that the scope of a medical technologist's work begins with the receipt of patient or client specimens and terminates with the delivery of test results to physicians and other healthcare providers. Agency Services further noted that a clinical laboratory is where materials derived from the human body are examined for the purpose of providing information on diagnosis, prognosis, prevention, or

treatment of disease. Thus, while the appellant may have been performing and overseeing the analysis of microbial and chemical contaminants of water, this experience was not considered medical technologist experience and not in a clinical laboratory. As such, the appellant was deemed ineligible because she lacked 12 months in an accredited school of medical technology and three years and two months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant contends that she meets the requirement of 12 months in an accredited school of medical technology because she attended UMDNJ for more than 12 months and attended the Oregon Health and Science University over a period of seven years pursuing and earning her Ph.D. The appellant also argues that she meets the experience requirement because her experience working in, and supervising, laboratories is wide-ranging and expansive. She states that her nearly nine-year tenure as Water Quality and Conservation Manager with Clackamas River Water, a water utility, consisted of ensuring water quality by testing and overseeing the testing of the drinking and source water in the laboratory. The appellant states that in her Water Quality and Conservation Manager position, she was specifically responsible for chemical and bacteriological testing of drinking water as laboratory head. The appellant adds that she holds a Certificate of Competency as a Water Treatment Operator issued by the Oregon Health Authority and is a published scholar, lecturer, and noted expert in the field of bacteriological testing of drinking water. The appellant maintains that she is a very qualified candidate. In support, she submits copies of her resume, transcripts, and certificates.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. Nevertheless, the Commission finds that it is now appropriate to admit her. In this regard, the record evidences that the examination situation is not competitive since the resulting eligible list promulgated with only two names. And although the appellant's education and her experience as Water Quality and Conservation Manager does not precisely mirror the requirements listed on the announcement, the Commission is satisfied that the totality of her education and her experience with water quality testing in the laboratory warrants her admission to the subject examination. Moreover, the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of*

Personnel, 154 N.J. 121 (1998). Therefore, based on the totality of the circumstances in this matter, good cause exists to admit the appellant to the examination. This remedy is limited to the facts of this case and may not be used as precedent in any other matter.

The Commission adds the following comments. The title under test here, it must be emphasized, was Supervisor of Laboratories (Clinical *and* Water Analysis). However, the education and experience requirements, as currently set, are such that *only* one who possesses education and experience consistent with the *clinical* side can meet the open competitive requirements. One who *only* possesses education and experience consistent with the *water analysis* side *cannot* meet the open competitive requirements. By contrast:

- The Laboratory Technician Water Analysis title requires one year of experience conducting standardized basic chemical tests and procedures *on water samples*, and successful completion of 30 semester hour credits which includes eight semester hour credits in chemistry, and a course in organic chemistry, may be substituted for the one year of experience.
- The Senior Laboratory Technician Water Analysis title requires two years of experience conducting standardized basic chemical and/or bacteriological testing and analysis *on water samples*, and successful completion of 60 semester hour credits which includes 16 semester hour credits in chemistry, and a course in organic chemistry, may be substituted for two years of experience.
- The Principal Laboratory Technician Water Analysis title requires three years of experience conducting standardized basic chemical and/or bacteriological testing and analysis *on water samples*, and successful completion of 60 semester hours which includes 16 semester hour credits in chemistry, and a course in organic chemistry, may be substituted for two years of experience.
- The Supervising Laboratory Technician Water Analysis title requires four years of experience conducting standardized basic chemical and/or bacteriological testing and analysis *on water samples*, and successful completion of 60 semester hour credits which includes 16 semester hour credits in chemistry, and a course in organic chemistry, may be substituted for two years of experience.
- The Chief Chemist Water Analysis title requires a Bachelor's degree in one of the biological sciences or chemistry, including or supplemented by three semester hour credits in bacteriology, and five years of laboratory experience in chemical and/or bacteriological testing and analysis.

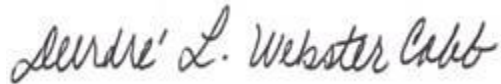
Thus, Agency Services may wish to review the Supervisor of Laboratories (Clinical and Water Analysis) job specification for appropriate changes.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed for prospective employment opportunities.

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 2ND DAY OF MARCH, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris 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: Suzanne DeLorenzo
Louis Amodio
Yaacov Brisman, General Counsel
Division of Agency Services
Records Center