

The appellant explains that the field operations unit is an extension of the STD Program Surveillance Unit. She states that the PHR2CD performs follow-up activities; but that she provides services in a communicable disease unit and coordinates clerical staff work, as well as provides technical assistance to others. She states that her department has always used clerical staff in the operations of the Surveillance Unit, and that she managed their training and daily work activities, and supervised their work. She explains that another PHR2CD has since been assigned to the unit from the field to fill the gap left by the reassignment of seven clerical staff. She states that she has legal authority for a statewide reporting project for medical providers; has trained clerical and disease intervention staff on the use of a database and provided technical assistance to users; reviews reports regarding patient follow-up and care; and creates STD positive reports of disease to be submitted to the Health Department. She also maintains that she manages a database, develops and implements protocols for laboratory reporting; is responsible for case management, reports and electronic transmission to the Center for Disease Control; reviews STD data to monitor changes throughout the State and reports data; contributes to reports and grant applications; and assumes responsibility for the unit in the absence of the Coordinator. The appellant submits an organizational chart, dated April 28, 2014, wherein it indicates that her position supervises the Principal Data Entry Machine Operator and another PHR2CD. It is noted that this organizational chart differs from the one presented to CPM during the audit.

The Manager, Sexually Transmitted Disease Program, writes a letter in support of this appeal. In support, the Manager states that the Coordinator's position is critical within the STD program as surveillance is a core function for any prevention program. She states that provider-based case reporting is crucial and that the appellant ensures that STD providers are reporting STD's in accordance with regulations, and evaluates STD reports to determine if field investigations are necessary. If so, she assigns field investigations to other PHRCDs, and provides guidance, training, and monitoring of field investigative progress. She states that the appellant is responsible for ensuring that laboratories performing STD testing are surveyed periodically, and maintains close working relationships with other professionals. The Manager explains that the Surveillance Unit is managed by a Federal employee recently reassigned, but that this employee could be reassigned and any time to another State. She indicates that it is important that a State employee is placed in the Coordinator's position to provide stability to the STB Surveillance Unit.

CONCLUSION

The definition section of the job specification for PHR2CD states:

Under direction of a Public Health Representative of a higher level or other supervisory official in the Department of Health and Senior Services, implements the activities of a subunit in a communicable disease field office providing epidemiologic, diagnostic, screening, or health care services in the area of communicable diseases including sexually transmitted diseases, tuberculosis, and AIDS; does other related duties as required.

The definition section of the job specification for PHR1CD states:

Under direction of a supervisory official in the Department of Health and Senior Services, supervises the activities of a communicable disease field office and/or supervises components of a public health program providing epidemiologic, diagnostic, screening, or health care services in the area of communicable diseases including sexually transmitted diseases, tuberculosis, and AIDS; does other related duties.

As to the type of classification review, classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). The chosen method in this case was a paper review and telephone audit, which is a valid way of collecting information about a position and is not by any means considered to be inadequate or improper. The appellant's dissatisfaction with the method of classification review is not a reason to conclude that the audit results were inaccurate.

Next, performing the job duties of a supervisor, in his or her absence, is not considered formal supervision. Typically, classification determinations list only those duties which are considered to be the primary focus of an employee's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). Such temporary duties cannot be considered the primary focus of a position.

Also, the classification of a position is determined based on the duties and responsibilities currently assigned to a position. Duties performed in the past, or expected to be performed in the future are not considered. Based on the information presented in the record, it is clear that at the time of the classification study, the position of Ms. Tucker-Trower did not supervise lower level employees in the title series and it was appropriately classified as PHR2CD. However it cannot be ignored that the position currently supervises a PHR2CD. CPM's decision was based on the fact that the PHR1CD supervises professional level employees, and

that none of the employees previously supervised, or currently supervised at the time of the audit, had responsibility for providing professional services. In this respect, the appellant had not been performing duties of the higher title when supervising only clerical personnel.

The revised organizational chart submitted by the appellant was dated 19 days after CPM's determination, and the Manager, Sexually Transmitted Program, verifies that the position supervises one clerical staff and one PHR2CD. As such, it is possible that the position may now be misclassified. Accordingly, the matter of the change in the appellant's duties since CPM's determination should be referred to CPM so it can determine the appellant's appropriate classification since that time.

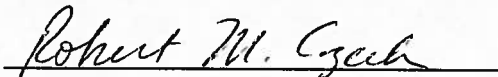
Accordingly, a thorough review of the entire record fails to establish that Valerie Tucker-Trower has presented a sufficient basis to warrant a PHR1CD classification of her position at the time of the audit.

ORDER

Therefore, the position of Valerie Tucker-Trower is properly classified as a Public Health Representative 2, Communicable Disease. However, the matter of Valerie Tucker-Trower's current classification is referred to the Division of Classification and Personnel Management for further review.

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 1st DAY OF OCTOBER, 2014



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**

Enclosure

**c: Valerie Tucker-Trower
Loreta Sepulveda
Kenneth Connolly
Joseph Gambino**



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

April 9, 2014

Valerie Tucker-Trower
New Jersey Department of Health
Division of HIV, STD & TB Services
Sexually Transmitted Disease Program
35 East State Street
Trenton, New Jersey 08625

Re: Classification Appeal, Public Health Representative 2, Communicable Disease (62924C, P21); Position #: 952206; CPM Log #: 09130350; EID #: 000362379.

Dear Ms. Tucker-Trower:

This is in response to the classification appeal received September 25, 2013 submitted to this office on your behalf by Loreta Sepulveda, Director, Human Resources. The package indicates that you are appealing your current permanent title of Public Health Representative 2, Communicable Disease (P21, 62924C), and that you believe the appropriate classification of your position is Public Health Representative 1, Communicable Disease (62926C, R24). Your position is located in the Division of HIV, STD & TB Services, Sexually Transmitted Disease Program.

On March 20, 2014, a telephone audit was conducted with you to confirm information regarding the structure of your organizational unit. In addition, this office has also conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); organization chart; your statements; and the statements of your supervisor, program manager (or division director).

At the time of receipt, your appeal package indicated that you reported to an Assistant Program Manager, Steven Dunagan, who is a federal government employee (GS-12). The table of organization (TO) submitted along with your appeal also indicated that you had supervisory responsibility over: one (1) Technical Assistant 3; two (2) Principal Data Entry Machine Operators; three (3) Principal Clerk Typists; and one (1) Clerk Typist. You indicated that you had the responsibility for completing performance assessment reviews (PARs) on these seven (7) employees. However, during your telephone audit it was discovered that within the last two weeks your division has lost funding and there has been a

Valerie Tucker-Trower
April 9, 2014
Page 2.

restructuring of your program area, which has resulted in the reassignment of all but one (1) Principal Data Entry Machine Operator who you previously supervised. A conversation with the Sexually Transmitted Disease Program Manager, Patricia Mason (also a federal government employee, GS-13), revealed that as of yet, there has been no official organizational structure put into place and that she was unable to provide this department with a current TO.

The definition section of the specification for the title Public Health Representative 1, Communicable Disease (62926C, R24) states:

Under the direction of a supervisory official in the Department of Health and Senior Services, supervises the activities of a communicable disease field office and/or supervises components of a public health program providing epidemiological, diagnostic, screening, or health care services for communicable diseases including sexually transmitted diseases, tuberculosis, and AIDS; does other related duties.

A position at this level is expected to supervise professional-level employees in a public health program that provides epidemiological, diagnostic, screening, or other health care services. None of the employees you previously supervised or currently supervise have the responsibility for providing any of the above professional services. The duties of these employees are considered technical or clerical, not professional. Your position does not supervise other professional-level positions performing in a similar professional capacity, therefore the Public Health Representative 1, Communicable Disease is not an appropriate classification for your position.

The definition section of the specification for the title Public Health Representative 2, Communicable Disease (62924C, P21) states:

Under direction of a Public Health Representative of a higher level or other supervisory official in the Department of Health and Senior Services, implements the activities of a subunit in a communicable disease field office providing epidemiologic, diagnostic, screening, or health care services in the area of communicable diseases including sexually transmitted diseases, tuberculosis, and AIDS; does other related duties; as required.

The duties of your position involve providing epidemiologic, diagnostic, screening, or health care services in a communicable disease subunit and coordinating the work of clerical staff in the receipt of data from labs, providers, clinics, disease intervention specialists and other health care providers, as well as providing technical assistance to field staff, local health departments, physicians and health care providers. These duties are commensurate with your current classification of Public Health Representative 2, Communicable Disease.

Valerie Tucker-Trower
April 9, 2014
Page 3.

It is our determination that the appropriate classification of your position is Public Health Representative 2, Communicable Disease (62924C, P21). By copy of this letter the Appointing Authority is advised that your position is presently and properly classified as Public Health Representative 2, Communicable Disease (62924C, P21). In addition, the Appointing authority is advised to remove any remaining supervisory duties.

The class specification for this 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 Resource Consultant 5
Classification and Personnel Management

MTB/rz
c: Loreta Sepulveda
Ann Kopczynski