



**STATE OF NEW JERSEY**

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

In the Matter of Tunisia King  
and Mark Steen, Microbiologist 2  
(PS2942H), Department  
of Health

CSC Docket Nos. 2022-2768  
2022-2763

Examination Appeals

**ISSUED: JUNE 20, 2022 (RE)**

Tunisia King and Mark Steen appeal the determinations of the Division of Agency Services (Agency Services) which found that King did not meet the educational requirements, and Steen did not meet the educational and experience requirements for the promotional examination for Microbiologist 2 (PS2942H), Department of Health. These appeals have been consolidated due to common issues.

The subject promotional examination announcement was issued with a closing date of November 22, 2021 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Microbiologist 1; OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. These requirements included possession of a Bachelor’s degree from an accredited college or university including or supplemented by 12 semester hour credits in specific microbiological courses in the study of microorganisms, which includes bacteriology, virology, parasitology, and/or mycology, and two years of experience in a public health or clinical laboratory conducting diagnostic microbiological/molecular and serology tests and examinations, and/or research. A Master’s degree in microbiology could be substituted for one year of experience. A Doctorate in microbiology could be substituted for two years of required experience. The appellants have permanent status in the titles Senior Laboratory Technician Microbiology, and Laboratory Technician; therefore, each appellant needed to satisfy the open competitive requirements. King was found to be ineligible as she

lacked the required specific credits, while Steen was found to be ineligible based on a lack of experience and the required specific credits. One applicant appeared on the eligible list, which was certified, and that applicant was appointed.

King was found to have met the experience requirement. She was credited with 7 applicable credits (General Microbiology BIOL 3200, Parasitology BIOL4500), and found to be lacking 5 required credits. Steen was credited with one year, one month of applicable experience in his provisional position in the subject title and with 4 applicable credits (Microbiology BIOL 11330). As such, he was found to be lacking eleven months of applicable experience, and 8 required credits.

On appeal, King argues that the specific required credits are key courses of microbiology, but they are not the only courses. She provides a definition of microbiology as, “the study of microscopic organisms, such as bacteria, viruses, archaea, fungi and protozoa. This discipline includes fundamental research on the biochemistry, physiology, cell biology, ecology, evolution and clinical aspects of microorganisms, including the host response to these agents.” Thus, she argues that her classes in Molecules and Cell Function (BIOL 1300), Genetics (BIOL 3100), Human Anatomy and Physiology (BIOL 1610), and Ecology (BIOL 3400) should be considered as applicable credits, and she provides her transcript and descriptions of these classes. She states that not only are the courses that focus solely on microorganism important to this position but so are the courses that show the developmental aspects and effects of microorganisms as well. She states that a public health microbiologist would specialize in the identification, detection, and containment of microscopic organisms that may cause disease or be otherwise detrimental to the public wellbeing.

Steen provides copies of his transcripts and resume, and states that he has a Bachelor’s degree in Biological Science. He argues that he has an excess of 12 credits in Microbiology, and includes course descriptions from the course catalog for seven classes: Concepts of Genetics (BIOL 01106), Introduction to Cell Biology (BIOL 01203), Microbiology (BIOL 11330), Advanced Cell Biology (BIOL 01430), Advanced Genetics (BIOL 22335), Developmental Biology (BIOL 01428), and Biochemistry (CHEM 07348). He also states he has more than two years of experience in his provisional position as Microbiologist 2 from November 2020 to the November 2021 closing date, and Laboratory Technician from August 2018 to November 2020.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date.

As to the educational requirement, every major has required courses, and every degree requires ancillary courses in addition to the main courses required to obtain the specific degree. The Civil Service Commission utilizes the U.S. Department of Education’s current Classification of Instructional Programs (CIP) as reference authority to determine if degrees and/or coursework fall within a specific academic discipline. Each

discipline is given a separate CIP code, and CIP codes include both broad and specific categories.

In the matter at hand, code 26, a broad category, is for Biological and Biomedical Sciences. As to specific categories, code 26.05 is for Microbiological Sciences and Immunology, and the required college credits all are in this topic. The remaining classes submitted by the appellants are in other codes. For example, Genetics has its own code, 26.08; Molecules and Cell Function, Cell Biology, Human Anatomy and Physiology, and Developmental Biology are code 26.04, Cell/Cellular Biology and Anatomical Sciences; Biochemistry is included in code 26.02, Biochemistry, Biophysics and Molecular Biology; and Ecology is included in 26.13, Ecology, Evolution, Systemics, and Population Biology. As such, each of the additional courses submitted by the appellants is not considered to be in specific microbiological courses in the study of microorganisms, which includes bacteriology, virology, parasitology, and/or mycology. Thus, these credits are not acceptable for eligibility purposes, and King lacks 5 required credits while Steen lacks 8 required credits.

As to experience, Steen received credit for his provisional experience, and his position as Team Sports Sales Lead is clearly inapplicable. The last position on his application, Laboratory Technician is not at the level and scope of the required experience. It is noted that this title is a technical title, requiring an Associate's degree and 24 credits in the biological and/or physical sciences, and no experience. The appellant's list of duties in this position included:

Specimen Receiving and Distribution • Assist in the receipt and accessioning of incoming clinical specimens for the associated public health laboratories. • Data entry of patient and test information from requisition forms into Harvest LIMS. • Assist in management of state-wide specimen courier service under the program manager, including contacting clients as needed. • Maintain and analyze data for improvement of specimen courier service, improperly submitted specimens, and data entry verification records. STD Lab • Perform nucleic acid amplification testing of urine and swab specimens for *Chlamydia trachomatis*, *Neisseria gonorrhoeae*, and *Trichomonas vaginalis* using the Hologic Tigris DTS. • Assist in record keeping of requisition forms, testing run reports, and results. • Perform daily, weekly, and monthly maintenance for Tigris DTS. • Keep quality assurance records including temperatures, humidity, and decontamination of work areas.

Most of Steen's responsibilities include tracking and recording specimens and information, assisting with the courier service, record keeping, and maintaining Tigris DTS (equipment). He listed only one type of test for only three microbes, "perform nucleic acid amplification testing of urine and swab specimens for *Chlamydia trachomatis*, *Neisseria gonorrhoeae*, and *Trichomonas vaginalis* using the Hologic Tigris DTS." In order for experience to be considered applicable, it

must have as its **primary focus** full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). An analysis of the duties listed does not establish that the primary focus of this position was conducting diagnostic microbiological/molecular and serology tests and examinations, and/or research. As such, Steen also lacks 11 months of required experience.

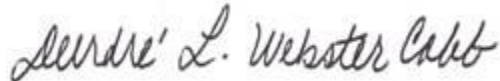
A thorough review of all material presented indicates that the decision of Agency Services, that appellants did not meet the announced requirements for eligibility by the examination closing date, is amply supported by the record and appellants provide no basis to disturb the decisions. Thus, appellants have failed to support their burden of proof in these matters.

### ORDER

Therefore, it is ordered that these appeals be denied.

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 15<sup>TH</sup> DAY OF JUNE 2022



---

Deirdré 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. Tunisia King  
Mark Steen  
Loreta Sepulveda  
Division of Agency Services  
Records Center