

B-41



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rosalind Volious,
Institutional Trade Instructor 1
Cooking (PS0659I), Department of
Corrections

Examination Appeal

CSC Docket No. 2016-1432

ISSUED: **DEC 21 2015** (RE)

Rosalind Volious appeals the determination of the Division of Agency Services that found that she did not meet the experience requirements for the promotional examination for Institutional Trade Instructor 1 Cooking (PS0659I), Department of Corrections.

The subject examination announcement was issued with a closing date of May 21, 2015, 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 any title and who met the announced requirements. These requirements included two years of experience in the areas of food preparation and processing including, but not limited to, cooking, baking, meat cutting, pot washing, dishwashing, and the serving of food in a commercial or institution kitchen. The appellant was found to be below the minimum requirements in experience. It is noted that one candidate appeared on the eligible list and was appointed.

The appellant listed four positions on her application and resume: 1) provisional Institutional Trade Instructor 1 Cooking from March 2015 to the closing date, May 2015; 2) Senior Food Service Supervisor of Operation from April 2003 to March 2015; and 3) Senior Food Service Handler from February 1998 to February 2000. Official records indicate a similar yet different employment history. These records indicate that the appellant was a Supervisor Food Service Area Operations from October 2013 to March 2015, a Senior Food Service Handler from September 1999 to October 2013, and a Senior Food Service Worker - 12 Months from September 1998 to September 1999. She was credited with 3 months in her

provisional position, and 1 year, 5 months as a Supervisor Food Service Area Operations. As such, she was found to be lacking 4 months of applicable experience. Ms. Volious appealed her ineligibility, but provided no arguments.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

CONCLUSION

Qualifying experience has the announced experience as the primary focus. The amount of time, and the importance of the duty, determines if it is the primary focus. The appellant cannot receive credit for experience as a Senior Food Service Handler, as the duties of that position do not encompass the scope of the announced experience requirement. A Senior Food Service Handler assists with the work involved in food preparation and service, may take the lead in a group of Food Service Workers, patients, or inmates engaged in storing and preparing food for cooking and in serving food, and transports prepared meals. The appellant described her work in this position as working the line for diets, checking the texture and quality of the food, and making sure diet plans were followed. This work does not include cooking, baking, meat cutting, pot washing, and dishwashing. As such, the experience in this title was unacceptable.

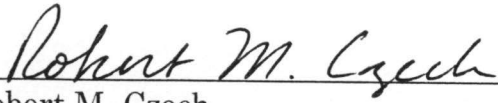
Nonetheless, the list is exhausted, as the one eligible applicant has been appointed, the appellant is still serving as a provisional appointee, and she has accrued at least an additional four months of experience in her provisional position since the closing date in May 2015. Based on the particular circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 to accept the appellant's additional experience beyond the closing date and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant be admitted to the examination.

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, 2015



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