



STATE OF NEW JERSEY

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

In the Matter of Aurie Raffaele, Cook
12 - Months (PS5221E), Department
of Military & Veterans Affairs

Examination Appeal

CSC Docket No. 2018-1219

ISSUED: APRIL 2, 2018 (SLK)

Aurie Raffaele appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Cook 12 - Months (PS5221E), Department of Military & Veterans Affairs.

The examination at issue was announced with specific requirements that had to be met as of the July 21, 2017 closing date. The requirements for the examination were one year of experience as a cook involving the preparation of a variety of food in large quantities. A total of five employees applied for the subject examination which resulted in a list of three eligibles with an expiration date of May 3, 2020. Certification PS171724 was issued containing the names of the three eligibles, who had been serving provisionally in the subject title, along with an eligible from a prior list. Personnel records indicate that the three eligibles who had been provisionally serving in the subject title were permanently appointed on November 11, 2017 and the fourth eligible resigned from her position.

On her application, the appellant indicated that she was provisionally serving in the subject title from April 2017 to the July 21, 2017 closing date. Although not listed on her application, personnel records also indicate that the appellant was a Senior Food Service Handler from July 2011 to April 2017 and a Food Service Worker – 12 months from March 2010 to July 2011. Agency Services credited the appellant with four months of experience based on her provisional

service in the subject title, but determined she lacked eight months of the required experience.

On appeal, the appellant presents that in addition to the experience indicated on her application, she was also a Food Service Handler for seven years, a Cook for Holiday Inn Select from January 2008 to October 2010, a Baker for Sugar from June 2005 to August 2005, a Pastry Chef for the Pluckemin Inn from March 2005 to April 2005, and held various other non-food preparation positions as far back as October 1998. Additionally, she possesses an Associate's degree in Baking and Pastry Arts.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination as she only listed her provisional service in the subject title on her application and did not list her cooking experience in other positions in both State service and the private sector. Therefore, she lacked the required experience based on her application. However, after the inclusion of her experience as a Senior Food Service Handler and her cooking experience in the private sector, the appellant has the required experience by the July 21, 2017 closing date. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes several circumstances present that provide good cause to permit the appellant to amend her application in this particular matter. In particular, there are no eligibles on the list after the other eligibles were either appointed or resigned. As such, the list is incomplete and the appellant continues to serve provisionally in the subject title. The Commission notes that 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). In this regard, the Commission finds that the appellant's over 10 years of experience performing the required duties, warrants her admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* and admit the appellant.

The Commission cautions the appellant that, in the future, she should ensure that any applications are fully and completely filled out as her failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

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

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 27th DAY OF MARCH, 2018



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