

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Michael Zapolski,
Institutional Trade Instructor 1 Food
Processing (S0365T), Statewide

CSC Docket No. 2016-1204

Examination Appeal

ISSUED: **OCT 22 2015** (RE)

Michael Zapolski appeals the determination of the Division of Agency Services (DAS) which found that he did not meet the experience requirement for the open-competitive examination for Institutional Trade Instructor 1 Food Processing (S0365T), Statewide.

The subject open-competitive examination had a closing date of June 18, 2015 and was open to residents of Bridgeton City; Cumberland and Salem Counties; and Cape May County who met the requirement of two years of experience in areas of product formulation including but not limited to processing of raw materials, and the cutting, packaging, shipping, storing, distributing, and sanitizing of food products and plant equipment in a commercial or institution kitchen. The appellant was found to be below the minimum requirements in experience. Four candidates appear on the eligible list, which has been certified once, but no appointments have yet been made.

The appellant listed one position on his application, Corporate Trainer. As this was inapplicable, the appellant was found to be lacking 2 years of qualifying experience.

On appeal, Mr. Zapolski asserts that he did not complete the application properly, and he provided experience in three positions not listed on his application, including a provisional position in the subject title. He requests that this new information be evaluated.

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.

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 Corporate Trainer, as the duties of that position are unrelated to the announced experience requirement. The appellant listed his duties for that position as having charge of inventory; overseeing shifts; scheduling staff; interviewing and orienting new staff; handling disciplinary actions; conducting meetings and training exercises; training; upholding standards; assisting with new restaurant openings; overseeing trainers; organizing and executing daily agendas, preparation sheets, and "freezer pulls;" writing and delivering trainer evaluations; and developing trainers. While this work pertains to kitchen and restaurant facilities, it is not product formulation including but not limited to processing of raw materials, and the cutting, packaging, shipping, storing, distributing, and sanitizing of food products and plant equipment in a commercial or institution kitchen.

Under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See *In the Matter of Diana Begley* (MSB, decided November 17, 2004).

On appeal, the appellant submits other positions not originally listed on his application. The job announcement clearly states, "You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to compete your application properly may lower your score or cause you to fail." Also, the on-line application allows an applicant to record as many positions as needed, and does not limit the number to three. The online application process is automated and provides instructions to candidates on how to properly complete their applications. Further, page i of the application guide reminds candidates, "Carefully review your application to ensure that it is complete and accurate before submitting," and "If supplemental documents are required, please upload them with your application or submit them within five business days of submitting your online application." Page 18 states, "Provide *all* employment information (not just your current employment information). If you have multiple

experiences, make sure they you provide each one separately.” Page 19 provides instructions on how to save and edit experience, and pages 20 through 22 explain how to submit supporting documentation. Page 23 demonstrates the area provided to determine needed changes, updates or additions. It also asks candidates if they carefully reviewed each section of the application to make sure that all the information was complete and accurate. It states that, “Please note that once you submit your online application and application fee, you will not be able to go back to the application to add or modify your information.” Page 24 informs candidates that when they click “yes” to proceed to the payment section, they are certifying that the information they have provided in the application is complete and accurate.

These copious instructions regarding providing a complete application are provided since the application is not a mere formality used to schedule examinations. This agency makes official determinations for eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions, since only those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine relative merit and fitness. See *In the Matter of Daniel Roach* (Merit System Board, decided October 20, 2004). As this is a competitive situation, with four eligible candidates, any supplemental information cannot be considered.

An independent review of all material presented indicates that the decision of DAS, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal 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
THE 21st DAY OF OCTOBER, 2015



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