



STATE OF NEW JERSEY

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

In the Matter of Herman Holden and
Ernest Noseda, Jr., Assistant Food
Service Supervisor 1 (PS5038I),
South Woods State Prison

Examination Appeal

CSC Docket Nos. 2018-3742 and
2018-3682

ISSUED: AUGUST 3, 2018 (SLK)

Herman Holden and Ernest Noseda, Jr. appeal the determinations of the Division of Agency Services (Agency Services) that they were below the minimum requirements in experience for the promotional examination for Assistant Food Service Supervisor 1 (PS5038I), South Woods State Prison. The appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2017 closing date. The education requirement was a Bachelor's degree. The experience requirements were five years of experience as a supervisor of the planning, preparation, or delivery system of a food service operation. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis with 30 semester hours being equal to one year of experience. A total of three employees applied for the subject examination which resulted in no candidates being admitted and the examination being cancelled.

On his application, Holden indicated that he was provisionally serving in the subject title from April 2017 to the June 21, 2017 closing date, an Institutional Trade Instructor 2 from April 1998 to April 2017, a Staff Sergeant for the Army Reserves from October 1990 to February 2005, an Institutional Trade Instructor 1 from May 1997 to April 1998 and a Supervising Head Cook for the Atlantic County Jail from October 1994 to May 1997. Agency Services credited Holden with two years and 11 months of experience based on three months for his provisional service

in the subject title and two years and eight months for his work as a Supervising Head Cook, but determined, per the substitution clause, that he lacked six years and one months of experience.

Noseda indicated that he possessed a Bachelor's degree. Additionally, he indicated that he was an Institutional Trade Instructor 2, Food Processing from September 2015 to June 2017, an Institutional Trade Instructor 1, Food Processing from October 2006 to September 2015, and an Institutional Trade Instructor 2, Cooking from March 2001 to October 2006. Agency Services credited him with having met the education requirement, but determined that he lacked five years of experience.

On appeal, both Holden and Noseda explain how they performed the required supervisory duties by supervising inmates while serving in various Institutional Trade Instructor titles.

CONCLUSION

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

The Civil Service Commission (Commission) finds that Holden and Noseda meet the requirements for the subject examination. Initially, it is noted that as the subject title requires a Bachelor's degree, this is a professional title. *See N.J.A.C.* 4A:402.5(a)1. Further, the supervisory requirement for a professional title would typically require a candidate's supervisory experience to involve supervising other professionals in order to be at the appropriate level and scope. *See In the Matter of Alvin Dyott* (MSB, decided September 21, 2005) and *In the Matter of Christopher Staffieri* (MSB, decided September 21, 2005). Additionally, the supervision of non-employees is generally not considered to be the same as supervising staff. *See In the Matter of Gloria Burnett-Harrison, et al.* (MSB, decided February 22, 2006).

In this matter, the appellants, while serving in various Institutional Trade Instructor titles, supervised inmates, and not professional staff, in the supervision of the planning, preparation or delivery system of a food service operation. However, it cannot be ignored that the job specification for the subject title indicates, under the Examples of Work, that incumbents in this title instruct, assign and **supervise** the employees, patients, students, and/or **inmates** engaged in handling, storing, preparing and serving food. Further, based on the appellants' experience and the fact that there were no candidates who met the experience requirements, it would appear that in a prison setting, there are limited opportunities to supervise professional staff in the planning, preparation or delivery system of a food service operation. Therefore, the Commission finds that the appellants' supervision of inmates in various Institutional Trade Instructor titles

meets the subject examination requirements. Further, the Commission directs Agency Services to accept the supervision of inmates as meeting the requirements for future examinations for positions in the subject title.

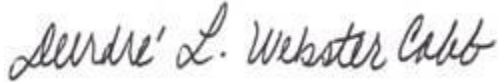
One final comment is warranted. As the subject title is considered a second-level supervisory title, incumbents in this title would be required to supervise, at minimum, other lower-level professional-level supervisory staff. If no such staff is present to supervise, the usage of this title would not be appropriate.

ORDER

Therefore, it is ordered that these appeals be granted, the cancellation of the examination announcement be rescinded and the appellants' applications 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 1st DAY OF AUGUST, 2018



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