

CSC
B-93



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of William Kranich, *et al.*, Food Service Supervisor 1 (PS0462I), Department of Corrections

Examination Appeal

CSC Docket Nos. 2016-1282, 2016-1284, and 2016-1285

ISSUED: DEC 17 2015 (SLK)

William Kranich, Michael O'Connell, and Patricia Stillo 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 Food Service Supervisor 1 (PS0462I), Department of Corrections, Edna Mahan Correctional Institute for Women. These 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 April 21, 2015 closing date (see attached). A total of five employees applied for the examination and none were determined eligible. Therefore, the examination was cancelled due to a lack of qualified applicants.

On Mr. Kranich's application, he indicated that he was a Supervising Institutional Trade Instructor from October 2005 to the April 21, 2015 closing date, an Institutional Trade Instructor 2, Food Processing from October 1996 to October 2005, a Head Cook Regional from March 1992 to October 1996, a Head Cook 3 from March 1991 to March 1992, and a Cook from October 1988 to March 1991. Personnel records indicate that he was a Supervising Institutional Trade Instructor from November 2004 to April 2015, an Institutional Trade Instructor 2, Cooking from September 1994 to November 2004, a Head Cook Regional Food Service from March 1991 to September 1994, a Head Cook 3 from December 1990 to March 1991, a Cook - 12 months February 1989 to December 1990, and a Senior Food Service Worker - 12 months from October 1998 to February 1989. Agency Services determined that Mr. Kranich lacked nine years of the required experience.

On Mr. O'Connell's application he indicated that he was provisionally serving in the subject title from February 2015 to the April 21, 2015 closing date, an Institutional Trade Instructor 2, Cooking from June 2003 to February 2015, an Institutional Trade Instructor 1, Cooking from April 2000 to June 2003, a Head Cook 3 from June 1998 to April 2000, a Cook - 12 Months from June 1997 to June 1998, and a Senior Food Service Handler from November 1996 to June 1997. He also indicated that he possesses 109.50 college credits. Personnel records indicate that Mr. O'Connell was provisionally serving in the subject title from February 2015 to the April 21, 2015 closing date, an Institutional Trade Instructor 2, Cooking from October 2002 to February 2015, an Institutional Trade Instructor 1, Cooking from May 2000 to October 2002, a Head Cook from February 1998 to May 2000, a Cook - 12 Months from May 1997 to February 1998, and a Senior Food Service Worker from November 1996 to March 1997. Agency Services credited him with three years and nine months of experience based on three years and six months for his college credits and three months for his provisional service in the subject title, but determined that he lacked five years and three months of the required experience.

On Ms. Stillo's application, she indicated that she was a an Institutional Trade Instructor 2, Cooking from December 2003 to the April 21, 2015 closing date, an Institutional Trade Instructor 1, Cooking from February 1998 to December 2003, a Supervisor Food Services Area Operations from October 1994 to February 1998, a Senior Food Service Handler from June 1994 to October 1994, and a Banquet Manager for Larry Holmes Commodore Inn from 1988 to 1992. Agency Services determined that she lacked nine years of the required experience.

On appeal, Mr. Kranich states that from March 2013 to July 2015, he was the Acting Supervisor in the subject title due to his former supervisor's retirement and his responsibilities included supervising staff, planning, budgeting, food preparation, staff scheduling, ensuring health and safety compliance, and maintaining an accounting system to verify all food costs. He also represents that as a Head Cook Regional he completed Performance Assessment Reviews (PARs) and supervised 40 staff members and ensured that food service schedules were met. As an Institutional Trade Instructor 1, Cooking he maintains that he assumed all the duties of the Food Service Supervisor 1 in his absence and his duties including overseeing all aspects of the kitchen operations and preparing PARs. Mr. Kranich indicates that in 2005, he was promoted to Supervising Institutional Trade Instructor and in this position he oversaw staff and inmates in order to run the Food Service department. Scott Falco, Supervisor, Regional Food Service Operation, confirms that Mr. Kranich was assigned supervisory duties from May 2013 to April 2015 due to business necessity and confirms that he has been a supervisor for 10 years and has over 25 years of relevant experience.

Mr. O'Connell presents that a former Food Service Supervisor 1 started training him for the subject title before retiring in 2005. After that individual

retired, the appellant asserts that he started performing the duties of the subject title, including supervising two supervisors and numerous staff members. Mr. Falco confirms that Mr. O'Connell has been performing the duties of the subject title since 2009 due to business necessity.

Ms. Stillo highlights that she has over 21 years of experience running and managing the institutional food service area. Mr. Falco confirms that Ms. Stillo has over 20 years of experience and was permanently appointed to Institutional Trade Instructor 2, Cooking in 2003 which provided her with the necessary background to qualify for the subject examination.

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. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. Further, *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.

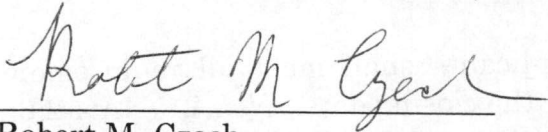
Initially, Agency Services correctly determined that Mr. Kranich, Mr. O'Connell, and Ms. Stillo did not meet the required experience. As of the April 21, 2015 closing date, Mr. O'Connell only had three years and nine months of experience and Mr. Kranich and Ms. Stillo did not have any of the required experience as any other applicable experience they gained as either an Institutional Trade Instructor 2, Cooking or Supervising Institutional Trade Instructor would be out-of-title work. However, Mr. Falco confirmed that Mr. O'Connell performed the required out-of-title duties as an Institutional Trade Instructor 2, Cooking from 2009 to the February 2015 closing date, that Mr. Kranich has over 10 years of relevant experience, and Ms. Stillo has relevant experience dating back to 2003. Further, the record evidences that the eligible list is incomplete as there are no names on the eligible list. Moreover, Mr. O'Connell and Ms. Stillo continue to serve provisionally in the title under test. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and (c) and accept the totality of the appellants' experience, their out-of-title work and Mr. O'Connell's and Ms. Stillos' provisional experience after the closing date, for eligibility purposes, and admit them to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and William Kranich's, Michael O'Connell's, and Patricia Stillo's 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 16th DAY OF DECEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
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Attachment

c: William Kranich
Michael O'Connell
Patricia Stillo
Colleen Velekei
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS04621
 TITLE: FOOD SERVICE SUPERVISOR I
 ISSUE DATE: April 01, 2015
 TITLE CODE: 44745/PFRXR2
 DEPARTMENT: COIW/CORRECTIONS
 UNIT SCOPE: I310 Edna Mahan Correctional Institution for Women (Clinton)

WEIGHT CODE: *
 SALARY: \$64,677.00 - \$92,012.00
 CLOSING DATE: April 21, 2015
 CLASS CODE: 25

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Assistant Food Supervisor I

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Five (5) years experience involving work in a major phase of a large scale food management program, two (2) years of which shall have been in a supervisory capacity.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09

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MEMORANDUM
TO: [Name]
FROM: [Name]
SUBJECT: [Subject]

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