

B-4



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Omar Turner,
Institutional Trade Instructor 2,
Cooking (PS3485I), Bayside State
Prison

Examination Appeal

CSC Docket No. 2017-2588

ISSUED: **JUN 26 2017** (SLK)

Omar Turner appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Institutional Trade Instructor 2, Cooking (PS3485I), Bayside State Prison.

The examination at issue was announced with specific requirements that had to be met as of the September 21, 2016 closing date (see attached). The appellant was the only employee who applied for the subject examination and was deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

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: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 did not meet the required experience as he received credit for his four months of provisional service in the subject title from June 2016 to the September 21, 2016 closing date and one year and two months of experience for his service as a Head Cook from November 2003 to December 2004, but determined he lacked one year and six

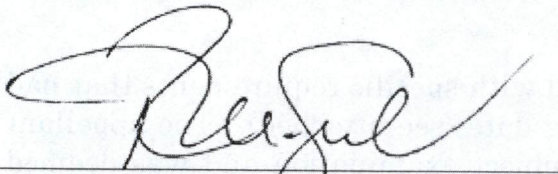
months of experience. However, as an Institutional Trade Instructor 1, Food Processing from December 2004 to June 2016, the appellant gained experience teaching inmates on the use of institutional food equipment in order to process food. Therefore, although the appellant's work experience does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of Mr. Turner's work since November 2003, as well as his provisional service in the subject title, which began in June 2016, warrants his admission to the subject examination. Further, the examination has been cancelled due to a lack of qualified applicants. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept the totality of Mr. Turner's experience, including his experience after the closing date, and admit him to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and Omar Turner'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 21st DAY OF JUNE, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
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Trenton, New Jersey 08625-0312

Attachment

c: Omar Turner
William Saraceni
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT

Click here to file Online Print
\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PS34851

WEIGHT CODE: *

TITLE: INSTITUTIONAL TRADE INSTRUCTOR 2 COOKING

SALARY: \$46,589.00 - \$65,781.00

ISSUE DATE: September 01, 2016

CLOSING DATE: September 21, 2016

TITLE CODE: 40623K/I3RXR2

CLASS CODE: 18

DEPARTMENT: COIL/CORRECTIONS

UNIT SCOPE: I335 Bayside State Prison (Leesburg)

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):

Institutional Trade Instructor 1 Cooking

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:

Experience: Three (3) 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 an institution kitchen.

Note: Your score will reflect credit for formal experience involving or related to cooking. You must indicate the number of people cooked for, the type of food prepared (fast food through institutional cooking) and the level of your responsibility assisting in the preparation through being in charge of the cooking operation, for each position listed in order to receive credit.

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. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. 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