



**STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION**

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

In the Matter of Michelle Cummings,
Cook-12 Months (PS2270K),
Green Brook Regional Center

CSC Docket No. 2017-3397

Examination Appeal

ISSUED: March 28, 2018 (AMR)

Michelle Cummings appeals the determination of the Division of Agency Services that she did not meet the experience requirement for the promotional examination for Cook-12 Months (PS2270K) Green Brook Regional Center.

The subject examination was announced with a closing date of December 21, 2016 and was open to employees who were currently serving in a title to which the announcement was open and had an aggregate of one year of continuous permanent service as of the closing date in the title of Senior Food Service Handler, and met the requirement of one year of experience as a cook involving the preparation of a variety of food in large quantities. A total of three employees applied for the subject examination that resulted in a list of two eligibles with an expiration date of April 12, 2020. One permanent appointment has been made from the list and a certification containing the name of the remaining eligible name has a disposition due date of December 29, 2017.

The appellant indicated on her application that she is a licensed food handler and has been serving at Green Brook Regional Center as a cook from April 2016 to the closing date, December 2016. She did not list any other experience on her application.

A review of the appellant's personnel record indicates that she was a Senior Food Handler from June 2010 to October 2016 and an interim appointee to the subject title from October 2016 to the closing date. It is noted that the appellant was provisionally appointed to the subject title in February 2017.

Agency Services credited the appellant with three months of experience, while she served in the subject title during an interim appointment from October 2016 to the closing date, but since she did not describe her experience in the non-competitive title of Senior Food Service Handler it found that she lacked nine months of applicable experience and was deemed ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant outlines the duties she performs in her provisional title and the duties she performed as a Senior Food Handler. The appellant also submits her resume which outlines her work experience.

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.

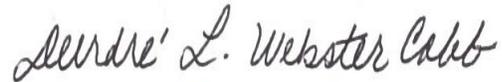
Initially, it is noted Agency Services correctly determined that the appellant was not eligible for the subject examination as she did not meet the experience requirements by the December 21, 2016 closing date. Specifically, Agency Services credited her with three months of experience based on her interim service in the subject title from October 2016 to December 2016 but determined that she lacked nine months of experience. However, the appellant clarifies her experience on appeal and the record reflects that she was provisionally appointed to the title under test in February 2017. Therefore, the appellant has earned the required experience after the closing date by provisionally serving in the subject title. Additionally, the subject list is incomplete, containing the name of only one eligible and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's clarification of her experience and her previous experience after the closing date, for eligibility purposes only, and to admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, and Michelle Cumming'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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