



STATE OF NEW JERSEY

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

In the Matter of Brian Rutan,
Institutional Trade Instructor 1,
Cooking (S0636V), Northern State
Prison

Examination Appeal

CSC Docket No. 2018-1669

ISSUED: September 20, 2018(WR)

Brian Rutan appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the requirements for the open-competitive examination for Institutional Trade Instructor 1, Cooking (S0636V), Northern State Prison.

The subject examination was announced with a closing date of August 5, 2017, and was open to applicants with two 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 institution kitchen of experience in the operation and maintenance of construction and maintenance equipment. The resulting eligible list of 14 names promulgated on November 30, 2017 and expires on November 29, 2020. Agency records indicate that a certification (OS170785) containing all fourteen names was issued to the appointing authority on December 1, 2017. It is noted that the appointing authority has not yet returned the certification.

The appellant indicated in his application that he served provisionally in the subject title from February 2016 to the closing date of the subject examination. Agency Services accordingly credited him with one year and six months of applicable experience. However, it deemed the appellant ineligible for the subject examination because he did not indicate that he possessed an additional six months of the required applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that he possesses sufficient applicable experience for this examination and he submits a resume that indicates he also worked as a Kitchen Assistant from 2006 to 2009. The appellant contends that he had attached an incorrect resume to his application which did not include the kitchen assistant position.

CONCLUSION


N.J.A.C. 4A:4-2.3(b) requires applicants to possess all the requirements specified in an announcement for an open-competitive examination by the closing date. *N.J.A.C.* 4A:4-6.3(b) states that the appellant has the burden of proof in examination appeals. *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 title 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 submitted with the application cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the applicant's original application. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004). It is noted that the appellant's application only listed his provisional experience in the subject title. Thus, the experience the appellant describes on appeal cannot be considered because it is amending information. Accordingly, the appellant has failed to meet his burden of proof in the matter and a sufficient basis exists in the record to support Agency Services' determination that the appellant is ineligible for the Institutional Trade Instructor 1, Cooking (S0636V), Northern State Prison examination.

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 ON
THE 20th DAY OF SEPTEMBER, 2018



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