

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Juan Hernandez, Senior Food Service Worker (PC0507A), Essex County

CSC Docket No. 2020-1038

Examination Appeal

ISSUED: November 12, 2019 (RE)

Juan Hernandez appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Senior Food Service Worker (PC0507A), Essex County.

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The subject promotional examination had a closing date of April 22, 2019 and was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Food Service Worker, and who met the announced requirements. Those requirements were one year of experience in general unskilled kitchen or food service work. The appellant was found to be below the minimum requirements in experience. One applicant appears on the eligible list, which has been certified, but no appointments have yet been made.

On his application, the appellant listed one position, Senior Food Service Worker from October 2018 to the April 2019 closing date. Official records confirm this appointment and indicate that he was a Food Service Worker from March 2008 to October 2018. He was credited with seven months of experience for the one position on his application and was found to be lacking five months of required experience.

On appeal, the appellant explains that he was as Food Service Worker from March 2008 to his provisional appointment in the subject title, and he lists the duties of his positions.

CONCLUSION

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

N.J.A.C. 4A:1-1.2(c) provides that the Civil Service Commission may relax the rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellant was found to be lacking five months of qualifying experience. The appellant listed only one positions on his application, and as such, Agency Services correctly determined that the appellant was not eligible for the subject examination. Nevertheless, the appellant had accrued at least an additional five months of applicable experience in his position as a Food Service Worker. He serves as a provisional in the subject title, the list is incomplete, and there is only one candidate on the eligible list. As such, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a), and accept the appellant's additional experience and admit him to the examination.

On a final note, the On-Line Application System User's Guide cautions applicants to carefully review the application to ensure that it is complete and accurate before submitting, and to complete the application in detail. It states that failure to complete the application properly may cause the applicant to be declared ineligible. The instructions under the experience portion of the applications advise applicants to provide all employment information (not just current employment information), and if they have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed.

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 $6^{\rm th}$ DAY OF NOVEMBER, 2019

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