



**STATE OF NEW JERSEY**

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

In the Matter of James King,  
Assistant Food Service Supervisor 2  
(PS9681I), Bayside State Prison

Examination Appeal

CSC Docket No. 2020-1381

**ISSUED:** May 1, 2020 (SLK)

James King appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Assistant Food Service Supervisor 2 (PS9681I), Bayside State Prison.

The examination at issue was announced with specific requirements that had to be met as of the May 21, 2019 closing date. The education requirement was a Bachelor’s degree. The experience requirements were four years of experience as a supervisor of the planning, preparation or delivery system of a food service operation. Applicants who did not possess the required education could substitute additional experience on a year for year basis with 30 semester credits being equal to one year of experience. The appellant was the only applicant and the examination was canceled due to a lack of qualified candidates.

On his application, the appellant indicated that he had 115 college credits and a culinary arts degree. Additionally, he indicated that he was provisionally serving in the subject title from January 2019 to the May 21, 2019 closing date, but did not indicate any other experience on his application. Personnel records indicate that the appellant also served in various food-related Institutional Trade Instructor titles from February 2011 to January 2019, as a Supervisor, Food Service Area Operations from April 2010 to February 2011, as a Senior Food Service Handler from September 2009 to April 2010, and as an Institutional Trade Instructor 2, Cooking from May 2008 to April 2010. Agency Services credited him for having

three years and six months of experience based on his education<sup>1</sup> and five months of experience based on his provisional service in the subject title, but determined, per the substitution clause, that he lacked four years and one month of experience.

On appeal, the appellant describes how he performs the required duties while provisionally serving in the subject title. Additionally, he presents that while serving in various Institutional Trade Instructor titles, he supervised inmates performing the required duties.

## 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:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination as he only listed his provisional service on his application. On appeal, the appellant describes how he has performed the required duties by supervising inmates in various Institutional Trade Instructor titles. Additionally, personnel records confirm that the appellant has served in various Institutional Trade Instructor titles for more than the required time. However, the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend his application. Specifically, the examination was cancelled due to a lack of qualified candidates. While the appellant's supervision of inmates does not precisely mirror the announced requirements, the Civil Service Commission (Commission) is satisfied that the totality of his experience as stated in his appeal warrants his admission to the subject examination. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when

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<sup>1</sup> For incomplete Bachelor's degrees, a candidate can only be given credit for 105 college credits, which corresponds to three years and six months of experience.

more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Based on the circumstances presented, the appellant's admission to the subject examination is warranted.

The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

### ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and the appellant'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 29<sup>TH</sup> DAY OF APRIL , 2020




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