



STATE OF NEW JERSEY

In the Matter of Michelle Moran,	:	FINAL ADMINISTRATIVE ACTION
Institutional Trade Instructor 1, Food	:	OF THE
Processing, South Woods State Prison	:	CIVIL SERVICE COMMISSION
	:	
CSC Docket No. 2021-611	:	
	:	
	:	Examination Appeal
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ISSUED: JANUARY 22, 2021 (SLK)

Michelle Moran appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the qualifying examination for Institutional Trade Instructor 1, Food Processing, South Woods State Prison.

By way of background, the appellant’s credentials were reviewed to determine if she met the requirements for Institutional Trade Instructor 1, Food Processing, South Woods State Prison. The appellant indicated on her application that she was provisionally serving in the subject title from April 2020 to the November 4, 2020 qualifying examination determination letter date, an Institutional Trade Instructor 1, Cooking from April 2018 to April 2020, and an Assistant Chef for Atkinson’s Take-Out from 1992 to 1996. Agency Services credited the appellant with having six months of the required experience based on her provisional service in the subject title, but determined that she lacked one year and six months of experience and, as such, did not pass the qualifying examination. In this regard, it is noted that the requirements for Institutional Trade Instructor 1, Food Processing are two years of experience in areas of product formulation including but not limited to processing of raw materials and the cutting, packaging, shipping, storing, distributing and sanitizing of food products and plant equipment in a commercial or institutional kitchen.

On appeal, the appellant expands on her experience with Atkinson' Take-Out. She explains that this experience in food preparation included measuring, chopping, and cooking ingredients, the weighing of prepared food, placing the food in containers based on the orders, ensuring that conditions were sanitary to prevent cross-contamination, assembling, packaging, and storing orders at the correct temperatures. It also involved training the rest of the kitchen staff in the food preparation and sanitization of the workspace, proper inspection of ingredients, and proper storage of food products. Her application also indicates that she assigned staff duties and trained staff on the proper cleaning of kitchen equipment, tracking repairs in kitchen equipment and the ordering and logging of food supplies.

CONCLUSION

N.J.A.C. 4A:4-7.6(c), which governs lateral title changes, provides, in pertinent part, that if the nature of the work, education and experience qualifications of both titles are dissimilar, then the employee shall be appointed pending examination. Further, *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.

In the instant matter, the Commission agrees that, based on a strict reading of the experience requirements, Agency Services correctly determined that the appellant did not meet those requirements as of the November 2020 qualifying examination determination letter date. However, although the appellant's experience does not precisely mirror the requirements contained in the job specification, the Commission is satisfied that the totality of her experience while provisionally serving in the subject title, as an Institutional Trade Instructor 1, Cooking and as an Assistant Chef warrants her successful completion to the subject examination. Additionally, the appellant continues to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-7.6(c) and accept the totality of the appellant's experience and she should be considered as passing the qualifying examination for her lateral title change. *See In the Matter of Harmon Garvin* (CSC, decided July 16, 2014).

ORDER

Therefore, it is ordered that this appeal be granted.

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 20^H DAY OF JANUARY 2021

Deirdre' L. Webster Cobb

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