



STATE OF NEW JERSEY

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

In the Matter of Walik Logan,
Institutional Trade Instructor 1,
Cooking (PS3965I), East Jersey State
Prison

Examination Appeal

CSC Docket No. 2021-1798

ISSUED: SEPTEMBER 7, 2021 (SLK)

Walik Logan appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Institutional Trade Instructor 1, Cooking (PS3965I), East Jersey State Prison.

The subject examination had an October 21, 2020 closing date. The experience requirements were 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 institutional kitchen. A total of two applicants applied and one was found eligible. Certification PS210583 was issued and its disposition is due August 30, 2021. The list expires on May 26, 2024.

On the appellant's application, he indicated that he was provisionally serving in the subject title from January 2020 to August 2020,¹ an Assistant Family Service Worker 3 from September 2010 to the January 2020, a 25 hour per week Grill Cook from September 2016 to September 2017, a per diem cook in 2016 for The Bethwood Catering Hall, a Senior Youth Worker from December 2008 to September 2010, a

¹ Although October 21, 2020 was the subject examination closing date, the appellant only indicated on his application that he was working in the subject title until August 2020.

Youth Worker from June 2005 to December 2008, and a Food Service Worker² for the Essex County Juvenile Detention Center from January 2001 to July 2007. Agency Services credited the appellant with having one year and seven months of experience based on his provisional service in the subject title (eight months), his pro-rated Grill Cook experience (10 months), and his per-diem cook experience (one month as the actual months were not listed), but determined that he lacked five months of applicable experience.

On appeal, the appellant describes how he performed the applicable duties as a Cook for seven years for the Essex County Juvenile Detention Center. He also presents his experience as a Grill Cook, his Associate's degree in Culinary Arts, and that he has been provisionally serving in the subject title for over 17 months.

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 purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject title as although the appellant indicated that he performed applicable duties as a Food Service Worker, applicable duties in this title are out-of-title, and confirmation of the required out-of-title duties by the appointing authority at the time has not been presented. However, the list is incomplete as there is only one name on the list. Further, personnel records indicate that the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date. 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 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). Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the

² The appellant's application stated that he was a Cook 1 from 2000 to 2007, but personnel records indicate that he was a Food Service Worker from January 2001 to July 2007. Further, although the appellant's application indicated that he was performing the required duties in this position, the required duties are out-of-title for a Food Service Worker. Further, the appointing authority was unable to receive confirmation from the Essex County Juvenile Detention Center that the appellant was performing the applicable out-of-title duties. Therefore, Agency Services was unable to credit the appellant for his experience in this position.

appellant's experience gained after the closing date, for eligibility purposes only, and admit him to the subject examination.

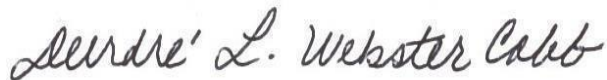
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, 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 1ST DAY OF SEPTEMBER, 2021



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