



On appeal, Mr. Shaw states that he has been working within the food service industry since 2003 and that he has two years of supervisory experience within a food service operation. Specifically, he presents that between 2006 and 2008, he was the lead cook for AVI Foodsystems at Kutztown University, and as a Residential Manager for Edison Job Corp Academy he was responsible for the supervision of over 120 young men. As the Residential Director for St. Augustine's College, he performed similar duties as he did as the Residential Manager at Edison Job Corp Academy. In 2012, he highlights that he continued his food service experience as a Grill Cook/Sous Chef at L'Oreal USA where he was the supervisor for five employees as well as responsible for food ordering and inventory. The appellant highlights his provisional experience in the title under test and maintains that he should be admitted to the subject examination.

### CONCLUSION

*N.J.A.C. 4A:4-2.3(b)2* 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)* provides that the appellant has the burden of proof in examination appeals.

In the instant matter, the subject announcement requires two years of supervisory experience in the preparation of food in large quantities in a large scale food operation. As of the closing date, the appellant had one year and seven months of experience based on his provisional experience in the subject title and his experience as a Grill Cook for Restaurant Associates. The appellant argues that his experience as a Food Service Worker for AVI Foods where he was a lead cook and was responsible for compiling a list of food items to be ordered and the stocking and recoding of inventory every week is applicable experience. However, the appellant does not indicate that he supervised any employees in this position. Supervisory experience includes responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Consequently, without supervising employees, his experience as a Food Service Worker is not applicable experience. Additionally, the appellant argues that his experience as a Residential Advisor, Recreation Specialist, and Residential Director

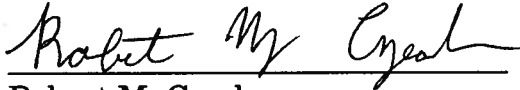
is applicable supervisory experience. However, while the appellant may have been a supervisor in these positions, he was not a supervisor in the preparation of food in large quantities in a large-scale food operation in these positions. Therefore, Selection Services properly determined that the appellant lacked five months of applicable experience as of the closing date and he is not eligible for the subject examination.

**ORDER**

Therefore, it is ordered that the 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 30<sup>th</sup> DAY OF JULY, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Jayson Shaw  
Vanessa Rodriguez  
Dan Hill  
Joseph Gambino



# Job Announcements

Symbol: M0909R Title: **CAFETERIA MANAGER**

Issue Date: 10/01/2013

Closing Date: 10/22/2013

Jurisdiction: NEWARK SCHOOL DISTRICT

Salary: \$37,782.00 - \$59,335.00 Per Year

Num. of Positions: 2

Workweek: 35 Hours per week

Application Fee: \$25.00

**OPEN TO RESIDENTS OF:**

1) Newark City; 2) New Jersey

**REQUIREMENTS:**

**EXPERIENCE:** Two (2) years of supervisory experience in the preparation of food in large quantities in a large-scale food operation.

**LICENSE:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform the essential duties of the position.

**IMPORTANT INFORMATION:**

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
7. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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