

B-69

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Aisha Gabriel, Cook
(M0634S), Newark School District

CSC Docket No. 2015-1872

Examination Appeal

ISSUED: **MAY 11 2015** (SLK)

Aisha Gabriel appeals the determination of the Division of Selection Services¹ (Selection Services) that she was below the minimum requirements in experience for the open competitive examination for Cook (M0634S), Newark School District.

The examination at issue was announced with specific requirements that had to be met as of the August 14, 2014 closing date (see attached). A total of 16 individuals applied for the subject examination and two were deemed eligible. Certification OL141670 was issued containing the names of the two eligibles. There are currently no eligibles on the list as one eligible was appointed from the certification and the other was removed for being appointed from a previous certification. The list expires December 17, 2017.

Ms. Gabriel indicated on her application that she was a Cashier/Food Service Worker² from February 2009 to the August 14, 2014 closing date as well as a substitute Cook during this same time period. Personnel records indicate that the appellant was a Cashier/Food Service Worker from August 2010 to the August 14, 2014 closing date. Selection Services did not credit her with any applicable experience as it commented that her duties were not at the level and scope required. As such, it determined that she lacked one year of experience.

On appeal, Ms. Gabriel highlights that on several occasions she acted as a substitute Cook when the Cook was absent from school and she submits several

¹ Now known as the Division of Agency Services.

² The appellant describes duties that are consistent with a Food Service Worker on her application and that she possesses a Food Handler Certificate.

Salary Differential Forms which indicate that the school approved her to receive differential pay for working as a Senior Cook on different occasions. Additionally, Ms. Gabriel provides that during the summer months she is a substitute Cook for Tutor Time Child Care where she cooks for 90-100 children when the Cook is on vacation or absent.

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

Initially, Selection Services correctly determined that the appellant did not meet the required experience as of the August 14, 2014 closing date as she only listed her position as a Cashier/Food Service Worker and substitute Cook for the appointing authority on her application. On appeal, Ms. Gabriel indicates that in addition to her Food Service Worker and substitute Cook experience with the appointing authority, she has been employed as a substitute Cook during the summer months for a child care center cooking for 90-100 children. 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 Selection Services can make the initial determination whether to admit or reject an applicant. Selection 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, the Commission notes several circumstances present that provide good cause to permit the appellant to amend her application in this particular matter and to accept her work experience as a substitute Cook for a child care center. For example, she submitted documentation verifying that the appointing authority agreed to pay her as a Senior Cook on several occasions when it needed a substitute which indicates that the appellant is capable of performing the duties of a Cook. Additionally, she possesses a Food Handler Certification. In this regard, although Ms. Gabriel's experience does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of her experience as a Food Service Worker and as a substitute Cook as far back as August 2010 warrants her admission to the subject examination. Moreover, the subject list has been exhausted as the two eligibles have been permanently appointed. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the totality of Ms. Gabriel's experience, for eligibility purposes only, and admit her to the subject examination.

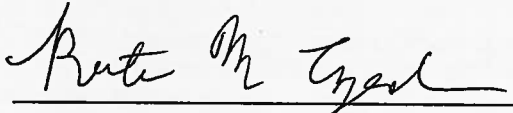
It is noted that this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, and Ms. Gabriel'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 6th DAY OF MAY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Civil Service Commission
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Attachment

c: Aisha Gabriel
Vanessa Rodriguez
Kelly Glenn
Joseph Gambino



Job Announcements

Symbol: M0634S Title: **COOK**
Issue Date: 07/24/2014
Jurisdiction: NEWARK SCHOOL DISTRICT
Num. of Positions: 2
Application Fee: \$25.00

Closing Date: 08/14/2014
Salary: \$24,220.80 Per Year
Workweek: 35 Hours per week

OPEN TO RESIDENTS OF:
Newark City

REQUIREMENTS:

EXPERIENCE: One (1) year of experience as a cook involving 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 institution kitchen.

LICENSE: Appointee 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 essential duties of the position.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

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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