



STATE OF NEW JERSEY

In the Matter of James Winfield,
Assistant Supervisor Regional Food
Service Operation (PS3882P),
Juvenile Justice Commission

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-3587

Examination Appeal

ISSUED: SEP 08 2017 (SLK)

James Winfield 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 Supervisor Regional Food Service Operation (PS3882P), Juvenile Justice Commission.

The examination at issue was announced with specific requirements that had to be met as of the November 21, 2016 closing date (see attached). A total of six employees applied for the subject examination and three were deemed eligible. The appellant was found ineligible as he only listed his experience as an Assistant Supervisor Regional Food Service Operator from February 2016 to the November 21, 2016 closing date on his application.

On appeal, the appellant highlights his Bachelor's degree in Food Service Management. He describes how he performed the required duties, including the required supervisory duties, while serving provisionally in the subject title, as an acting Regional Food Service Supervisor from August 2006 to January 2008 while the permanent Regional Food Service Supervisor was on leave, and as an Assistant Food Service Director for Aramark while working at the Hargrave Military Academy from September 1993 to May 1996.¹

¹ It is also noted that he served as an Institutional Trade Instructor 1, Cooking from October 1998 to February 2016.

CONCLUSION

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. Other than his provisional service in the subject title, the appellant did not indicate any of the required experience on his original application. On appeal, the appellant provides examples explaining how he has been performing the required duties in various positions as far back as September 1993. 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 Civil Service Commission (Commission) finds that for equitable reasons it shall accept the appellant's amendment to his application. While the appellant does not provide any explanation as to why he did not submit a complete application, agency records indicate that this is the first time that the appellant has submitted an application through this agency's Online Application System. Further, 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). In this regard, the Commission is satisfied that the totality of the appellant's food service management experience from September 1993 through the present warrants his admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit the appellant to the subject examination.

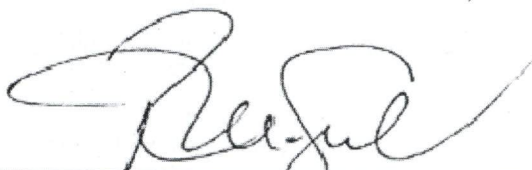
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent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

ORDER

Therefore, it is ordered that the appeal be granted, 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 6th DAY OF SEPTEMBER, 2017



Robert M. Czedz, Chairperson
Civil Service Commission

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and
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NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: **PS3882P** WEIGHT CODE: *

TITLE: **ASSISTANT SUPERVISOR REGIONAL FOOD SERVICE OPERATION** SALARY: **\$59,032.00 - \$83,804.00**

ISSUE DATE: **November 01, 2016** CLOSING DATE: **November 21, 2016**

TITLE CODE: **44728/KFRXR2** CLASS CODE: **23**

DEPARTMENT: **JJA/LAW & PUBLIC SAFETY**

UNIT SCOPE: **P380 Juvenile Justice Commission (Commission-wide)**

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Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Experience: Three (3) years of experience in the management of a complex institution or commercial unit, one (1) years of which shall have been in a supervisory capacity.

Note: Applicants who do not possess the required education may substitute additional experience as indicated on a year-for-year basis.

Note: Applicants who do not possess the required experience may substitute a Master's degree in Home Economics, Dietetics, Food Management, or associated field for one (1) year of the nonsupervisory experience required. You must specify the type of degree you have on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

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. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c 26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, **YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.**
7. If you are having difficulty submitting your application online, technical support and customer care 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.**
8. Application fees submitted via personal check or money order must be postmarked within **five (5) business days** of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A * Revised 03/09