



**STATE OF NEW JERSEY**

In the Matter of Donna Wisneski,  
Head Cook 3 (PS6458EN),  
Department of Military and Veterans  
Affairs

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

CSC Docket No. 2018-3353

Examination Appeal

**ISSUED: OCTOBER 19, 2018 (JET)**

Donna Wisneski appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the promotional examination for Head Cook 3 (PS6458EN), Department of Military and Veterans Affairs.

The subject examination was announced with specific requirements that had to be met as of the November 21, 2017 closing date. The requirements were three years of experience as a cook which shall have involved the preparation of all kinds of food in large quantities in the kitchen of a club, hotel, hospital, restaurant, or institution, and which shall have included one year of supervisory experience in a position embracing the responsibility for all phases of kitchen management. Three applicants applied for the subject examination which resulted in a list of one eligible with an expiration date of May 16, 2021. One certification was issued and one appointment was made.

A review of the appellant's application reveals that she served provisionally in the subject title from June 2017 to the November 21, 2017 closing date, as a Supervisor, Food Service Area Operations from January 2016 to June 2017, and as a Senior Food Service Handler from November 1985 to January 2016. Agency Services credited the appellant with six months of supervisory and general experience for her work in the subject title, and with over 10 years of general experience for her work as a Senior Food Service Handler and as a Supervisor, Food Service Area Operations. However, it did not credit her with any supervisory experience for her service as a Senior Food Service Handler and as a Supervisor,

Food Service Area Operations constituted out-of-title work, which is generally not creditable without specific verification from the appointing authority. Agency Services sent out-of-title certifications to the appointing authority requesting verification of any out-of-title duties the appellant performed, however, no response was received. Accordingly, Agency Services determined that the appellant lacked six months of supervisory experience.

On appeal, the appellant maintains that she is eligible for the examination. She also argues that she was determined eligible for the examination for Head Cook 3 (S0800V), and she does not understand why she was not determined eligible for the subject exam. Moreover, the appellant explains that she performed supervisory duties while serving as a Supervisor, Food Service Area Operations.

Official personnel records indicate that the appellant continues to serve provisionally in the subject title.

### **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:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular situation.

Initially, it is noted that Agency Services requested a certification of any out-of-title duties the appellant performed in the positions of Supervisor, Food Service Operations and as a Senior Food Service Handler. However, no response was received from the appointing authority. Without verification, the Civil Service Commission cannot credit her purported out-of-title work. However, a review of the record indicates that the appellant continues to serve provisionally in the title under test. The appellant now has enough applicable supervisory experience based on this service. Additionally, the situation is not competitive as there was only one other applicant was admitted to the examination. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and to admit her to the examination.

### **ORDER**

Therefore, it is ordered that this appeal be granted and the appellant's application be processed for prospective employment opportunities at the time of the next certification.

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 17<sup>th</sup> DAY OF OCTOBER, 2018



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