

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of David Fanucci, Senior Electrician (M0082A), Vineland

CSC Docket No. 2019-3721

Examination Appeal

ISSUED: September 12, 2019 (RE)

David Fanucci appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the minimum requirements in experience for the open-competitive examination for Senior Electrician (M0082A), Vineland.

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The subject examination had a closing date of January 22, 2019 and was open to residents of Vineland City who possessed four years of experience in electrical work involving a wide variety of installation, maintenance, inspection, repair, and servicing tasks. Applicants who do not possess the required experience could substitute a current Electrical Contractor License issued by the New Jersey Division of Consumer Affairs for three years of experience. The appellant was found to be ineligible based on a lack of experience. Three candidates appeared on the eligible list, which has been certified once, and one candidate was removed. The list is incomplete, and the appellant is serving as a provisional.

The appellant listed one position on his application, Senior Electrician from November 2018 to January 2019. He also did not provide a copy of a license, and Agency Services specifically noted that he did not provide a resume. Based on this information, he was credited with three months of experience, and he was appropriately found to be lacking three years, nine months of applicable experience.

On appeal, the appellant states that he should be eligible as he has 32 years of experience, and he provides a list of additional positions, including Relay Technician from May 2012 to November 2018, Poly-Phase Meter Technician, Project

Manager/Supervisor with Delgado Electric, and three positions as Electrical Foreman. In support, the Superintendent, Distribution for Vineland Municipal Electric Utility states that the appellant's prior employment history was verified and is factual, and he has demonstrated the skill needed for the duties of the position.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

A review of the appellant's application reveals that the decision by the Agency Services, denying the appellant's admittance to the subject examination since he does not possess the required experience, was correct. He received credit for the experience listed on his application, and could not receive credit for experience not provided with his application. For any future positions in which he might be interested, the appellant is cautioned that he should complete his application and provide all requested information. While the appellant failed to follow basic instructions in filling out his application, the list is incomplete with two eligibles, the appellant is still serving as a provisional appointee, and he have indicated that he had the required amount of applicable experience prior to the January 2019 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional experience and admit him to the examination for prospective appointment consideration.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed.

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 10th DAY OF SEPTEMBER, 2019

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