

## STATE OF NEW JERSEY

In the Matter of Robert Wenteler Jr., Road Inspector (C0021C), Ocean County

CSC Docket No. 2022-334

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

**Examination Appeal** 

**ISSUED: OCTOBER 12, 2021** (RE)

Robert Wenteler Jr. appeals the determination of the Division of Agency Services which found that he did not meet the minimum requirements in experience for the open-competitive examination for Road Inspector (C0021C), Ocean County.

The subject examination had a closing date of January 21, 2021 and was open to residents of Ocean County who met the announced requirement of one year of experience in road construction and maintenance work. The appellant was found to be ineligible based on a lack of experience. There is one candidate on the eligible list, but no appointments have yet been made.

On his application, the appellant listed five positions: provisional in the subject title from November 2020 to the January 2021 closing date; Owner of an electric company; Partner/Project Manager of Daniel Mount Electric; Project Manager/Estimator/ JW with Midcoast Electric, and Journeyman/ Foreman/ Instructor with IBEW LU 400. The appellant was credited with three months for his provisional position, and was found to be lacking nine months of required experience.

On appeal, the appellant states that has over twenty two years of experience in "industrial electrical construction." He provides a list of duties for some of his positions and adds a position as Adjunct Professor.

## 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:4-2.1(f) provides that an application may only be amended prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service 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.

Initially, the appellant was correctly found ineligible for the subject examination. He was credited with three months of experience for his provisional position. However, the remainder of his positions were inapplicable as they did not have road construction and maintenance work as the primary focus. Rather, his prior positions were in electrical work. Nonetheless, the eligible list is incomplete, the appellant continues to serve provisionally in the title under test, and he has accrued at least an additional nine months of experience since the January 2021 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional provisional experience beyond the closing date and admit him to the examination for prospective appointment only.

## **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  $6^{\text{TH}}$  DAY OF OCTOBER, 2021

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