



STATE OF NEW JERSEY

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

In the Matter of John Vincentini,
Supervisor Public Works (PM2713B),
Lacey

Examination Appeal

CSC Docket No. 2021-1794

ISSUED: JULY 2, 2021 (SLK)

John Vincentini appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Supervisor Public Works (PM2713B), Lacey.

The subject examination's closing date was September 21, 2020. The experience requirements were four years of experience in construction, maintenance, and/or repair of street, sewer, sanitation or other public works facilities or similar heavy construction work. A total of three employees applied, and each was determined ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On the appellant's application, he indicated that he was provisionally serving in the subject title from October 2018 to the September 21, 2020 closing date. Personnel records indicate that the appellant was provisionally serving in the subject title from December 2018 to the September 21, 2020 closing date, a Senior Maintenance Repairer from October 2017 to December 2018, a Maintenance Repairer from January 2016 to October 2017, and a Laborer 1 from July 2013 to January 2016. Agency Services credited the appellant with two years of experience based on his

provisional service in the subject title.¹ However, it determined that he lacked two years of experience.

On appeal, the appellant presents that prior to his employment with the appointing authority, he owned a carpentry/contracting business for 25 years where he provided estimates and drawings for homes, reconstruction, alterations and remodels. He was responsible for overseeing employees and projects from start to finish. The appellant indicates that he worked with government agencies when it came to the installation of public utilities such as water, sewer and gas. He presents that he has a Class A CDL and has extensive knowledge operating small machinery. The appellant states that he has knowledge of the tools, materials, and methods used by the appointing authority and he knows the occupational hazards and safety precautions to perform general maintenance. He notes that as a Senior Maintenance Repairer, he supervised employees under the guidance of the Director of Public Works. Further, during his provisional service in the subject title, he supervised and inspected many constructions projects, repaired multiple public facilities, oversaw landscaping crews, and provided instruction and guidance to many employees to perform special assignments.

The appellant also submits a letter of support from the appointing authority's Municipal Clerk/Administrator. The Municipal Clerk/Administrator explains that the appellant was quickly promoted because his skills matched those required for the various positions. She notes that his experience prior to working for the appointing authority gave him knowledge dealing with government agencies, vendors, road building contractors as well as knowledge in the installation of public utilities such as water, sewer and gas. The Municipal Clerk/Administrator highlights that the appellant knows how to use small machinery such a fork lift, backhoe and lawn equipment.

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:4-2.1(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) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible as he only presented his provisional service in the subject title on his application. However, on appeal, the appellant describes how he performed the

¹ This was based on his statement on his application that he provisionally served two years in the subject title. However, based on personnel records, he only served one year and 10 months in the subject title by the closing date.

required duties in previous titles with the appointing authority as well as in the private sector for over 25 years. 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 circumstances present in this matter provide good cause to permit the appellant to amend his application. Specifically, the examination was cancelled due to a lack of qualified candidates and the appellant continues to successfully serve in the subject title. 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 finds that the appellant has demonstrated that he has the required experience for the subject title by the closing date, which, based on the circumstances presented, 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.

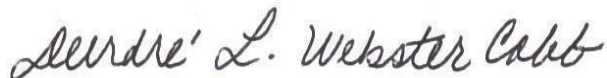
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any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

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination announcement be rescinded, 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 30TH DAY OF JUNE, 2021



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