



STATE OF NEW JERSEY

In the Matter of Robert Spinello,
General Supervisor, Roads (C0254D),
Hudson County

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

CSC Docket No. 2022-2900

Examination Appeal

ISSUED: JULY 25, 2022 (SLK)

Robert Spinello appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for General Supervisor, Roads (C0254D), Hudson County.

The subject examination’s closing date was February 22, 2022. The experience requirements were four years of experience in work involving the construction, maintenance, and repair of roads, one year of which shall have been in a supervisory capacity. The appellant was the only applicant and 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 August 2020 to the February 22, 2022, closing date. Personnel records indicate that he was provisionally serving in the subject title from September 2020 to the February 22, 2022, closing date, an Assistant County Supervisor of Roads from June 2018 to September 2020, a Supervisor, Traffic Maintenance from March 2012 to June 2018, and a Traffic Maintenance Worker from September 2008 to March 2012. Agency Services credited the appellant with one year and six months of supervisory and general experience based on his provisional service in the subject title, but determined that he lacked two years and six months of general experience.

On appeal, the appellant describes in detail how he has performed the required duties in his various positions throughout his 14-year career with the appointing authority.

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 did not present his entire work history on his application as he only indicated his provisional service in the subject title. However, the appellant describes on appeal how he has performed the required duties while serving in various positions throughout his 14-year career with the appointing authority. The Commission's review of this experience finds that it is, indeed, applicable to the subject announcement. 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 list was cancelled due to a lack of qualified candidates and the appellant continues to provisionally 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). Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) to accept his amended experience, for eligibility purposes only, and admit him to the subject examination.

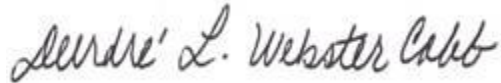
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any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

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination 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 20TH DAY OF JULY 2022



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