

B-31



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Peter Rendine,
Superintendent Mosquito
Extermination (PC0820S), Bergen
County

Examination Appeal

CSC Docket No. 2015-1438

ISSUED: **JUN 18 2015** (WR)

Peter Rendine appeals the determination of the former Division of Selection Services (Selection Services)¹ that he did not meet the education requirement for the promotional examination for Superintendent Mosquito Extermination (PC0820S), Bergen County.

The subject examination was announced with a closing date of July 21, 2014 and was open to employees who possessed a Bachelor's degree in the biological sciences and five years of experience in mosquito extermination work, including three years in a supervisory capacity. Agency records indicate that the examination was cancelled on November 30, 2014 as Mr. Rendine, the only applicant, was determined ineligible.

Mr. Rendine indicated on his application that he worked in the subject title from October 2013 through the closing date;² as a Chief Inspector from May 1998 to October 2013; as an Assistant Chief Inspector from August 1989 to May 1998; and as an Inspector from October 1974 to May 1979. Mr. Rendine also indicated that he did not possess a Bachelor's degree. Selection Services credited Mr. Rendine with 39 years and 10 months of general experience and 27 years and nine months of supervisory experience. However, Selection Services determined that Mr. Rendine was ineligible for the subject examination because he did not possess the required Bachelor's degree.

¹ This function is now part of the Division of Agency Services.

² Agency records reveal that Mr. Rendine was appointed to the subject title provisionally pending promotional examination procedures, effective October 7, 2013.

On appeal, Mr. Rendine argues that the education requirement should be waived because he has more experience than his coworkers who possess Bachelor's degrees. Mr. Rendine also claims he possesses a Commercial Pesticide Applicator License and attends re-certification classes annually at Rutgers University. In support, Peter Pluchino, County Division Head, asserts that Mr. Rendine is responsible for coordinating and directing the daily activities involved in mosquito control. Moreover, the appellant has worked in the mosquito control field for more than 40 years, progressing through the various titles related to that work, and he possesses a valid commercial pesticide applicator (8B) as well as a public health (8A) license. The appointing authority also submits a letter in support of Mr. Rendine's appeal.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. Further, *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, Selection Services correctly determined that the appellant lacked the required Bachelor's degree. However, it cannot be ignored that the job specification for Superintendent Mosquito Extermination indicates that an incumbent, under direction, coordinates and directs the administrative and operational activities involved in mosquito control and extermination. The record indicates that Mr. Rendine performs such duties in the subject title provisionally, pending promotional examination procedures. Also, Mr. Rendine has worked for the appointing authority performing relevant duties since 1979 and the appointing authority supports his appeal. Finally, the record reveals that the subject examination was cancelled as Mr. Rendine, the only applicant, was found ineligible. Therefore, although Mr. Rendine lacks the required Bachelor's degree, the Commission finds that the totality of Mr. Rendine's relevant experience in this matter is sufficient to find good cause to relax *N.J.A.C.* 4A:4-2.3(b)2. *See In the Matter of Meg-Anne McCarthy* (MSB, decided August 11, 2004) (Totality of experience, Bachelor's degree in Food and Nutrition, and Master's degree in Health Administration acceptable for required Master's degree in a nutrition specialty). Accordingly, it is appropriate to accept Mr. Rendine's vast experience for eligibility purposes only, and to admit him to the examination.

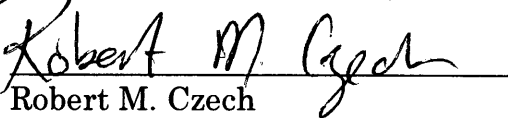
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded and the appellant's application be processed for current employment opportunities.

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 17th DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Peter Rendine
Ralph Kornfeld
Kelly Glenn
Joseph Gambino

