



STATE OF NEW JERSEY

In the Matter of Marco Ricci,
 Supervising Mason (M0265C),
 City of Vineland

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

CSC Docket No. 2022-1100

Examination Appeal

ISSUED: JUNE 20, 2022 (RAM)

Marco Ricci 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 Supervising Mason (M0265C), City of Vineland.

By way of background, the announcement for the subject examination was issued on August 1, 2021 and was open to candidates who met the residency requirements and possessed five years of experience in masonry work involving a variety of tasks in concrete work, erection of masonry structures, and plastering as of the August 23, 2021 closing date. It is noted that the appellant was the only applicant who filed for the subject examination. Consequently, the examination had been cancelled, effective November 6, 2021, due to a lack of qualified applicants.

On his application, the appellant listed work experience as a Superintendent with Stanker and Galetto, Inc. from January 1994 to December 2008 and as a Carpenter Apprentice/Mason Apprentice with Conte & Ricci from April 1990 to December 1994.

Upon a review of the appellant's application, Agency Services credited the appellant with four years and nine months of experience for his work as a Carpenter Apprentice/Mason Apprentice. However, he did not receive credit for his experience as a Superintendent as it was unclear if the appellant had performed masonry work.

Thus, Agency Services determined that the appellant lacked three months of experience.

On appeal to the Civil Service Commission (Commission), the appellant states that he erroneously forgot to list his experience on his application in his current title of Supervising Mason with the City of Vineland. The appellant submits a copy of his resume detailing his full work history, which dates back to April 1990 and includes his provisional position as well as three other positions, for consideration. It is noted that agency records indicate that the appellant has been serving as a Supervisor Mason, provisionally pending open competitive examination procedure, since April 20, 2021.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional 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. However, *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.

In this matter, Agency Services determined that the appellant was not eligible for the subject examination based on a review of his application. As such, it found that the appellant lacked three months of required experience. However, a review of agency records indicates that the appellant possessed four months of provisional experience in the subject title as of the examination closing date. Thus, the appellant met the experience requirements as of the closing date. The record also indicates that the appellant continues to serve provisionally in the subject title.

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) and will accept the appellant's provisional experience on appeal. Absent acknowledging the appellant's provisional experience, no other eligible candidate can be appointed. As previously noted, the subject examination had been cancelled. Therefore, the appellant should be admitted to the subject examination. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998).

Finally, the Commission notes that the appellant's remedy is based on the particular circumstances of this matter and does not provide precedent in any other matter. Moreover, the appellant is cautioned that, for future examination announcements, he should ensure that applications are fully and completely filled

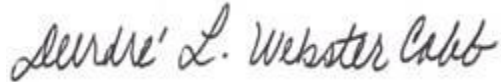
out, with past and present work experience, as failure to do so will be cause for rejection from the selection process.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant be admitted to the subject examination.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF JUNE 2022



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