



In the Matter of William
Giovanniello, Supervising Omnibus
Operator (C0361A), Monmouth
County

STATE OF NEW JERSEY

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

CSC Docket No. 2020-~~118~~
1118

Examination Appeal

ISSUED: JUNE 5, 2020

William Giovanniello appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the open competitive examination for Supervising Omnibus Operator (C0361A), Monmouth County.

The examination at issue was announced with specific requirements that had to be met as of the closing date of April 22, 2019. The requirements were three years of experience in operating a motor vehicle used in the transportation of six or more passengers. The subject examination was cancelled on October 18, 2019 since the appellant was the only applicant.

The appellant indicated on his application that he was serving provisionally in the title under test from March 2019 to the closing date, April 2019. From February 2013 to October 2018 he worked in various positions with Canada Dry of New York and from May 1998 to May 2011 he was President of Pep Rep Corporation. Agency Services credited the appellant with two months of experience based on his provisional service in the title under test and found that he lacked two years and ten months of the required experience.

On appeal, the appellant highlights his extensive background in the transportation industry, from being the private fleet owner of a company that transported various foodstuffs to taking charge of a new transportation and distribution center. As indicated on his application, the appellant highlights that his duties on occasion required him to drive delivery vehicles and delivery trucks during

his service with Canada Dry of New York. Given his years of experience in the transportation industry, the appellant maintains that he should be deemed eligible for the title under test.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

CONCLUSION

In the present matter, a review of the documentation demonstrates that the appellant should be admitted to the subject examination. Initially, Agency Services correctly credited the appellant with his provisional experience in the title under test. Although the appellant's experience with Canada Dry of New York does not precisely mirror the requirements contained in the announcement, the Civil Service Commission (Commission) is satisfied that the totality of his varied levels of transportation industry related driving experience as far back as 2013 warrants his admission to the subject examination. Additionally, the appellant continues to serve provisionally in the title under test and the examination was cancelled due to a lack of qualified applicants. Therefore, good cause exists to accept his provisional experience in the title under test after the announced closing date as well as the totality of his transportation industry related driving experience and admit him to the subject examination. Accordingly, admitting the appellant to the subject examination will provide him with the opportunity to obtain permanent status as well as to provide an eligible list to the appointing authority.

The remedy provided by the Commission is limited to the facts of this particular situation and shall not be used as 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 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 DAY 3RD OF JUNE, 2020

Deirdre L. Webster Cobb

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