



STATE OF NEW JERSEY

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

In the Matter of Micheal Kraus,
Personnel Officer (PM1738A),
Hoboken

Examination Appeal

CSC Docket No. 2021-395

ISSUED: DECEMBER 21, 2020 (RE)

Michael Krauss appeals the decision of the Division of this Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Personnel Officer (PM1738A), Hoboken.

The subject examination had a closing date of closing date of December 23, 2019 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Assistant Personnel Officer OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and three years of supervisory personnel experience including the review of classification problems and wage studies, handling personnel problems, and coordination of the training needs of the jurisdiction. Applicants who did not possess the required education could substitute additional experience as indicated below on a year-for-year basis with thirty semester hour credits being equal to one year of experience. As there were no eligible candidates, the examination was cancelled on October 11, 2020.

The appellant indicated that he possessed a Bachelor's degree, and he listed three positions on his application: Personnel Assistant from June 2018 to the December 2019 closing date; Clerk 2 from October 2016 to June 2018; Clerk 1 from September 2014 to October 2016; and Assistant to Town Manager/Laborer with Verona Township from October 2011 to February 2014. Official records indicate that the appellant was a provisional Personnel Officer from June 2019 to the December

2019 closing date, although he listed one set of duties, those for Personnel Assistant. He was Personnel Assistant from November 2017 to June 2019, a Clerk 2 from December 2015 to November 2017 and a Clerk 1 from September 2014 to December 2015. He was credited with seven months of experience for his provisional Personnel Officer position, and was found to be lacking two years, five months of applicable experience.

On appeal, the appellant argues that he has a Bachelor's degree in Business Administration, and a Master's degree in Public Administration. The appellant provides some of the duties of his position as a Clerk 2, and states that in July 2017 he was given responsibility to establish personnel policies, initiate and process all salary changes, advise directors on personnel issues, identify titles and salary ranges, prepare quarterly reports, ensure compliance with Civil Service rules and regulations, and liaise with the Civil Service Commission on official records, requests for certification, and preparing certifications for disposition. Additionally, he supervises leaves of absence and insurance premium collection, and supervises an administrative employee who assists with filing and general employee issues. He also provides a few of his duties performed after the closing date. In support of this appeal, the appointing authority states that the appellant has been performing out-of-title duties as a Personnel Officer since 2017. He has been responsible for providing guidance and advice to the administration on Civil Service and personnel matters, administering leaves of absence, collecting insurance premiums from employees on leaves, serving as the liaison between the City and the Civil Service Commission, and directing the operations of the Division of Personnel and Benefits.

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:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *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.

Initially, the appellant was correctly deemed to be ineligible for the subject examination since he lacked the minimum requirements in experience. It is noted that there is no substation clause in the announcement of a Master's degree for experience. Nonetheless, the appointing authority has indicated that the appellant performed out-of-title duties while in the title Personnel Assistant from November 2017 to June 2019, an additional one year, eight months of experience. Further, the appellant continues to serve provisionally in the title under test and he has accrued at least an additional ten months of experience since the December 2019 closing date. With the acceptance of this out-of-title work and work after the closing date, the

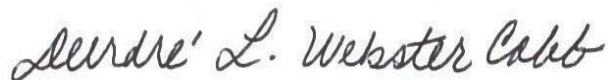
appellant possesses the required three years of experience. As the subject examination was cancelled due to a lack of admitted candidates, and based on the documentation submitted and under these circumstances, good cause exists to accept the appellant's out-of-title work experience and experience after the closing date to satisfy the requirements for the Personnel Officer examination.

ORDER

Therefore, it is ordered that this appeal be granted, 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 16TH DAY OF DECEMBER 2020



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