



STATE OF NEW JERSEY

In the Matter of Plamen Karamanski,
Police Officer (S9999U), Jersey City

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

CSC Docket No. 2019-1813

List Removal Appeal

ISSUED: APRIL 22, 2019

(SLK)

Plamen Karamanski, represented by Corey M. Sergeant, Esq., petitions the Civil Service Commission (Commission) to rescind his withdrawal from the eligible list for Police Officer (S9999U), Jersey City on the basis that he lacks the required background.

By way of background, on or around June 2016, Karamanski applied for the position of Police Officer with Jersey City. The subject examination had an August 31, 2016 closing date. At the time of his application, Karamanski was not a United States (U.S.) citizen. Subsequently, he became a U.S. citizen on March 30, 2017. On October 1, 2018, certification OL181034 was issued containing Karamanski’s name, and on November 18, 2018, Jersey City advised Karamanski that he was ineligible for the subject examination because he was not a U.S. citizen when he applied. Therefore, it directed Karamanski to withdraw his name from the list, which he did.

On appeal, Karamanski argues that Jersey City incorrectly directed him to withdraw his name from the list. He states that *N.J.S.A. 40A:14-22(1)* provides that “no person shall be appointed as a member of the police department and force, unless he...is a citizen of the United States.” Karamanski argues that while U.S. citizenship is a requirement to be appointed as a member of the police department and force, there is no requirement that a candidate be a U.S. citizen while applying. He presents that he became a U.S. citizen after he applied, and therefore, he believes that he has met this requirement. Karamanski argues that Jersey City was premature in

directing him to withdraw his name from the list as he only needed to be a U.S. citizen at the time Jersey City was making its decision to appoint Police Officers. In the alternative, he requests that he be provided an age exemption and/or exception to apply for a current Jersey City Police Officer position.

Although given the opportunity, Jersey City did not respond to this 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. *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)1, allows the Commission to remove an eligible's name from an eligible list when he or she lacks the job requirements. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

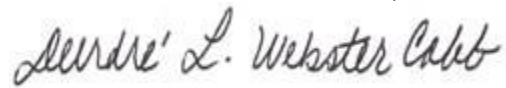
In this matter, Jersey City had a valid reason for directing Karamanski to withdraw his name from the list. A review of the subject announcement indicates that "all candidates must be citizens of the United States as of August 31, 2016." Therefore, while *N.J.S.A.* 40A:14-22(1) states that one must be a U.S. citizen to be appointed as a Police Officer, Karamanski was not eligible for the subject examination as he acknowledges that he was not a U.S. citizen as of the closing date, which was one of subject examination's requirements. See *N.J.A.C.* 4A:4-2.3(b)2. Further, Karamanski has not presented any statutory or other authority that prohibits requiring that candidates for a position as a Police Officer be U.S. citizens as of the closing date for an examination announcement. Therefore, Karamanski's U.S. citizenship, which was obtained after the closing date, does not impact the determination of his eligibility for the subject examination. See *In the Matter of Neil O'Sullivan* (CSC, decided December 19, 2018). Moreover, since the list contains more than 1000 eligible candidates who met all of the requirements as of the closing date, the Commission has no basis to relax the citizenship requirement.

ORDER

Therefore, it is ordered that this request be denied.

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 APRIL, 2019



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