STATE OF NEW JERSEY

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In the Matters of Justin Clauser and   :
Timothy Martel, Investigator County   :
Welfare Agency (PC0035A), Mercer   :
County Board of Social Services   :
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CSC Docket Nos. 2019-3115 and   :
         2019-3116   :

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

Examination Appeals

ISSUED: JUNE 28, 2019   (HS)

Justin Clauser and Timothy Martel appeal the determinations of the Division of Agency Services (Agency Services), which found that they did not meet the experience requirement for the promotional examination for Investigator County Welfare Agency (PC0035A), Mercer County Board of Social Services. These appeals have been consolidated due to common issues presented.

The subject examination was announced with a closing date of January 22, 2019 and was open to employees who possessed 60 semester hour credits from an accredited college or university and two years of work experience that involved either (1) investigations in connection with the prosecution or defense of civil or criminal cases; or (2) investigations concerning compliance with or violations of statutory laws, rules and regulations; or (3) criminal investigations requiring the use of a variety of investigatory methods and techniques; or (4) securing and verifying information and making determinations or recommendations pertaining to such matters as the eligibility or qualifications of applicants for loans, insurance, credit, employment, entitlement to cash awards or financial benefits, and the adjustment and settlement of insurance claims; or (5) other types of investigations that involved the collection of facts and obtaining information by observing conditions, examining records, interviewing individuals, and preparing investigative reports of findings. Applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. The resulting eligible list containing the name of one eligible promulgated on May 2,

2019 and expires on May 1, 2022. A certification issued from the list on May 2, 2019, but it has not yet been returned.

On his application, Clauser listed his Bachelor's degree from Rider University. He also listed his experience as a provisional Investigator County Welfare Agency from October 2018 to the closing date and as a Human Services Specialist 1 from May 2017 to October 2018, both with the Mercer County Board of Social Services. Agency Services credited Clauser with meeting the education requirement and with one year and nine months of experience for his experience as a provisional Investigator County Welfare Agency and Human Services Specialist 1. Therefore, Agency Services deemed Clauser ineligible since he lacked three months of experience and thus did not meet the experience requirement set forth in the announcement.

On his application, Martel listed his possession of 48 semester hour credits from Thomas Edison State University. He also listed his experience, in pertinent part, as a provisional Investigator County Welfare Agency from October 2018 to the closing date and as a Human Services Specialist 1 from January 2017 to September 2018, both with the Mercer County Board of Social Services. Agency Services credited Martel with the equivalent of one year and seven months of experience for his 48 credits and two years and one month of experience for his experience as a provisional Investigator County Welfare Agency and Human Services Specialist 1. Therefore, Agency Services deemed Martel ineligible since he lacked four months of experience and thus, per the substitution clause for education, did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission (Commission), the appellants maintain that they possess the required experience. It is noted that agency records indicate that the appellants were provisionally appointed to the title of Investigator County Welfare Agency, effective October 15, 2018, and continue to serve provisionally in that title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that Clauser and Martel were ineligible for the subject examination because they did not meet the experience requirement as of the January 22, 2019 closing date since they respectively lacked three and four months of experience. The appellants were provisionally appointed to the title under test, effective October 15, 2018, and continue to serve

provisionally in that title. The Commission finds that, for examination eligibility purposes, they have been performing the duties of the title under test since that date. Thus, the appellants now possess enough applicable experience based on this service. Additionally, the record evidences that the examination situation is not competitive since the eligible list promulgated with the name of only one eligible. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept the appellants' provisional experience after the closing date, for eligibility purposes only, and admit them to the examination.

ORDER

Therefore, it is ordered that these appeals be granted and the appellants' applications be processed for prospective employment opportunities.

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 26TH DAY OF JUNE, 2019

Deirdré L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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