



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of the Special Law Enforcement Officer 2, Camden County Police Department Pilot Program

Order Establishing Pilot Program

CSC Docket No. 2017-94

ISSUED: OCT 20 2016 (CSM)

The Chairperson, Civil Service Commission (Commission), requests that the Commission review and ratify the establishment of a Pilot Program created in In the Matter of Special Law Enforcement Officer 2, Camden County Police Department Pilot Program (Chairperson, decided July 14, 2016) (Special Law Enforcement Officer 2), which provided for the expeditious hiring of County Police Officers for the Camden County Police Department (Department).

The background of this matter and the details of the Pilot Program are extensively discussed in Special Law Enforcement Officer 2 (attached). As the Commission was without a quorum at the time Camden County requested the establishment of the Pilot Program in July 2016, in accordance with his statutory, regulatory, and inherent authority to take necessary action to implement the public policy set forth by the Legislature in Title 11A and the emergent nature of the request, the Chairperson found it appropriate to establish the Special Law Enforcement Officer 2, Pilot Program, Camden County, effective July 14, 2016 and expiring on October 12, 2016. In accordance with N.J.A.C. 4A:1-4.3(f), the Chairperson indicated that when the Commission convenes, this matter would be presented for its review and ratification.

N.J.S.A. 11A:2-11(i) permits the Commission to establish pilot programs and other projects for a maximum of one year outside of the provisions of Title 11A of the New Jersey Statutes Annotated. See also, N.J.A.C. 4A:1-4.3 and CWA v. N.J. Department of Personnel, 154 N.J. 121 (1998).

N.J.A.C. 4A:1-4.3(d) states that a proposed pilot program should be submitted to the Chairperson or designee and include: 1) A description of the program; 2) the individuals affected by the program; 3) the duration of the program; 4) the anticipated benefits of the program, including an explanation of how the program furthers the purposes of Title 11A of the New Jersey Statutes Annotated; 5) a summary of appointing authority consultations with negotiations representatives; 6) evaluation criteria; 7) a statement identifying the sections, if any, of those rules or of Title 11A, New Jersey Statutes with which the program is at variance; and 8) such other information as required by the Chairperson or designee. The provisions in *Special Law Enforcement Officer 2, supra*, (attached), address these criteria.

CONCLUSION

For the reasons set forth in *Special Law Enforcement Officer 2, supra*, after a full review and consideration of the aforementioned program, the Commission ratifies and approves the pilot program that provided for the expeditious testing of those Special Law Enforcement Officer 2s employed by Camden County who have been fully screened and trained for employment as full-time County Police Officers.

ORDER

Therefore, the Civil Service Commission ratifies and approves the Special Law Enforcement Officer 2, Pilot Program that was established effective July 14, 2016 and shall expire on October 12, 2016.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
ON THE 19TH DAY OF OCTOBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

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and
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STATE OF NEW JERSEY

DECISION AND ORDER OF THE
CHAIRPERSON OF THE
CIVIL SERVICE COMMISSION

In the Matter of the Special Law :
Enforcement Officer 2, Camden :
County Police Department :
Pilot Program :

Order Establishing Pilot Program

CSC Docket No. 2017-94

ISSUED: *JUL 15 2016* (CSM)

Camden County requests the establishment of a Pilot Program to provide for the expeditious hiring of County Police Officers for the Camden County Police Department (Department).

By way of background, the Department was established on May 1, 2013 and serves as the primary law enforcement agency for the City of Camden (City). Camden County reports that an in-depth analysis of staffing levels and crime rates has been conducted over the preceding three years, which showed that its Department would be most effective at reducing crime when fully staffed with 441 Officers. It also reports that it currently has 371 sworn Officers, including 23 Officers who are completing the requisite training through the Police Training Commission. As examples of the correlation between staffing levels and crime rates, Camden County indicates that in February of 2015, when it was at its second highest staffing level of 347 sworn Officers, the City had its lowest number of violent crimes (60) and shooting victims (2). Similarly, its average number of Officers in 2015 was 344, and its average number of Officers year-to-date in 2016 was 325; there has been an 11% increase in violent crimes rates from 2015 to 2016.

Additionally, Camden County provides that the Department is presently comprised of 200 (54%) Caucasian Officers, 99 (27%) Hispanic Officers, 68 (18%) African American Officers, three (.08%) Asian/Pacific Islander Officers, and one (.02%) American Indian Officer. Thus, the Department's minority representation is 46%. In contrast, the City of Camden's population is comprised of 48% Hispanic residents, 43% African American residents, 4.9% Caucasian residents, and 2.3%

Asian/Pacific Islander residents.¹ It explains that it has experienced success utilizing its model of community policing in the City, which is strongly focused on building ties between members of law enforcement and the community, and its goal is to change the role of law enforcement from a static, reactive, incident-driven force to a more dynamic, open, quality-oriented partnership with the community it polices. Community policing requires that law enforcement work closely with citizens and community groups to jointly develop and implement crime prevention strategies. Camden County underscores the importance of maintaining a diversity level in its Department that closely resembles that of the community in a community policing model.

Against this backdrop, Camden County submits that there is an emergent need to fully staff its Department in order to address public safety needs and continue to make significant strides in long-term crime reduction in the City of Camden. However, Camden County, as a Civil Service jurisdiction, is required to hire entry-level County Police Officers utilizing a certified list of eligibles who have taken the Law Enforcement Examination (LEE) offered by the Commission. In this regard, it is noted that the existing LEE eligible list, S9999R, for County Police Officers was extended prior to its May 1, 2016 expiration date for one year or until such time as a new LEE eligible list promulgates. The record reflects that Camden County has appointed 167 County Police Officers from the current LEE pool. While the current LEE pool is currently available for use through the May 1, 2017 extended expiration date, Camden County emphasizes the length of time it takes to conduct full background checks on all candidates and the mandatory Police Training Commission training. Given these processes, use of the LEE pool in this instance will leave the Department with a severe staffing shortage for upwards of six months.

In light of the City's critical public safety needs, the Department has proposed a pilot program designed to address its immediate law enforcement staffing needs, while furthering its community policing model and goal of improving diversity within the Department. It is proposed that a special eligible list be established, consisting of the names of Special Law Enforcement Officers II (SLEOs II) currently employed by the Department who successfully pass a special administration of the LEE. Camden County represents that the Department's SLEOs II have been fully screened for employment as full-time Police Officers and have passed the training required by the Police Training Commission for full-time Police Officers. It also notes that 56% of its SLEOs II are minorities; thus, if added to the full-time sworn personnel, overall minority representation will increase. It also adds that its SLEOs II have been field trained in the City of Camden and are familiar to the community, which will further its goals of a successful community policing model. It is proposed that the approximately 80 eligible SLEOs II be

¹ In addition, 1.6% of residents identify with 2 or more races, and 0.2% of residents reported their race as "other."

permitted to take the LEE and Camden County be given a ranked list from which it intends to hire approximately 80 new County Police Officers.

N.J.S.A. 11A:2-11(i) permits the Commission to establish pilot programs and other projects for a maximum of one year outside of the provisions of Title 11A of the New Jersey Statutes Annotated. *See also, N.J.A.C. 4A:1-4.3 and CWA v. N.J. Department of Personnel, 154 N.J. 121 (1998).*

N.J.A.C. 4A:1-4.3(d) states that a proposed pilot program should be submitted to the Chairperson or designee and include: 1) A description of the program; 2) the individuals affected by the program; 3) the duration of the program; 4) the anticipated benefits of the program, including an explanation of how the program furthers the purposes of Title 11A of the New Jersey Statutes Annotated; 5) a summary of appointing authority consultations with negotiations representatives; 6) evaluation criteria; 7) a statement identifying the sections, if any, of those rules or of Title 11A, New Jersey Statutes with which the program is at variance; and 8) such other information as required by the Chairperson or designee. The following provisions address these criteria.

A. Program Description

The goal of this program is to quickly employ qualified and trained law enforcement officers to maintain and sustain violent crime reductions in the City of Camden. This program is an integral part of a concentrated effort to employ approximately 80 new County Police Officers to meet the critical public safety needs of the residents of the City of Camden, while furthering its community policing model and goal of increasing diversity within the Department, and is only being implemented as an extreme measure to immediately address the Department's staffing shortage. In order to achieve this goal, the Program will provide for the following:

1. The Commission will offer the LEE to any SLEOs II who as of the date of the pilot approval have:
 - a) been employed by the Department as SLEOs II;
 - b) completed the Department's Police Officer Application and have undergone the Department's background and screening process;
 - c) obtained PTC certification; and
 - d) met the open competitive requirements set forth in the Commission's job specification for County Police Officer, including possession of a high school diploma or equivalent. SLEOs II will be required to file an application with all pertinent information, meet the announced requirements as

of the date of approval of this program, and pay a \$50 application fee.

2. The examination will be administered to eligible SLEOs II candidates and scored expeditiously. The resulting special eligible list will be created consistent with all State and municipal law, regulations, and ordinances, including veterans' preference and residency categories.
3. The resultant list will **only** be certified to Camden County to meet this emergent public safety need on a one-time basis.
4. SLEOs II who meet the above requirements and pass the competitive examination may be selected from this list.

B. Individuals Affected by the Program

This program will allow for the selection of individuals based on their performance on the LEE and who are qualified, trained, and immediately available to serve as County Police Officers as noted in Section A, above. Individuals on the current LEE list are impacted in that they are not currently eligible for immediate appointment through use of the special eligible list established by this pilot program.

C. Duration of the Program

The Pilot Program would begin on the date of approval by the Commission's Chairperson and expire 90 days thereafter. This time frame will allow for an expedited examination process with appointments from the resultant list through one certification.

D. Anticipated Benefits of the Program

The proposed program will benefit the residents of the City of Camden by quickly increasing the Department's staffing level and its ability to maintain reductions in violent crime. The program will also serve to increase the diversity of the Department, while furthering the Department's community policing efforts. The eligible candidates are also already familiar with the community through their employment as SLEOs II. The program will proceed expeditiously through examination, certification, and selection; additionally, the candidates selected through this process are already PTC certified and will not need to attend a police academy before deployment as County Police Officers. Moreover, the time between testing and appointment will be accelerated significantly, providing the Department with rapid relief and diminishing the time the applicants have to wait between examination, appointment, and active employment as full-time County Police Officers.

E. Summary of Appointing Authority consultations with negotiations representatives

On July 7, 2016, Camden County met with representatives of the affected collective negotiations representatives. At that meeting, Camden County notified the representatives of the proposed program, and the representatives posed no objection.

F. Evaluation component

Evaluation criteria for this proposed pilot are as follows:

1. Maintain and sustain violent crime reductions.
2. Immediate increase of law enforcement staffing to address critical public safety needs, while promoting commitment to diversity and community policing.

G. Rules Affected by the Program

This pilot program is inconsistent with several provisions in Civil Service law and rules.

N.J.S.A. 11A:4-3 provides that where a residency preference is established by law, the Commission may limit applicants for an examination to such classes as are necessary to establish a sufficient pool of eligibles. For the titles of County Police Officer and Police Assistant, Camden County's current residency resolution provides that preference will be provided first to residents of the City of Camden, followed by residents of Camden County, then residents of contiguous Counties, and then all remaining residents of the State of New Jersey. Pursuant to the pilot program, it is possible that Camden County will be permitted to appoint candidates in succeeding residency classes from the special eligible list prior to exhausting the list of Camden County residents in the current LEE pool.

N.J.S.A. 11A:4-8 provides that the Commission shall certify the first three eligibles who have received the highest ranking on an open competitive examination against the first vacancy and one additional eligible for each additional vacancy. Under the pilot program, the Commission would create a new list in order to fill approximately 80 vacancies.

N.J.S.A. 11A:4-9 provides that the Commission may establish open competitive eligible lists, which shall include all qualified eligibles without regard to whether they are currently employed by the State or a political subdivision. Under the pilot program, the Commission would create an open competitive eligible list. However, among other things, eligible candidates would be required to be currently

employed by a political subdivision, Camden County Police Department, Metro Division, in order to qualify for placement on that eligible list.

N.J.S.A. 11A:5-6 and *N.J.A.C.* 4A:5-2.1 provide that when a disabled veteran or veteran shall be certified to an appointing authority from an open competitive employment list, the appointing authority shall appoint the disabled veteran or veteran in the order of ranking. The Department currently has no outstanding certifications from the existing LEE pool. Nevertheless, under this pilot program, some disabled veterans and veterans in the existing LEE pool are not eligible for the immediate appointments that will be made from the special eligible list comprised of qualified and trained SLEOs II.

N.J.A.C. 4A:4-3.5 provides that the Commission may consolidate successive eligible lists for a given title which result from successive open competitive or promotional examinations. Under the proposed program, a special eligible list would be created from the pool of SLEOs II who pass the LEE. This list would be certified to Camden County to appoint approximately 80 County Police Officers without consolidating this special eligible list with the existing LEE pool.

After a full review and consideration of the aforementioned program, the Division of Agency Services recommends approval of this pilot program and the expeditious testing of those SLEOs II employed by Camden County who have been fully screened and trained for employment as full-time County Police Officers.

CONCLUSION

The goal of the Camden County pilot program is to immediately increase law enforcement staffing to address critical public safety needs, while promoting the Department's commitment to diversity and community policing. The Legislature has declared that it is the public policy of the State of New Jersey to select and advance employees on the basis of their relative knowledge, skills and abilities, and to provide public officials with the appropriate appointment, supervisory and other personnel authority to execute properly their constitutional and statutory responsibilities. *N.J.S.A.* 11A:1-2. The Commission is authorized to establish pilot programs which may include, but are not limited to, employee recruitment and selection. *N.J.S.A.* 11A:2-11(i); *N.J.A.C.* 4A:1-4.3(b). In compliance with *N.J.A.C.* 4A:1-4.3(d), Camden County has submitted its proposal for the subject pilot program to the Chairperson for review and has addressed all of the regulatory criteria in support of its request. The Commission may accept, modify, or reject the program and establish appropriate conditions. See *N.J.A.C.* 4A:1-4.3(f).

Our courts have taken judicial notice that the role of the police in every community has always been of extreme importance to our social well-being. *Irvington PBA v. Town of Irvington*, 170 N.J. Super. 539, 545-46 (App. Div. 1979),

certif. denied, 82 N.J. 296 (1980) (recognizing the importance of managing a police department as an inherent and necessary managerial prerogative). In this regard, the Commission has always been cognizant of law enforcement's crucial function furthering public safety and has consistently provided remedies within its power to grant in times of emergent need. For example, in *In the Matter of Stephen Herzog* (CSC, decided January 19, 2011), the Township of West Milford appointed a Police Officer through the intergovernmental transfer program prior to the Commission being able to review the matter of title comparability. Noting that West Milford had a critical need to fill public safety positions, the Commission subsequently determined that there was good cause to permit the retroactive permanent transfer. Moreover, due to depleted staffing levels and the high rate of violent crime, the Commission established a pilot program for the former Police Department in the City of Camden to hire applicants who completed the Police Training Commission's "alternate route" in order to provide for the expeditious hiring of Police Officers. See *In the Matter of City of Camden Police Department Pilot Program* (CSC, decided October 21, 2009). Even in areas outside of the law enforcement community, in emergent situations that involve the safety of the public, the Commission has provided for the appointment of personnel on an expeditious basis in order to address these crises that impact the public. Indeed, in the aftermath of Superstorm Sandy, the Commission provided for the utilization of various competitive titles for short term unclassified appointments in order to fill positions associated with disaster relief efforts. See e.g., *In the Matter of Interim Disaster Recovery Division, Department of Community Affairs* (CSC, decided April 17, 2013). In other words, in matters involving emergent situations involving public safety, the Commission has taken extraordinary steps to ensure the expeditious appointment of trained public safety personnel in a manner that is consistent with the principles of merit and fitness.

The Camden County pilot program for an expedited process to immediately staff the Department with qualified personnel is consistent with merit and fitness principles of Title 11A. Only eligible SLEOs II who pass the special administration of the examination may be considered for appointment to County Police Officer. Eligible candidates have been already been screened for employment and met the training requirements of the Police Training Commission. Additionally, the appointment of candidates already trained and familiar with the primary community they are serving advances the community policing efforts of the Department.²

² Department Police Chief Scott Thomson testified before the *President's Task Force on 21st Century Policing in America*. The purpose of the task force was to "strengthen community policing and strengthen trust among law enforcement officers and the communities they serve." Thomson told the task force: "The starting point is on a city street corner with a respectful interaction between a police officer on the beat and a member of that community.": See The Final Report of the President's Task Force on 21st Century Policing (May 2015) http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf

As the Commission is currently without a quorum, it would be unable to timely act on this emergent request to fully staff the Department in order to address critical public safety needs in the City of Camden absent some type of interim remedy. The Chairperson, as the Chief Executive Officer and administrator of the Commission, has the statutory, regulatory, and inherent authority to take necessary action to implement the public policy set forth by the Legislature in Title 11A, and the responsibility to provide public officials with appropriate supervisory and other personnel authority to execute properly their constitutional and statutory responsibilities. See *N.J.S.A. 11A:1-2(b)*; *N.J.S.A. 11A:2-3*; and *N.J.A.C. 4A:1-3.2*. This authority and responsibility, coupled with the emergent nature of this request, warrants approval of this pilot program by the Chairperson in order to ensure that the Department addresses its critical staffing shortage without undue interruption.

Therefore, given the Chairperson's authority to implement the selection and appointment process and the emergent nature of Camden County's request, it is appropriate to establish the Special Law Enforcement Officer 2, Pilot Program, Camden County, effective July 14, 2016 and expiring on October 12, 2016. When the Commission convenes, this matter will be presented for review and ratification in accordance with *N.J.A.C. 4A:1-4.3(f)*.

ORDER

Therefore, on behalf of the Civil Service Commission, the Special Law Enforcement Officer 2, Pilot Program is established effective July 14, 2016 and shall expire on October 12, 2016.

DECISION RENDERED BY THE
CHAIRPERSON OF THE CIVIL SERVICE COMMISSION
ON THE 14th DAY OF JULY, 2016

RMCzech

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