



STATE OF NEW JERSEY

In the Matter of Steven Garzio

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2547

Request for Reconsideration

ISSUED: **JUL 17 2017** (JET)

Steven Garzio, represented by Daniel S. Sweetser, Esq., requests reconsideration of the attached decision rendered on December 7, 2016, which found that he did not meet the requirements for placement on the Statewide Law Enforcement Eligible List (Rice Bill).

In the prior matter, the Division of Agency Services (Agency Services) determined that the appellant was not eligible for placement on the Statewide Law Enforcement Officer List as established by *N.J.S.A. 40:14-180*, which was upheld by the Civil Service Commission (Commission). See *In the Matter of Steven Garzio* (CSC, decided December 7, 2016).

In his petition for reconsideration, the appellant argues, among other things, that the request to be placed on the list was improperly denied as it was based on the mistaken premise that he did not complete police training until April 21, 2016 and, as such, was not a permanent police officer as of the March 29, 2016 date of the layoff. The appellant adds that he submitted an April 6, 2016 letter from Brian Amantia, the Director of the Mercer County Police Academy¹ indicating that the appellant successfully completed PTC waiver training on March 29, 2016. Further, the appellant states that the prior decision improperly relied on a communication from an unnamed staff member from the Mercer County Police Academy who advised that the appellant officially completed training on the date the training certificate was awarded, April 21, 2016. In this matter, the appellant submits a

¹ It is noted in the prior decision that Mr. Amantia was not the Director at the time.

certification dated January 19, 2017 from Lawrence J. Evans, Administrator and Chairman of the Police Training Commission,² who indicates, among other things, that the delay between a waiver trainee's completion of training and being issued the certificate is administrative in nature. He explains that, although the appellant's certificate was issued on April 21, 2016, he completed training requirements as of March 29, 2016, and was, as of that date "eligible as a permanent police officer" Based on this information, the appellant maintains that his name should be placed on the list.³

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that the (Commission) may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In this matter, the appellant has presented new information or evidence on appeal which changes the outcome of the prior matter. In the prior matter, the Commission based its determination on the premise that the appellant was not eligible to be considered a permanent police officer until he received his training certificate on April 21, 2016. However, the certification submitted in this matter from the former Administrator/Chairman of the Police Training Commission confirms that the appellant had completed training as of March 29, 2016 and was, as of that date, eligible to be considered a permanent police officer. More importantly, this document, read in conjunction with the portion of the December 31, 2015, letter from the Fieldsboro Public Safety Director, which states that the appellant's layoff would be "effective March 29, 2016 at the conclusion of your academy waiver training classes" provides a basis to grant reconsideration. In this regard, if the appellant was still considered employed on March 29, 2016, as noted in the letter, and was also considered a permanent police officer on that date, he would meet the standards for placement on the Rice Bill list. Accordingly, as the new evidence establishes that the appellant was a permanent police officer as of the date of his layoff, his name should be placed on the Statewide Law Enforcement Eligible List.

² It is noted that Evans is no longer serving as the Administrator/Chairman of the Police Training Commission.

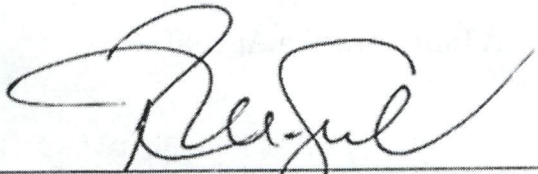
³ While the appellant did not resubmit copy of a letter dated December 31, 2015, from the Fieldsboro Public Safety Director, that document is still considered part of the overall record. Importantly, that letter indicates that the appellant's layoff would be "effective March 29, 2017 at the conclusion of your academy waiver training classes."

ORDER

Therefore, it is ordered that this request for reconsideration be granted.

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 13th DAY OF JULY, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Steven Garzio
Daniel S. Sweetser, Esq.
Kelly Glenn



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Steven Garzio

CSC Docket No. 2016-4224

Administrative Appeal

ISSUED: DEC 12 2016 (JET)

Steven Garzio appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the requirements pursuant to *N.J.S.A. 40A:14-180* for placement on the Statewide Law Enforcement Officer Eligible List (Rice Bill).

A review of the record indicates that the appellant served as a Police Officer with Fieldsboro from June 3, 2015 through March 29, 2016, the date he was subjected to a layoff. Additionally, Agency Services found that the appellant was not eligible for placement on the Statewide Law Enforcement Officer List as established by *N.J.S.A. 40A:14-180*. Specifically, Agency Services determined that, since the appellant did not complete the Basic Course for Police Officers until April 21, 2016, he was not permanent in the title of Police Officer as of the date he was subjected to the layoff, March 29, 2016. It is noted that the appellant was awarded a certificate from the Police Training Commission on April 21, 2016.

On appeal, the appellant maintains that he had completed police training prior to the layoff. Specifically, the appellant provides a letter dated May 25, 2016 from Patricia M. Hansell, Municipal Clerk, which indicates that he was appointed as a full time Police Officer effective June 10, 2015. Further, the appellant provides a letter dated March 21, 2016 from Joseph Conlin, Public Safety Director, which indicates that the appellant completed his probationary period in August 2015 and attended the Mercer County Police Academy in December 2015. In addition, the appellant submits a copy of a letter dated December 31, 2015, notifying him of his layoff, which indicates that he had completed training requirements in June 2015.

It also indicates that the appellant served in a patrol capacity for several months prior to attending the Mercer County Police Academy and obtained a waiver from Special Law Enforcement Officer 2 (SLEO2) to Police Officer. Moreover, the appellant submits a letter dated April 6, 2016 signed by Brian Amantia, Director, Mercer County Police Academy, which notifies Pat Jones, Academy Coordinator, Police Training Commission, that the appellant received a "waiver training" for the Basic Police Officer Training Course, effective March 29, 2016.

It is noted that staff from this agency contacted the Mercer County Police Academy and was advised that the appellant officially completed training on the date the certificate was awarded, April 21, 2016.

CONCLUSION

In order to be eligible for the reemployment program, *N.J.S.A. 40A:14-180* provides that:

- a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a county or municipality which, pursuant to *N.J.S.A. 40A:14-106*, in the case of a county, or *N.J.S.A. 40A:14-118*, in the case of a municipality, has established and maintains a police force may appoint as a member or officer of the county or municipal police department any person who:
 - (1) was serving as a law enforcement officer in good standing in any State, county or municipal law enforcement department or agency; and
 - (2) satisfactorily completed a working test period in a State law enforcement title or in a law enforcement title in a county or municipality which has adopted Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a law enforcement title in a county or municipality which has not adopted Title 11A, Civil Service; and
 - (3) was, for reasons of economy, terminated as a law enforcement officer within 60 months prior to the appointment.

N.J.S.A. 52:17B-68 provides that every municipality and county shall authorize attendance at an approved school by persons holding a probationary appointment as a police officer, and every municipality and county shall require that no person shall hereafter be given or accept a permanent appointment as a Police Officer unless such person has successfully completed a police training course at an approved school. This statutory provision applies to all jurisdictions, whether Civil Service or non-Civil Service, such as Fieldsboro.

In the instant matter, the record establishes that the appellant is not eligible for placement on the Statewide Law Enforcement Eligible List. The record reflects that the appellant was not awarded the certificate of completion from the Police Training Commission until April 21, 2016. As such, he did not complete training for the Basic Course for Police Officers until that date. Thus, it is clear that the appellant was not permanent as a Police Officer as of the March 29, 2016 date of the layoff, since he did not complete training until April 21, 2016. Although the appellant argues that the April 6, 2016 letter from the Director of the Police Training Commission indicates that the appellant was awarded waiver training effective March 29, 2016, staff from the Mercer County Police Academy confirmed that the appellant did not complete training until the date the certificate was issued, April 21, 2016. As such, Agency Services correctly determined that the appellant was not permanent in the title as of the date of the layoff pursuant to *N.J.S.A.* 52:17B-68.

In regard to his service as a Special Law Enforcement Officer (SLEO 2), it is noted that special law enforcement officers are hired for a specific term of employment and the completion of that term does not qualify them for placement on the Rice Bill list. See *N.J.S.A.* 40A:14-146.14(a).

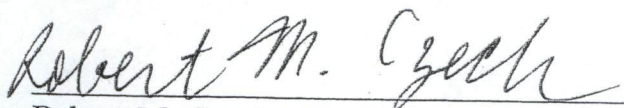
Accordingly, Agency Services correctly determined that the appellant was ineligible for placement on the Statewide Law Enforcement Eligible List.

ORDER

Therefore, it is ordered that this appeal 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 7th DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Assistant Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Steven Garzio
Kelly Glenn



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P.O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair Chief Executive Officer

May 16, 2016

Mr. Steven Garzio
[REDACTED]
[REDACTED]

Dear Mr. Garzio:

This will acknowledge receipt of the applicant request you submitted for consideration of placement on the "Statewide Eligible List," also known as the "Rice Bill List," as established under the provisions N.J.S.A. 40A:14-180 *et seq.*

Requirements for placement on the Statewide Eligible List are as follows:

- The individual was serving as a law enforcement officer in good standing in any State, county or municipal law enforcement department or agency, or county sheriff's office; and
- satisfactorily completed a working test period in a State law enforcement title or in a law enforcement title in a county or municipality which has adopted Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a law enforcement title in a county or municipality which has not adopted Title 11A, Civil Service;
- and was, for reasons of economy, terminated as a law enforcement officer within 60 months prior to the appointment.

A review of your application and Police Training Commission Certificate which you provided revealed that you were laid off by the Borough of Fieldsboro effective March 29, 2016, and did not complete the Basic Course for Police Officers until April 21, 2016.

Please be advised that N.J.S.A. 52:17B-68 states that "Every municipality and county shall authorize attendance at an approved school by persons holding a probationary appointment as a police officer, and every municipality and county shall require that no person shall hereafter be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training course at an approved school."

New Jersey is an Equal Opportunity Employer

www.state.nj.us/csc

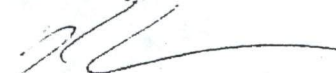
Based on the information contained in your application, which indicates that you did not complete the required police training course prior to the layoff, your position with the Borough of Fieldsboro cannot be considered a permanent law enforcement officer. Therefore, you do not meet the eligibility requirements for placement on the Statewide Eligible List.

If you are not satisfied with this determination, you may appeal within twenty (20) days of receipt of this letter to the Civil Service Commission. Such an appeal should be sent to:

Henry Maurer, Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
P. O. Box 312
Trenton, NJ 08625-0312

If you have any questions or require further assistance please contact me at (609) 984-7313, or via e-mail at keith.appleby@csc.state.nj.us.

Sincerely,



Keith Appleby
Human Resource Consultant

