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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Correction Officer
Recruit (S9988R), Department of
Corrections

Administrative Appeal

CSC Docket No. 2016-1489

ISSUED: DEC 21 2015

(SLD)

The Department of Corrections (DOC) requests that it be allowed to immediately appoint Correction Officer Recruit candidates to facilities which have specific residency requirements, despite not meeting those requirements.

By way of background, agency records indicate that the S9988R eligible list promulgated on May 23, 2013 and contained the names of 9,010 eligibles. It expired on May 22, 2015 and still contained the names of 8,989 eligibles. DOC requested a two month extension to the S9988R eligible list as a "precautionary measure" so that it could issue one final certification from it. The Division of Agency Services (DAS) recommended that the request be approved. Thereafter, in *In the Matter of Correction Officer Recruit (S9988R), Department of Corrections* (CSC, decided June 3, 2015), the Civil Service Commission (Commission) granted DOC's request to revive and extend the S9988R eligible list until May 22, 2016 or until a new list became available, whichever occurred first. On July 23, 2015 the S9988T eligible list promulgated, containing the names of 7,783 eligibles. The S9988T eligible list expires on July 22, 2017. Also, on July 23, 2015, DOC requested certification numbers so that it could issue certifications from the S9988T eligible list.¹

¹ In *In the Matter of Department of Corrections Certifications* (CSC, decided October 2, 2013) the Commission approved, in part, the delegation order to permit DOC to process certifications for the title of Correction Officer Recruit. As part of that process, prior to the issuance of a certification, DOC is supposed to request a certification number from this agency. The certification numbers indicate how many eligibles may be certified to each region of the two regions which have residency requirements and/or Statewide, with no residency requirements.

In its request to the Commission, DOC asserts that in February or March 2015, it issued a certification from the S9988R eligible list.² Thereafter, the chosen candidates began the 16 week Training Academy on July 20, 2015, which was completed on November 10, 2015. DOC explains that it has “ongoing vacancies” and since it takes an average of four months to process a class, it certifies lists on a continual basis to ensure that it has candidates ready to fill the vacancies upon graduation from the academy. However, DOC argues that it was advised on August 27, 2015, that the “projected vacancies” were, as follows: 10 at Northern State Prison (Northern), 15 at Bayside State Prison (Bayside), 13 at South Woods State Prison (South Woods) and 10 at Southern State Correctional Facility (Southern State).³ It maintains that upon reviewing the roster of the candidates who had already been sent to the academy, it was discovered that there were only two candidates who met the residency requirements for Northern, and six who met the residency requirements for the southern region facilities. Therefore, DOC contends that although there are eligibles on the S9988T eligible list that promulgated on July 23, 2015, those individuals have not been processed or sent to the academy, and thus it requests that it be allowed to appoint the individuals who have already completed the Academy to Northern, Bayside, South Woods and Southern, despite not meeting the residency requirements.

CONCLUSION

N.J.S.A. 11:9-2.1 provides, in pertinent part, that:

... the appointing authority of any State correctional facility located in a county with a population of more than 135,000 but less than 175,000 inhabitants, according to the 1990 federal decennial census, shall appoint to positions of employment with the facility residents of the county in which the facility is located and residents of any adjoining county with a population of less than 100,000, according to the 1990 federal decennial census, and shall give first preference in appointments to positions of employment to residents of the municipality in which the facility is located and second preference in appointments to positions of employment (1) to residents of the county in which the facility is located; (2), in the case of any such State correctional facility in operation on the effective date of P.L.1995, c.197, to residents of any adjoining county of the sixth class having a population of less than 100,000, according to the 1990 federal decennial census; and (3), in the case of any such State correctional facility which becomes operational after the effective date of P.L.1995,

² For reasons that are unclear, DOC did not request any certification numbers in 2015, except for the ones it requested on July 23, 2015, so that it could issue certifications from the S9988T eligible list.

³ For these facilities, initial appointments are required to be made first from qualified residents. See *N.J.S.A.* 11:9-2.1.

c.197, to residents of any adjoining county of the third class having a population of less than 70,000, according to the 1990 federal decennial census, provided that:

- a. The residents permanently appointed possess at least the minimum qualifications required by Civil Service specifications for the available positions, have lived in the county for at least six months and have complied with other requirements of Title 11 of the Revised Statutes; and
- b. A sufficient number of qualified residents exists for permanent appointment to available positions.

Except as otherwise provided in this section, third preference in appointments to positions of employment shall be given to residents of any adjoining county with a population of less than 100,000, according to the 1990 federal decennial census, who have lived in the adjoining county for at least six months and who otherwise meet the requirements of subsections a. and b. of this section.

N.J.S.A. 11:9-2.3 provides that if the appointing authority of any State correctional institution determines, after ample advertising, that an insufficient number of qualified residents exists for available positions, the appointing authority shall take such action as is necessary pursuant to Title 11 of the Revised Statutes to fill those positions.

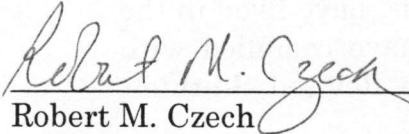
Initially, it is noted that the residency requirement above is statutory, and as such, may not be relaxed by the Civil Service Commission (Commission). Therefore, it must be determined when the vacancies for the residency restricted facilities were known. The DOC maintains that although it had "ongoing vacancies" at the time of the last certification from the S9988R eligible list, it did not know until August 2015 of the vacancies at the residency restricted facilities. Therefore, since those vacancies did not exist prior to the expiration of the S9988R eligible list, DOC may not appoint any non-resident from the S9988R eligible list to residency restricted facilities. In this regard, since the S9988T eligible list promulgated on July 23, 2015, any vacancies after that date in the residency restricted facilities must be filled by individuals who meet the residency requirements noted above.

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 16TH DAY OF DECEMBER, 2015



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