



individuals with disabilities and special needs. Human Services Police Officers perform the same basic functions as a police officer in a municipality. However, the Human Services Police Officer is a unique position. They are charged with protecting some of New Jersey's most vulnerable residents.

Because of the unique focus of the population which it serves, Human Services Police Officers engage with individuals and families at times of great vulnerability. Thus, in addition to performing the same basic functions of a municipal police officer, a Human Services Police Officer requires additional specialized skills and talents and training to be fully functional in the position. Further, the Human Services Police Department utilizes employees in the non-competitive title Security Officer to assist in its mission to protect the facilities and individuals with special needs and disabilities. Although they are not required to receive the training and perform the basic functions of a police officers, Security Officers are specifically trained to provide assistance and protection to persons with disabilities and special needs and the facilities that serve these individuals. Thus, Human Services Police Officers who have prior service as a Security Officer with the DHS already have the training and experience working with clients and residents of its various facilities. On the other hand, Police Officer Recruits Human Services that are appointed from the open competitive list generally do not have this unique background.

Additionally, regular appointment and certification procedures by utilizing the Law Enforcement Examination (LEE) list has not provided a sufficient number of individuals willing to accept an appointment to the Police Officer Recruit Human Services title. For example, the last three certifications the Human Services Police Department has received contained a total of approximately 1,500 names. However, only 199 responded and 18 were appointed. Of the 18 appointed, four (4) are actively working, one (1) is on a 14-month military deployment, three (3) are still in the police academy, seven (7) have resigned, three (3) sustained injuries and are pending placement into another academy. In other words, the majority of individuals on all three (3) certifications either withdrew from the process or did not respond to any type of contact.

The DHS states that it has reached a critical point in staffing and it must expedite recruitment efforts. Moreover, due to the already low staffing levels and failed attempts to hire and maintain employees through normal Civil Service routes, the DHS maintains that it would be beneficial to hire Police Officer Recruits Human Services through promotional procedures rather than from the open competitive process. As emphasized earlier, since training and experience with the disabled and special needs population, which is not provided as part of Police Academy training, is crucial to the successful performance of a fully functional Human Services Police Officer, DHS requests that it be permitted to request promotional announcements for Police Officer Recruit Human Services to be open to permanent Security Officers.

With respect to the proposed procedures, the DHS emphasizes that its selection process for the appointments to the non-competitive Security Officer title is structured. The entire process is overseen by the DHS's Division of Human Resources. DHS will announce, review applications, and select candidates utilizing both the current LEE list and public announcement for consideration for appointment to the non-competitive title of Security Officer. Further, the DHS will revise its "Employment Opportunities with the Human Services Police" web page to advise all individuals who selected the Police Officer Recruit Human Services title area on the existing (S99999A) LEE list that vacancies to that title may be filled via promotional procedures from the Security Officer title and direct them to submit applications for the Security Officer title directly to DHS.. In other words, DHS will ensure that individuals who selected the Police Officer Recruit Human Services title area are notified that potential appointments are made promotionally from Security Officer and are provided the opportunity to apply. Thus, the LEE list would be utilized as one of the recruiting tools by the DHS when making non-competitive appointments to Security Officer title. However, it would not be necessary to utilize certification procedures when making permanent appointments to that title. The applicants who are selected and accept offers will be appointed as Security Officers. Additionally, the DHS will perform background investigations, interviews, pre-employment drug testing, medical examinations, and psychological testing of the selected candidate.

If the candidate successfully completes all of the required screening processes, including passing the current or a future LEE, and attaining permanent status as a Security Officer after successful completion of the working test period, at its discretion, DHS may request a promotional announcement for Police Officer Recruit Human Services only open to permanent Security Officers or Security Officers who have completed the working test period. Security Officer who desire to be considered for a promotion to Police Officer Recruit Human Services must have taken and passed the LEE. If all of the applicants participated in the same LEE administration, his or her LEE score will be applied as their test score to the promotional announcement for Police Officer Recruit Human Services. Any appointments from the resultant promotional list will be processed in accordance with normal certification and appointment procedures.

Upon permanent appointment as a Police Officer Recruit Human Services, including completion of the required training by the Police Training Commission, the employee will be required to successfully complete the 12-month training period as well as the required working test period. Should a candidate not successfully pass the required PTC training or satisfactorily complete the working test period as Police Officer Recruit Human Services, absent any major disciplinary action, he or she will be returned to his or her permanent title of Security Officer in accordance with Civil Service law and rules.

In order to immediately address the critical staffing shortages in the Human Services Police Department, DHS also requests that Juan Acosta, Skylar Dixon and Derek Enriquez, who currently serve as Security Officers, be permitted to file either a late application or granted a make-up examination for the (S99999A) LEE. Additionally, DHS requests the retroactive provisional appointments, pending promotional examination procedures, to the title of Police Officer Recruit Human Services, effective January 2, 2021, for Juan Acosta, Joseph Brandecker, Shawn Canada, Skylar Dixon, Derek Enriquez, Matthew Lewis, and Steven Meckel.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(c) states that in announcing open competitive examinations, the Chairperson or designee may provide a single application for several announcements and/or title areas (such as police, sheriff, corrections, and bilingual). The applicant's eligibility for particular announcements and/or title areas may depend upon the applicant's residency as indicated on the application.

*N.J.A.C.* 4A:4-2.1(e) provides that applications must be filed no later than the announced filing deadline. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, the Commission finds that it is appropriate that promotional announcement procedures be utilized for prospective promotions of Security Officers to the title of Police Officer Recruit Human Services.

The LEE (S9999A) was announced as a single application for several announcements and title areas, one of which was Police Officer Recruit Human Services. Although the “2019 Law Enforcement Examination (LEE) Fact Sheet” indicates that in some cases, the LEE may be used to process promotional announcements, there is nothing in the announcement materials that notifies applicants who selected the Municipal Police Officer title area, which included the Police Officer Recruit Human Services title, would first be required to serve as a Security Officer in order to be considered for a potential promotion to Police Officer Recruit Human Services. However, the DHS has indicated that it will utilize the LEE list as part of its process to recruit Security Officers. Further, it will revise its “Employment Opportunities with the Human Services Police” web page to notify all individuals who selected the Police Officer Recruit Human Services title area on the existing (S99999A) LEE list that vacancies to that title may be filled via promotional procedures from the Security Officer title and for interested applicants to submit applications for the Security Officer title directly to DHS. Additionally, the Commission shall post similar notification on its website regarding employment opportunities for Security Officer with DHS. Therefore, eligible who selected the title area will receive notice of the appointment opportunity.

Moreover, there are significant additional reasons why it is appropriate to permit promotional announcement procedures be utilized for prospective promotions of Security Officers to the title of Police Officer Recruit Human Services. It cannot be ignored that majority of individuals on the last three certifications issued by this agency for Police Officer Recruit Human Services either withdrew from the process or did not respond to any type of contact. Moreover, of the 18 appointments that were made (which represents .012 of the total names certified) 7 of those employees have resigned, 7 are not currently on the job for various reasons, and only 4 are currently working. Thus, the existing selection and appointment process has not sufficiently met the needs of the DHS. In this regard, it must be emphasized that the DHS indicated that it has reached a critical point in staffing and it must expedite recruitment efforts, as many officers are being required to work double-shifts, which not only impacts the safety of the client populations, but also results in significant increased overtime costs. Additionally, Security Officers are specifically trained to provide assistance and protection to persons with disabilities and special needs and the facilities that serve these individuals. Working primarily with clients and facilities clearly distinguishes the Police Officer Human Services titles series from other law enforcement title series. Therefore, permitting promotional opportunities, under this unique situation, to a related competitive title is consistent with Civil Service law and rule.

Further, the Commission notes that *N.J.S.A. 11A:4-2* provides that a vacancy shall be filled by a promotional examination when considered by the Commission to be in the best interest of the career service. *N.J.A.C. 4A:4-2.3(a)* states that vacancies *shall* be filled by promotional examination unless the Commission determines it is in the best interest of the career service to hold an open competitive examination. In other words, Civil Service law and rules express a strong preference for promotional, as opposed to open competitive examinations. While promotional procedures are not appropriate for all entry level law enforcement titles, the specialized nature of the Police Officer Human Services title series serving within State institutions and facilities providing law enforcement services to a unique client and resident populations, and the specific facts of this situation, warrant this process.

In order to immediately address the critical staffing shortages in the Human Services Police Department, the Commission will permit Juan Acosta, Skylar Dixon and Derek Enriquez to file a late application (S99999A) LEE. Finally, the retroactive provisional appointments, pending promotional examination procedures, to the title of Police Officer Recruit Human Services, effective January 2, 2021, should be recorded for Juan Acosta, Joseph Brandecker, Shawn Canada, Skylar Dixon, Derek Enriquez, Matthew Lewis, and Steven Meckel.

The remedy provided by the Commission only applies to this unique situation and shall not be used as precedent in any other proceeding.

## ORDER

Therefore, it is ordered that this request be granted. It is also ordered that Juan Acosta, Joseph Brandecker, Skylar Dixon and Derek Enriquez be permitted to submit an application for the Law Enforcement Examination (S9999A)., examination. It is further ordered that Juan Acosta, Skylar Dixon and Derek Enriquez submit an open competitive application and the \$50.00 application processing fee to the Division of Agency Services. The application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that the applications be processed and if deemed eligible, shall be scheduled for a make-up examination as soon as possible. Any of the name individual's applications and the required payment are not postmarked on or before the 15th day after the issuance date of this decision, they will not be entitled to have an application for the subject examination processed. Finally, Juan Acosta, Joseph Brandecker, Shawn Canada, Skylar Dixon, Derek Enriquez, Matthew Lewis, and Steven Meckel provisional appointments pending promotional examination procedures be recorded as January 2, 2021.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 20<sup>H</sup> DAY OF JANUARY 2021

*Deirdre' L. Webster Cobb*

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