



**STATE OF NEW JERSEY**

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

In the Matter of Ronald Laielli,  
*et al.*, Fire Captain (PM4449C),  
Atlantic City

Administrative Appeals

CSC Docket Nos. 2022-537, *et al.*

**ISSUED: MARCH 25, 2022 (RE)**

Ronald Laielli, Torian Perry, Anthony Santoro and Joseph Welsh request admittance to the promotional examination for Fire Captain (PM4449C), Atlantic City examination after being found to be lacking the required amount of permanent status in a title to which the examination is open.

The subject examination had a closing date of September 30, 2021 and was open to employees in the competitive division who had an aggregate of three years of continuous permanent service as of the closing date and were currently serving in the title Fire Fighter. Each petitioner is currently serving in the title Fire Fighter for Atlantic City, but has been found to be ineligible for lacking the required amount of permanent status in a title to which the examination is open.

By way of background, Laielli, Perry, and Santoro were appointed as Fire Fighters with Atlantic City on May 13, 2013. Welsh was appointed as a Fire Fighter with Atlantic City on January 7, 2013. At the time of their appointments, Atlantic City was subject to the provisions of Title 11A, New Jersey Statutes. Accordingly, their merit and fitness for the positions was ascertained through the competitive testing process and completion of working test periods in compliance with Civil Service law and rule. Effective November 9, 2016, in accordance with *N.J.S.A. 52:27BBBB-1 et. seq.*, the Municipal Stabilization and Recovery Act (MRSA), Atlantic City was deemed a municipality in need of stabilization and recovery and the Director, Division of Local Government Services, New Jersey Department of Community Affairs, assumed all of the functions, powers, privileges and immunities of the governing body of Atlantic City. As a result, on November 9, 2016 the

provisions of Title 11A and the regulations promulgated thereunder did not apply to Atlantic City. *See In the Matter of Ronald P. Laielli, et al., Fire Fighter Ventnor* (Commissioner, decided July 31, 2017). Subsequently, Laielli, Santoro and Welsh sought Intergovernmental Transfers to Ventnor City (Ventnor), while Perry sought an Intergovernmental Transfer to Ewing Township (Ewing). These requests were granted. *See In the Matter of Ronald P. Laielli, et al., Fire Fighter Ventnor* (Civil Service Commission, decided March 27, 2018), *In the Matter of Eric Koob and Anthony Santoro, Fire Fighter Ventnor* (Civil Service Commission, decided March 27, 2018), and *In the Matter of Torian Perry, Fire Fighter, Ewing Township* (Civil Service Commission, decided March 27, 2018). Thereafter, Laielli and Welsh transferred to Ventnor on July 31, 2017, Anthony Santoro transferred to Ventnor on December 26, 2017, and Torian Perry transferred to Ewing on January 18, 2018. Afterwards, on January 20, 2020, all four separated from Ventnor or Ewing, and began working again for Atlantic City. Following, there was legislation to amend the Municipal Stabilization and Recovery Act (MSRA), which guides State takeovers of jurisdictions, to restore Civil Service status and protections for public employees. The bill (A5590) was signed by the Governor and had an effective date of June 24, 2021, and at that time the petitioners were restored to their original status as Fire Fighters in Atlantic City.

## CONCLUSION

*N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *N.J.A.C.* 4A:2.15(d) provides that in calculating seniority for promotional examination, continuous permanent service accumulated prior to an intergovernmental transfer pursuant to *N.J.A.C.* 4A:4-7.1A (except in the case of an intergovernmental transfer of a Police Officer or Fire Fighter) shall not be deducted from seniority. *N.J.A.C.* 4A:4-7.4(b) provides that employees who are intergovernmental transferred (except for an employee in a police or fire title) shall retain accumulated seniority or service for purposes of determining promotional, layoff or demotional rights and sick and vacation leave entitlements.

The intergovernmental transfer rules permit the transfer of State, county and municipal employees between without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. The transfers of the petitioners could not be processed since the transfers involved employees who were serving in a jurisdiction where the provisions of Title 11A and Title 4A do not apply. Thus, for the reasons set forth in *Laielli, et al., supra*, after a full review and consideration of the record, the Commission ratified and approved the intergovernmental transfers of the petitioners, in the title of Fire Fighter, Atlantic City, to the title of Fire Fighter, Ventnor or Ewing.

When applying for the subject examination, each petitioner was found to not meet the requirement of three years of continuous permanent service in the title Fire

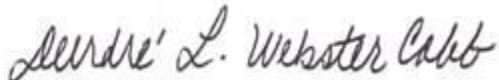
Fighter in Atlantic City. From their date of return to Atlantic City, January 20, 2020, to the September 30, 2021 closing date, each petitioner had one year, eight months, and 10 days of continuous permanent service in Atlantic City. Nevertheless, prior to their intergovernmental transfers, Laiella had served as Fire Fighter for Atlantic City for four years, two months, and 18 days, Perry had served as Fire Fighter for Atlantic City for four years, eight months, and five days, Santoro had served as Fire Fighter for Atlantic City for four years, seven months, and 13 days, and Welsh had served as Fire Fighter for Atlantic City for four years, six months, and 24 days.

Ventnor and Ewing both presented a critical need for additional, trained Fire Fighters at the time of the intergovernmental transfers. The petitioners had the requisite knowledge, skills, abilities and training and were selected and appointed by Atlantic City in accordance with the provisions of Title 11A. Through no fault of their own, they were serving a jurisdiction no longer under those provisions at the time of the transfers, as Atlantic City was deemed a municipality in need of stabilization and recovery in accordance with MSRA. Thus, they were appropriately appointed from open-competitive lists and had completed their working test periods, transferred under agreement of all parties and to meet the critical manpower needs of other civil service jurisdictions, and were appointed back by Atlantic City to meet its public safety needs as it continues to stabilize and recover. Under these unique circumstances, the petitioners' time-in-grade prior to the intergovernmental transfers should be added to the petitioners' records and considered as continuous for examination purposes. For all future examinations, the petitioners should include a copy of this decision with their applications as this seniority should be included as long as the petitioners remain employed by Atlantic City.

### **ORDER**

Therefore, it is ordered that these requests be granted, and the petitioners be granted seniority for the time served in Atlantic City as Fire Fighters prior to their transfers for examination purposes, and that they be admitted to the examination.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 23<sup>RD</sup> DAY OF MARCH, 2022



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c:     Ronald Laielli                   (CSC Docket No. 2022-537)  
       Torian Perry                    (CSC Docket No. 2022-509)  
       Anthony Santoro                (CSC Docket No. 2022-522)  
       Joseph Welsh III               (CSC Docket No. 2022-506)  
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