

currently only staffed by 122 officers. It also notes that three officers have retired this year and six more retirements are projected for 2022. Salem explains that the staffing shortage has a ripple effect on overtime and worse yet, forced overtime to work beyond the normal 12-hour shift. Moreover, of the 1000 eligibles certified on (OL211122) on November 16, 2021, only eight candidates applied and none of them accepted the position. Salem explains that the reason most candidates express little interest in positions is that because they reside quite a distance away from Salem County. Under these circumstances, Mercer and Salem Counties request permission to make temporary appointments to the title of County Correctional Police Officer in accordance with *N.J.A.C. 11A:4-13(c)*.

CONCLUSION

N.J.S.A. 11A:4-13(c) states:

Temporary appointments may be made, without regard to the provisions of this chapter, to temporary positions established for a period aggregating not more than six months in a 12-month period as approved by the [Civil Service Commission]. These positions include, but are not limited to, seasonal positions. Positions established as a result of a short-term grant may be established for a maximum of 12 months. Appointees to temporary positions shall meet the minimum qualifications of a title.

N.J.S.A. 52:17B-68.1(b) provides:

A person shall be given a probationary appointment as a corrections officer or as a juvenile detention officer for a period of one year so that the person seeking permanent appointment may satisfactorily complete a basic training course for corrections officers or for juvenile detention officers conducted at a school approved by the Police Training Commission. The probationary time may exceed one year for those persons enrolled within the one-year period in a basic training course scheduled to end after the expiration of the one-year period. A person shall participate in a basic training course only if that person holds a probationary appointment and that person shall be entitled to a leave of absence with pay to attend a basic training course.

It is noted that on January 18, 2022, *P.L. 2021, c. 406* was signed by the Governor and is scheduled to become effective July 18, 2022. *P.L. 2021, c. 406* significantly amended *N.J.S.A. 11A:4-1.3* concerning exempting the requirement to take a competitive examination for entry-level law enforcement positions. Germane to the instant request, *N.J.S.A. 11A:4-1.3* was amended to read as follows:

The Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position, entry-level sheriff's officer position, or entry-level State or county correctional police officer position a person who successfully completes a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at school approved and authorized by the New Jersey Police Training commission within nine months from the date of hire as a **temporary entry-level officer under the provisions of this section.** (Emphasis added).

Initially, it is beneficial to discuss the statutory and regulatory basis on which appointments are made to the title of County Correctional Police Officer for those appointing authorities under the jurisdiction of Title 11A. While *N.J.S.A. 52:17B-68.1(b)* provides that a person shall be given a probationary appointment for the purposes of completing the basic training course for County Correctional Police Officers, "probationary appointments" are not a recognized appointment type under Civil Service law or rules. See *N.J.S.A. 11A:4-13*. Since probationary appointments are not defined under Civil Service law and rules, the long-standing practice has been that appointments to the County Correctional Police Officer title are made as regular appointments from an eligible list developed as a result of a competitive examination. In this regard, it must be emphasized that a regular appointment is defined as the employment of a person to fill a position in the competitive division of the career service upon examination and certification. See *N.J.A.C. 4A:1-1.3*. A permanent employee is defined as an employee in the career service who has acquired the tenure and rights resulting from **regular appointment and successful completion of the working test period.** See *N.J.A.C. 4A:1-1.3*. Unique to entry-level law enforcement titles such as County Correctional Police Officer, regular appointees do not begin the 12-month working test period until notification is received from the appointing authority from the Police Training Commission that the employee successfully completed the required police training course. See *N.J.A.C. 4A:4-5.2(d)1*. This process harmonizes the statutory requirements of a probationary appointment for purposes of the Police Training Act and the selection and appointment requirements under Title 11A.

However, recent amendments to *N.J.S.A. 11A:4-1.3* provide an alternative process to the above-described procedures by permitting appointing authorities to make "temporary appointments," in this case, to County Correctional Police Officer, for the purpose of sending those employees to the Basic Course for Correction Officers. As noted earlier, *N.J.S.A. 11A-4-13(c)* provides that temporary appointments can be made without regard to the provisions of Title 11A for up to six months. Further, a temporary appointment is significantly similar to a probationary appointment for the purposes of appointees to complete the Basic Course for Correction Officers. Most significant, a total of 1,700 eligibles have been certified to Mercer County and Salem County for consideration of appointment to the County Correctional Police Officer

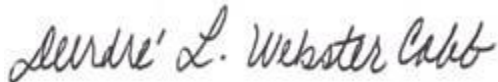
position over the last year which will only result in 15 individuals being appointed in Mercer and no individuals being appointed in Salem. Temporary appointments under current Civil Service law and rules are not specifically proscribed for County Correctional Police Officers, and *P.L. 2021, c. 406* which provides for such temporary appointments will become effective July 18, 2022. Given the severe staffing shortage of over 100 officers and the significant public safety concern these staffing levels engender, it is appropriate to permit Mercer County and Salem County to make temporary appointments to the title of County Correctional Police Officer until *P.L. 2021, c. 406* becomes effective on July 18, 2022. Additionally, temporary appointees who complete the full Basic Course for Correction Officers prior to the effective date of *P.L. 2021, c. 406* may have their appointments recorded as regular appointments, in accordance with Commission action, subject to completion of a 12-month working test period. Finally, the Commission emphasizes that best practices in diversity and inclusion should be utilized when recruiting and appointing to positions under this authority.

ORDER

Therefore, it is ordered that the request 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 23RD DAY OF MARCH, 2022



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