



# The Reporter

News from the Civil Service Commission

<https://nj.gov/csc>

March 2022

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### Welcome to Issue 11 of *The Reporter*!

Hello and welcome to Issue 11 of *The Reporter*, our first issue of the year. In the first quarter, the Civil Service Commission (Commission) has been active on many fronts. On January 3, 2022, the Commission announced a revised announcement and application process for the Law Enforcement Examination (LEE). The LEE is utilized to test applicants for entry-level law enforcement positions in State and local service. Previously, candidates applied for a single announcement that was used to develop one pool of eligibles for use by Civil Service jurisdictions. However, the pool process has resulted in a number of obstacles in finding candidates who are truly committed to being employed in a jurisdiction to which the candidate may have been certified. In actuality, the candidate may have had no intention of accepting a position in that jurisdiction. To address these concerns, the LEE has been placed on a planned announcement schedule and will be offered annually for jurisdictions which plan to hire during the year, if their eligibility lists have been exhausted or do not contain a sufficient pool of applicants. The Commission anticipates that this change will increase transparency, as the announcements will be for specific appointing authorities, and will further the chances of candidates being appointed by the jurisdiction to which they specifically applied.



Deirdre L. Webster Cobb, Esq.  
Chair/Chief Executive Officer

The Commission also continues the important work of reviewing the many Civil Service appeals it receives each year, including those involving a candidate's removal from an eligible list and an employee's removal from employment. In this issue of *The Reporter*, our focus is on the removal of candidates and employees from eligible lists or employment due to circumstances or activities occurring outside of the workplace. Moreover, this issue's Legislative Update gives a breakdown of recent bills signed into law by Governor Philip D. Murphy which affect applicants for employment and the Commission.

We hope you enjoy this issue of *The Reporter* and look forward to another productive year. Remember, CSC Works For You.

Best regards,

Deirdre L. Webster Cobb, Esq.  
Chair/Chief Executive Officer  
New Jersey Civil Service Commission

## **Removal from Eligible List or Employment Due to Circumstances or Activities Occurring Outside of the Workplace**

An appointing authority may request the removal of a candidate from an eligible list for various reasons, spanning from failure to satisfy the job requirements to other valid or sufficient reasons. Removal for other valid or sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for an appointment. See *N.J.A.C. 4A:4-6.1 (a)* and *N.J.A.C. 4A:4-4.7(a)*. *N.J.A.C. 4A:4-6.3(b)*, in conjunction with *N.J.A.C. 4A:4-4.7(d)*, provides that except for medical and psychological disqualification appeals, appellants have the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove their name from an eligible list was in error.

Moreover, upon appointment, public employees may be subject to discipline based on behavior or conduct at the workplace, as well as outside the workplace. Causes for discipline include incompetency, inefficiency or failure to perform duties; insubordination; inability to perform duties; chronic or excessive absenteeism or lateness; conviction of a crime; conduct unbecoming a public employee; neglect of duty; misuse of public property; discrimination, including sexual harassment; violation of regulations and policies concerning drug and alcohol use; violation of the New Jersey residency requirements, and other sufficient cause. See *N.J.A.C. 4A:2-2.3(a)*.

In this issue, we highlight cases where an applicant or employee is removed from an eligible list or employment due to circumstances or activities that occurred outside of the workplace. Applicants and employees in the Civil Service are held to a high standard. Conduct that is deemed to destroy the public's trust may be considered unbecoming and cause for removal.

### **List Removal - Final Restraining Order**

#### ***In the Matter of Evan Androcy (CSC, decided August 4, 2021)***

Evan Androcy was removed from employment as a Police Officer in December 2017 on charges that a Final Restraining Order (FRO) was entered against

him due to a domestic dispute. The appellant appealed the removal to the Commission, and the parties subsequently entered into a settlement. The settlement agreement provided, in pertinent part, that if, within one year of entry of the settlement, the FRO against the appellant was dismissed or vacated, then the appointing authority would place the appellant on a regular reemployment list for appointment as a Police Officer for the first available position.

The FRO was dismissed and the appellant's name was placed on a regular reemployment list for Police Officer. Thereafter, the appellant's name was certified, and the appointing authority conducted an updated background investigation to determine the appellant's suitability for employment. The appointing authority, based on the *Brady-Giglio* guidelines, indicated that the FRO would reflect negatively on the appellant's character if he were required to testify in court as a Police Officer and, as such, removed the appellant from the regular reemployment list on the basis of an unsatisfactory background report.

On appeal to the Commission, the appellant argued that he was properly placed on the regular reemployment list, and the settlement agreement did not list what information could be used by the appointing authority to remove him from the list. Upon review, the Commission found that it was not bound by the *Brady-Giglio* guidelines, indicating that although the guidelines were issued by the Attorney General's Office to law enforcement agencies with respect to exculpatory evidence and police testimony in court, such guidelines did not specifically apply to Civil Service law and rules, as the Commission is not a law enforcement agency. The Commission determined that list removal appeals invoking the *Brady-Giglio* guidelines would be decided on a case-by-case basis.

In this case, the Commission found that the settlement agreement contained contingencies that were required to be satisfied prior to the appellant's reappointment. The Commission determined that although the appellant was previously employed with the appointing authority as a Police Officer and he appeared on a regular reemployment list for that title pursuant to a settlement agreement, the appointing authority was authorized to conduct an updated background investigation prior to the appellant's appointment from the regular reemployment list. The Commission concluded that the appellant was properly removed from the list as a result of his unsatisfactory background pertaining to the FRO. [\*See In the Matter of Evan Androcy \(CSC, decided August 4, 2021\).\*](#)

**List Removal - Gang Related*****In the Matter of Ayanah McCall*  
(CSC, decided February 8, 2017)**

The appellant, Ayanah McCall, was removed from the Police Officer (S9999R), City of Newark, eligible list on the basis of an unsatisfactory background report and for falsification of her application. Specifically, among other omissions, the appointing authority alleged that the appellant failed to disclose all of her gang connections. The background investigation revealed that the appellant's former boyfriend and the father of her best friend's child had gang affiliations. The background investigation also found that the appellant had removed images from her Facebook page which depicted her flashing gang hand signs.

On appeal to the Commission, the appellant argued that she should not have been removed from the subject eligible list even though she admitted that she knew "a couple of gang members." Moreover, she did not dispute images showing her with known gang members and/or featuring her displaying a gang sign hand gesture. Upon its review, the Commission found that the appellant's statements on appeal contradicted her responses on the pre-employment questionnaire. The Commission stated that the appellant's selective disclosures about her affiliation with gang members and her removal of images from Facebook were evidence of her intent to deceive the appointing authority. Accordingly, the appellant's falsification of her application concerning her gang affiliations and her failure to complete pre-employment processing provided sufficient bases to remove her from subject eligible list. [See \*In the Matter of Ayanah McCall\* \(CSC, decided February 8, 2017\).](#)

***In the Matter of Diamond Olivera*  
(CSC, decided January 19, 2022)**

The appellant, Diamond Olivera, was removed from the Police Officer (S9999A), City of Newark, eligible list for an unsatisfactory background report for having tattoos associated with a known gang in the City of Newark. Even though the appellant denied any involvement with gangs, the investigators found her not credible as she became visibly nervous and stuttered when questioned about her tattoos. Additionally, while the appellant explained that her "crown" tattoo referenced religion and her "lion" tattoo referenced bravery, on appeal to the

Commission, the Commission indicated that those references were not inconsistent with gang images. Therefore, the Commission found that the appellant did not adequately explain how she had three tattoos that were specific to a known gang in the City of Newark, as identified by the investigators, including one who was trained on identifying gang affiliations. Moreover, the fact the appellant had redone one of the tattoos to remove an image associated with the gang and that she was currently in college, had positive references, and did not have a criminal history did not overcome that she did not adequately explain how she ended up with gang-related tattoos in the first place. As such, the Commission concluded that the appellant had not met her burden of proof and denied her appeal. [See \*In the Matter of Diamond Olivera\* \(CSC, decided January 19, 2022\).](#)

**Removal from Employment - Social Media Posts*****In the Matter of Samantha Chirichello*  
(CSC, decided October 6, 2021)**

Samantha Chirichello, a Senior Correctional Police Officer with the Department of Corrections, was removed from employment for posting inappropriate material on Facebook on multiple occasions and for violating a policy regarding carrying a visible firearm. Chirichello appealed to the Commission and the matter was transmitted to the Office of Administrative Law for a hearing before an Administrative Law Judge (ALJ).

The ALJ recommended modifying the removal to a six-month suspension based on Chirichello's lack of a prior disciplinary history. However, the Commission did not adopt the ALJ's recommended penalty as it found that removal was proper since the appellant reposted and made many offensive and inflammatory comments and posts on her public Facebook page. The Commission agreed that viewers unfamiliar with the appellant, her personal opinions on the matters, or with her intentions in posting could logically believe that the sentiments expressed in the posts were a good measure of her inability to treat the people she serves in a fair and impartial manner. Accordingly, the Commission concluded that removal from employment was the appropriate penalty. [See \*In the Matter of Samantha Chirichello\* \(CSC, decided October 6, 2021\).](#)

***In the Matter of Czezre Adams***  
**(CSC, decided April 7, 2021)**

Czezre Adams, a Police Officer with the City of Newark, was removed on charges of conduct unbecoming a public employee and violation of various departmental policies. Specifically, the appointing authority alleged that Adams posted a video recording on his Twitter account of a sexual encounter involving himself and another person, without that person's consent. It also alleged that, while Adams removed the video upon that person's request, Adams thereafter reposted the video. Adams appealed to the Commission and the matter was transmitted to the Office of Administrative Law for a hearing before an ALJ.

In her Initial Decision, the ALJ found that Adams did post the video without the other person's consent. Ultimately, the ALJ found that Adams was guilty of conduct unbecoming a public employee as well as violating all but one of the charged departmental policies. Regarding the penalty, the ALJ recommended modifying the removal to a six-month suspension.

Upon its review, while the Commission agreed with the ALJ's conclusions regarding the charges, it did not agree that Adams' removal should be modified to a six-month suspension. The Commission stated that Adams' actions were clearly sufficiently egregious to support the penalty of removal without consideration of progressive discipline. The Commission was not persuaded by the fact that the actions all occurred off duty and without direct identification to his position. The Commission also noted that the ALJ's application of progressive discipline, even if it were appropriate in this case, was in error. The Commission found that the fact that Adams' prior disciplines were not for the same type of conduct was not determinative. [See \*In the Matter of Czezre Adams\* \(CSC, decided April 7, 2021\)](#).

If you have questions or comments regarding *The Reporter*, please email us at: [TheReporter@csc.nj.gov](mailto:TheReporter@csc.nj.gov).

We welcome suggestions on topics or areas of interest you would like to see in upcoming issues of *The Reporter*.

Set forth below are summaries of decisions of the Superior Court of New Jersey, Appellate Division, on appeal from Commission decisions. Unless otherwise noted, the Appellate Division opinions have not been approved for publication. As such, their use is limited in accordance with R. 1:36-3 of the New Jersey Court Rules. Full texts of the opinions may be [searched on the court's website](#).

**Removal from Employment - Outside Activity**

**Off-Duty Altercation**

***In the Matter of Joseph Downar, The City of Newark Fire Department, Docket No. A-3623-19***  
**(App. Div. November 16, 2021)**

The Appellate Division affirmed the Commission's decision in [In the Matter of Joseph Downar \(CSC, decided April 15, 2020\)](#), which upheld the removal of Joseph Downar, a Fire Fighter with the City of Newark, for an off-duty incident. Downar, while intoxicated, punched a fellow patron at a bar in the face, which led to a jail term and other conditions. Further, Downar did not advise the City of Newark about the incident and the appointing authority only learned about the incident on the first day of Downar's incarceration. He was subsequently removed from employment. Thereafter, Downar appealed to the Commission.

The matter was transmitted to the Office of Administrative Law for a hearing before an ALJ. The ALJ recommended that Downar's removal be upheld, which the Commission adopted. Downar then appealed to the Appellate Division. Although Downar argued that the decision was arbitrary and disproportionate, as he claimed that the off-duty incident did not impair his ability to perform the duties of a Fire Fighter and other Fire Fighters did not report incidents involving the police and pending charges to management, the Appellate Division affirmed the Commission's decision. The court indicated that Downar's actions constituted egregious misconduct that was "supported by substantial credible evidence" and his "[r]emoval [did] not shock [its] sense of fairness."

## Positive Drug Test

***In the Matter of Corey Corbo, Union City Police Department, Docket No. A-2614-19 (App. Div. January 26, 2022)***

Corey Corbo, a former Police Officer with Union City, was removed for testing positive for cocaine. Corbo appealed to the Commission and the matter was transmitted to the Office of Administrative Law for a hearing before an ALJ. The ALJ recommended Corbo's removal and, due to a lack of a quorum, the ALJ's Initial Decision was deemed adopted by the Commission.

Corbo appealed to the Appellate Division, arguing that the ALJ erred by admitting unreliable hearsay to prove the charges against him in violation of the residuum rule. Specifically, the ALJ admitted into evidence his girlfriend's statement to the police that Corbo had ingested cocaine, as well as the hospital report indicating his positive drug test. The Appellate Division determined that the girlfriend's statement was inadmissible hearsay. Further, the Appellate Division determined that the hospital record and laboratory results were inadmissible hearsay because they were not properly admitted as business records. Consequently, the Appellate Division reversed Corbo's removal and denied Union City's petition for reconsideration seeking a remand.

Thereafter, Union City petitioned the Supreme Court for certification, which was granted. The Supreme Court modified the Appellate Division's decision and remanded the matter to the Office of Administrative Law to allow Union City the opportunity to demonstrate that the hospital records were admissible as business records or present other theories of admissibility. Accordingly, the Commission transmitted the matter to the Office of Administrative Law for further proceedings. After the remand proceeding, the Commission adopted the ALJ's recommendation and upheld the removal. [See \*In the Matter of Corey Corbo\* \(CSC, decided January 15, 2020\).](#)

Corbo once again appealed to the Appellate Division. The court, however, affirmed the Commission's decision concluding that "substantial, credible evidence supported the [Commission's] final decision." Specifically, it found that the hospital medical records that indicated that Corbo ingested cocaine were admissible under the business records exception. Additionally, the hospital's foundation witnesses, even though they were not employees at the time of the incident, were qualified to testify as to

the hospital's record keeping system which established that the records were trustworthy. Quoting the Commission, the Appellate Division determined that Corbo's girlfriend's statement to the police was "now admissible as hearsay supported by a residuum of competent evidence, namely the hospital records which revealed that a cocaine metabolite was present in [Corbo's] urine." The Appellate Division also noted that, although not argued by Union City, the girlfriend's statement could have been admissible to demonstrate the effect on the listener and not offered for its truth. It commented that if the statement is not offered for its truth, it is not hearsay and no hearsay exception rule is required. In this case, the girlfriend's statement could have been offered to explain why the hospital conducted a urine immunoassay test.

## Decision Round Up - Second Half of 2021

Highlighted below are some decisions rendered by the Appellate Division, on appeal from Commission decisions, during the second half of 2021. These cases involve non-disciplinary appeals and cover a variety of topics.

***In the Matter of Brian Clancy, Sheriff's Officer (S9999R), Bergen County Sheriff's Office Docket No. A-2657-19 (App. Div. August 13, 2021)***

The Appellate Division affirmed the Commission's decision in [In the Matter of Brian Clancy \(CSC, decided January 29, 2020\)](#), which denied Brian Clancy's appeal of his removal from the Sheriff's Officer (S9999R), Bergen County Sheriff's Office, eligible list based on an unsatisfactory background report. Upon its review of Clancy's appeal, the Commission found that Clancy had an adverse employment history to be a Sheriff's Officer based on his resignation from the Bergen County Police Department as a dispatcher, his termination from Stockton University as a Security Officer, and his termination from the Rutgers University Police Department as a Police Officer. Additionally, the Commission found that Clancy had an adverse driving history based on multiple motor vehicle summonses, accidents, and license suspensions. The Appellate Division affirmed the Commission's decision stating that "[o]n this record, we are hard pressed to conclude the Commission's decision was anything other than consistent with legislative principles, amply supported by the evidence, and reasonable."

## COURT DECISIONS CONTINUED

***In the Matter of M.M., Ancora Psychiatric Hospital, New Jersey Department of Health***  
**Docket No. A-4189-18**  
**(App. Div. September 16, 2021)**

The Appellate Division affirmed the Commission's decision in *In the Matter of M.M. (CSC, decided April 24, 2019)*, which denied M.M.'s appeal of an agency determination that she was not subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

M.M., formerly serving as a Clinical Psychologist 2, at Ancora Psychiatric Hospital, Department of Health, appealed the determination by the appointing authority that did not substantiate her claim that she had been subjected to sexual harassment and gender discrimination by a male Clinical Psychiatrist, Board Eligible, in violation of the State Policy. The Commission denied her request that the matter be transmitted to the Office of Administrative Law for a hearing and denied her appeal. Thereafter, M.M. appealed to the Appellate Division, which vacated the Commission's decision and remanded the matter to the Commission for a hearing. The appeal was then transmitted for a hearing before an ALJ. The ALJ recommended that M.M.'s appeal be denied, and the Commission adopted the ALJ's recommendation.

Subsequently, M.M. appealed to the Appellate Division, which affirmed the Commission's decision. The court found that the ALJ did not miss or ignore evidence as claimed; the ALJ did not find the testimony by female co-workers about the accused as "irrelevant," but found the testimony did not tend to prove "any fact of consequence;" the ALJ understood she was adjudicating M.M.'s claim under the State Policy, which is a zero tolerance policy, but found her "complaints were not believable;" M.M.'s claim that her supervisor failed to report her allegations to the Office of Equal Employment Opportunity (EEO) was unfounded as the supervisor did refer the complaints to human resources, which referred the matter to the Office of EEO; and her failing mark on her performance assessment report was not based on retaliation but based on interviews with other team members who felt that M.M. was responsible for tensions within the team.

***In the Matter of Alexis Miller, Essex County Department of Citizen Services***  
**Docket No. A-4183-18**  
**(App. Div. September 23, 2021)**

The Appellate Division affirmed the Commission's decision in *In the Matter of Alexis Miller (CSC, decided March 27, 2019)*, which upheld Alexis Miller's release at the end of the working test period. Miller, a former Family Service Supervisor, Essex County, appealed the appointing authority's decision to return her to her formerly held permanent title, Family Service Worker (FSW), at the end of her working test period. The matter was transmitted to the Office of Administrative Law for a hearing before an ALJ. The ALJ recommended that Miller's appeal be denied, and the Commission adopted the ALJ's recommendation.

Miller then appealed to the Appellate Division on procedural grounds, contending that the ALJ erred by denying her request for an adjournment on the first day of the hearing, improperly complimenting the appointing authority's counsel, changing the order of the presentation of the witnesses, denying her request for a trial subpoena for a Division Director, failing to give weight to a text message, and commencing the preparation of the Initial Decision before her post-hearing briefing was submitted. The Appellate Division addressed Miller's procedural claims and affirmed the Commission's decision noting that "the ALJ's findings and conclusions of law are fully supported by the evidence and are consistent with the applicable legal principles."

### **2022 Human Resources Advisory Board Meeting Schedule**

The meetings will be held on Tuesdays from 10:00 a.m. to 12:00 p.m. on the following dates:

April 5, 2022  
July 12, 2022  
October 4, 2022

More details regarding the specific meeting will become available as the date approaches.

***In the Matter of Vincent Antenucci,  
Division of State Police, Department of Law and  
Public Safety, Docket No. A-2165-19  
(App. Div. October 27, 2021)***

The Appellate Division affirmed the Commission's decision in [In the Matter of Vincent Antenucci \(CSC, decided December 18, 2019\)](#), which denied Vincent Antenucci's request for a waiver of repayment of a salary overpayment. Antenucci, a Sergeant, Field Operations, with the State Police, had received a nearly \$10,000 salary increase when his salary as a Trooper increased, when the increase should have been under \$4,000, and then received three subsequent promotions. The error compounded over the ensuing years, resulting in a salary overpayment of approximately \$29,000. Upon its review, the Commission analyzed the request under *N.J.A.C. 4A:3-4.21* and found that, although Antenucci met one of the factors for a waiver as the overpayment resulted from administrative error, he failed to meet the other two factors. In that regard, Antenucci should have been aware of the overpayment, and since the appointing authority had not set any repayment schedule, it could not be demonstrated that repayment would create a hardship. Therefore, the Commission denied his request. On appeal, the Appellate Division affirmed the denial, as it discerned "no basis for disturbing the Commission's decision."

***In the Matter of F.S., Police Officer (S9999U),  
City of Jersey City, Docket No. A-3793-19  
(App. Div. November 8, 2021)***

The Appellate Division affirmed the Commission's decision in [In the Matter of F.S. \(CSC, decided April 29, 2020\)](#), which denied F.S.'s appeal of his removal from the Police Officer (S9999U), City of Jersey City, eligible list. As part of the appointment process, a psychologist for the City of Jersey City conducted an examination of F.S., which included cognitive tests. Based upon F.S.'s extremely low score on the psychological tests, the appointing authority requested his removal from the subject eligible list. F.S. appealed to the Commission. He obtained his own psychologist, who found that F.S.'s cognitive abilities were within normal limits. The Commission referred the matter to the Medical Review Panel (Panel), and the Panel recommended that F.S. be referred for an independent evaluation, which the Commission adopted. The independent psychologist found that F.S.'s cognitive limitations impaired his ability to function as a Police Officer.

Upon its final review, the Commission adopted the independent evaluator's recommendation and denied F.S.'s appeal, as it found that F.S. was psychologically unfit to be a Police Officer. F.S. appealed to the Appellate Division and, among other claims, he argued that because the appointing authority did not file exceptions to the independent evaluator's report and the Commission relied on its psychologist, the Commission impermissibly shifted the burden of proof, which rests with the appointing authority in psychological disqualification appeals. The Appellate Division affirmed the Commission's decision, as it found "nothing in the Commission's strict adherence to its regulations that impermissibly shifted the burden to F.S., and there was sufficient credible evidence supporting the Commission's determination [that] F.S. is psychologically unfit to perform the duties of a [P]olice [O]fficer." Further, it stated that the appointing authority's decision not to file exceptions did not shift the burden of proof.

***In the Matter of Zoraida Rosa,  
Human Service[s] Specialist 2, Bilingual  
Spanish/English (PC1879U), Cumberland County  
Docket No. A-0901-20  
(App. Div. December 20, 2021)***

The Appellate Division affirmed the Commission's decision in [In the Matter of Zoraida Rosa \(CSC, decided October 21, 2020\)](#), which upheld the bypass of Zoraida Rosa on the Human Service[s] Specialist 2, Bilingual Spanish/English (PC1879U), Cumberland County, eligible list. Rosa, who ranked number one on the subject eligible list, was bypassed for appointment for lower ranked eligibles. On appeal, Rosa argued that Cumberland County failed to provide adequate reasons for her bypass, and that it should have provided additional documentation regarding the personnel records and qualifications of the four appointed candidates. In response, the appointing authority provided a statement detailing the reasons for Rosa's bypass, including her high error rate. Rosa did not refute the County's stated reasons. Therefore, the Commission found that the County presented legitimate business reasons for the bypass, and Rosa failed to meet her burden of proof. The Appellate Division affirmed for the same reasons, commenting that "we will not disturb the Commission's determination that the County's statement of reason to bypass Rosa was sufficient."

On January 18, 2022, Governor Philip D. Murphy signed three bills into law. The newly enacted laws enhance opportunities for individuals seeking government employment. The Commission shall take the necessary steps to effectuate the provisions of the acts.

## **Development of a Fast Track Hiring and Advancement Opportunity Program for Qualified Persons with Significant Disabilities**

[A5294](#) supplements Chapter 7 of Title 11A of the New Jersey Statutes and requires the Commission's Division of Equal Employment Opportunity and Affirmative Action (EEO/AA) to develop a fast track hiring and advancement employment opportunity program for qualified persons with significant disabilities. The program is intended to enable appointing authorities to more effectively and efficiently hire, promote, retain, and advance qualified individuals whose physical or mental impairments impact their ability to participate in the competitive hiring and promotional processes within the State workforce. The Division of EEO/AA is also charged with developing guidelines for determining who is a qualified person with significant disabilities for purposes of the program.

Moreover, the legislation allows appointing authorities in State agencies to appoint a qualified person with significant disabilities to an unclassified service position, a noncompetitive temporary position or noncompetitive permanent position in the career service of the Civil Service, in accordance with the provisions of the legislation and Title 11A of the New Jersey Statutes.

Finally, a person with significant disabilities applying for appointment in the State workforce who is denied an interview for appointment in the unclassified service or career service of the Civil Service is permitted to request an interview. If an interview is requested, the appointing authority is required to provide the candidate with a good faith interview and it must keep the request for an interview confidential.

## **Exemption from Civil Service Examination Requirement for Entry-Level Law Enforcement Officers Under Certain Conditions**

The second bill, [S3672](#), amends *N.J.S.A.* 11A:4-1.3, which provides certain exemptions from the requirement to take the Law Enforcement Examination (LEE) for entry-level law enforcement positions.

Presently, to be considered for this program, a person must successfully complete a full basic course for Police Officer at a school approved and authorized by the New Jersey Police Training Commission. The bill expands this exemption to persons who have completed a full basic course for Correction Officer and adds a requirement that the completion of an approved course have occurred within nine months from the date of hire. It further prohibits the use of *N.J.S.A.* 11A:4-1.3 to circumvent the Civil Service intergovernmental transfer regulations.

The bill also expands the LEE exemption to entry-level Sheriff's Officer, State Correctional Police Officer, and County Correctional Police Officer positions to those candidates who meet the above-noted requirements. In addition, the legislation permits the transfer of a Sheriff's Investigator to a Sheriff's Officer position in the same department, provided that the Sheriff's Investigator meets specified service requirements and is not over the age of 35 at the time of initial appointment to the Sheriff's Officer position. Prior to hiring a qualified person, a municipality, county or sheriff's department must adopt a conflict of interest and nepotism policy in the manner specified in the legislation.

[S3672](#) also sets the minimum starting salary of a State Correctional Police Officer at \$48,000 and provides for adjustments to the remaining steps in the salary scale of that title. Finally, the legislation directs the Commission to promulgate rules and regulations and to establish administrative processes that are reasonable, necessary, and consistent with the provisions of the act. The changes enacted in [S3672](#) take effect on July 18, 2022.

## **Expansion of Veterans Preference**

The final bill signed into law, [A259](#), expands [veterans preference](#) to military service members who did not serve in a theater of operation but served during a war or conflict for which the federal government authorized a campaign or expedition medal and who received such an award. This is similar to a federal Civil Service preference provision in the federal Veterans' Preference Act of 1944, which provides such a preference to veterans who served "in a campaign or expedition for which a campaign medal has been authorized." As set forth in the committee statement to the bill, examples of these campaigns include military actions in El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti. See *N.J.S.A.* 11A:5-1.



# HELPFUL LINKS

## Accessing Commission Decisions

The Commission's website, located at <https://nj.gov/csc>, is where you can find information regarding job announcements and examinations, employee programs, forms and publications, regulations and laws governing Civil Service, Commission meeting agendas, and Commission decisions.

The full texts of decisions are available online for cases decided on or after July 16, 2014. To access the text of a decision, first use the search function for Search Minutes/Decisions (<https://nj.gov/csc/about/meetings/search>).

You can search by meeting date, appellant or appointing authority name, or keyword. When you retrieve the minutes for the meeting, look for the agenda item pertaining to your search. The decision can be accessed through a link in the item.

If you know the meeting date on which the appeal was decided, you can access the minutes directly through the Minutes of Previous Meetings page (<https://nj.gov/csc/about/meetings/minutes/>).

Click the meeting date, and a list of agenda items will appear. Minutes of meetings and associated decisions are posted after approval of the minutes, usually at the next scheduled meeting of the Commission.

**Civil Service Commission Website**  
<https://nj.gov/csc>

**Office of the Chair/Chief Executive Officer**  
<https://www.state.nj.us/csc/about/chair/>

**Commission Decisions  
(July 16, 2014 to the present)**  
<https://nj.gov/csc/about/meetings/search> or  
<https://nj.gov/csc/about/meetings/minutes/>

**Civil Service Regulations and Laws**  
[www.nj.gov/csc/about/about/regulations/index.html](http://www.nj.gov/csc/about/about/regulations/index.html)

**Filing Appeals with the Civil Service Commission**  
[www.nj.gov/csc/authorities/faq/appeals](http://www.nj.gov/csc/authorities/faq/appeals)

**Division of Appeals and Regulatory Affairs**  
[www.nj.gov/csc/about/divisions/merit/](http://www.nj.gov/csc/about/divisions/merit/)

**Job Announcements and Testing**  
[www.nj.gov/csc/seekers/jobs/announcements](http://www.nj.gov/csc/seekers/jobs/announcements)

**Public Safety Testing News**  
[www.nj.gov/csc/about/news/safety/index.html](http://www.nj.gov/csc/about/news/safety/index.html)

**Division of Test Development, Analytics and Administration**  
<https://nj.gov/csc/about/divisions/selection/>

**Division of Agency Services**  
[www.nj.gov/csc/about/divisions/slo/](http://www.nj.gov/csc/about/divisions/slo/)

**Division of Equal Employment Opportunity/  
Affirmative Action**  
<https://www.state.nj.us/csc/about/divisions/eeo/index.html>

**Employee Advisory Service**  
<https://www.state.nj.us/csc/employees/programs/advisory/eas.html>

**Employee Advisory Service Publications**  
<https://www.nj.gov/csc/employees/programs/advisory/publications.html>

**Center for Learning and Improving Performance  
(CLIP)**  
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