

CSC
B-19



STATE OF NEW JERSEY

In the Matter of Camilo Suriel, Police
Officer, Paterson

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2855

Administrative Appeal

ISSUED: FEB 06 2015 (EG)

Camilo Suriel, represented by Jeremiah Battista, Esq., requests that his name be restored to the Police Officer, Paterson special reemployment list.

As background, the appellant was hired by the appointing authority as a Police Officer on November 17, 2008. The appellant was laid off from this position effective April 18, 2011 and his name was placed on the special reemployment list for Police Officer in Paterson. On January 28, 2012, the appellant was hired as a Senior Parole Officer by the State Parole Board. Thereafter, in late 2013, the appointing authority offered to hire the appellant from the special reemployment list. The appellant declined and his name was removed from the special reemployment list pursuant to *N.J.A.C. 4A:8-2.3(c)3*.

In the instant matter, the appellant states that in April 2014, the appellant and the appointing authority agreed that it was in both their best interests that he return to the title of Police Officer. The appellant indicates that he attempted an intergovernmental transfer but the rules do not permit a transfer from Senior Parole Officer to Police Officer. In this regard, the appellant argues that when he declined appointment from the special reemployment list in 2013, he was unaware that he would not be permitted to transfer back to the appointing authority or that his name would be removed from the special reemployment list. The appellant requests that his name be restored to the special reemployment list to permit his return to the appointing authority.

The appointing authority indicates that the appellant maintained a good work-related history during his tenure with it and left a positive impression on staff. Therefore, it has no objection to the appellant's name being restored to the subject special reemployment list for future consideration.

CONCLUSION

N.J.A.C. 4A:8-2.3(c)3 provides that removal of names from a special reemployment list may be made in accordance with applicable rules. *N.J.A.C.* 4A:4-4.7(a)3 indicates that the name of an eligible may be removed from an eligible list for inability, unavailability or refusal of eligible to accept appointment. Additionally, *N.J.A.C.* 4A:4-3.6(a)3 provides that the Civil Service Commission may add names to an eligible list at any time during the life of the list to implement an appeal decision. Further, *N.J.A.C.* 4A:1-1.2(c) states in pertinent part that the Commission may relax rules for good cause in a particular situation.

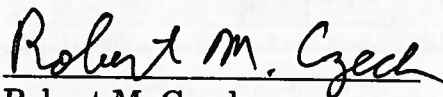
In the present matter, the appellant's name was properly removed from the Police Officer, Paterson special reemployment list when he refused an appointment in December 2013. However, the appellant and appointing authority currently both desire to have the appellant returned to the special reemployment list. The appointing authority has shown good cause based on the appellant's work history and positive impression to relax the applicable rules and restore the appellant's name to the Police Officer, Paterson special reemployment list for prospective employment opportunities only. The Commission notes that the decision in this matter is based on unique circumstances and shall not serve as a precedent for other matters.

ORDER

Therefore, it is ordered that Camilo Suriel be added to the Police Officer, Paterson special reemployment list for prospective employment opportunities only.

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 4TH DAY OF FEBRUARY, 2015



Robert M. Czech
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and
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