



STATE OF NEW JERSEY

<p>In the Matter of Conservation Police Officer Recruit, Department of Environmental Protection</p> <p>CSC Docket No. 2022-1861</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION</p> <p>Request for Administrative Relief</p>
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ISSUED: FEBRUARY 18, 2022 (ACM)

The Department of Environmental Protection (DEP) requests permission to make temporary appointments of entry-level Conservation Police Officer Recruits (CPOR).

In its request, the DEP presents finding qualified candidates for the CPOR title is challenging because the recruitment process involves an intensive background check and because the title has strict residency requirements. The residency requirement mandates that each officer resides within a predetermined geographic area corresponding to a particular region for which they are hired. Thus, recruiting for CPOR presents major challenges to the DEP due to this unique residency requirement. In this regard, it emphasizes that eligible list issued by the Civil Service Commission (Commission) for this title often does not account for candidates that are unwilling to move into the required geographic location to fill CPOR vacancies. As such, the DEP has been experiencing considerable difficulties filling positions efficiently since it must invest considerable resources into vetting candidates during this prolonged process (e.g. conducting extensive background checks) only to find out that candidates are unwilling to move into the Region for which they have been selected.

The DEP notes that in October 2020, *P.L. 2020, c. 107* (codified as N.J.S.A. 52:17B-4.9 through 12) was signed into law requiring each law enforcement agency in New Jersey to establish a program designed to ensure every agency was “comprised of law enforcement officers who reflect the diversity of the population of the community the agency is charged with protecting.” *N.J.S.A. 52:17B-4.10(a)*. This law directed the Attorney General to develop these Guidelines to ensure its uniform application. These guidelines were shared with the Division of Fish and Wildlife’s

Bureau of Law Enforcement by the Attorney General's office and, as directed by the legislation, the DEP is developing a "Diversity Recruiting Plan" (due to the Attorney General's Office by June 7, 2022). The passage of this legislation emphasizes the critical need for the CPOR to be filled in a timely manner. In this regard, the DEP maintains that its ability to meet this diversity mandate is limited by the existing requirement to interview and hire from the ranked list since the ranking process does not take diversity into account. Our Diversity, Equity, Inclusion, and Justice training suggests that hiring processes based primarily on education and experience can stifle progress towards diversity in the workplace. *N.J.S.A. 52:17B-4.9* through 12 make it clear that this cannot happen in the hiring of law enforcement officers. For the recruitment of CPORs, the DEP states that it needs increased flexibility to hire diverse candidates.

The DEP notes that Resolution 28, amending the appropriation bill for FY 2022, provided \$1.5 million for "salaries and wages" for the Division of Fish and Wildlife's black bear management program. Part of the intention in including this amendment in the budget was to provide the funds necessary to hire more staff to manage New Jersey's black bear population, *including three additional Conservation Police Officer Recruits*. In October of 2022, the DEP is committed to moving quickly to fill these approved positions which requires it to move quickly to hire three new CPORs. However, after conducting background checks and interest of candidates on the existing eligible list, it is extremely unlikely the five names on the existing CPOR list are sufficient to fill the three positions associated with the budget appropriation. Therefore, the DEP requests relief so that it can immediately move forward with hiring all three of these positions and simultaneously move forward with the vetting of candidates on the existing list. The DEP underscores the urgency of the situation as it needs to get selected candidates into the 2022 police academy and to post for these positions in early February 2022. Given this urgency, there is no possibility of requesting an open-competitive announcement, conducting a competitive examination and waiting for the promulgation of an eligible list in the timeframe necessary to get recruits to the next police academy. In this regard, the DEP notes that police academy training is offered on a limited basis and missing the August 2022 academy would require it to wait until 2023 to any CPOR it selects through the academy. Under this delayed scenario, it will take over two full years to get our CPORs into the field to do the work the intended by the amended the FY2022 budget. Under these circumstances, the DEP requests relief so that it may immediately recruit and appoint COPRs.

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.

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).

The 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 CPOR, for the purpose of sending those employees to the Basic Course for Police 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 Police Officers. Most significant, the current eligible list does not appear to contain a sufficient amount of eligibles given the DEP's unique requirement that appointees reside in the specific region to which they are assigned. Moreover, the DEP has an urgent need to fill these positions based on recent legislation and amendments to the FY2022 appropriations act. Temporary appointments under current Civil Service law and rules are not specifically proscribed for CPOR's, and *P.L. 2021, c. 406* which provides for such temporary appointments will become effective July 18, 2022. Given the urgency of this particular situation, it is appropriate to permit the DEP to make temporary appointments to the title of Conservation Police Officer Recruit until *P.L. 2021, c. 406* becomes effective on July 18, 2022. Additionally, temporary appointees who complete the full Basic Course for Police 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

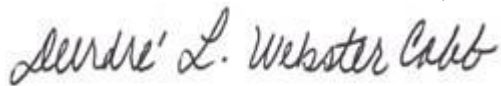
inclusion should be utilized when recruiting and appointing to positions under this authority.

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 16TH DAY OF FEBRUARY, 2022



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