



**STATE OF NEW JERSEY**

In the Matter of Brookdale  
Community College Campus Police  
Officers

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

CSC Docket No. 2023-1295

Administrative Appeal

**ISSUED: December 21, 2022 (DASV)**

Monmouth County requests that the Campus Police Officers of Brookdale Community College receive regular appointments as Sheriff's Officers with Monmouth County.

By way of background, Monmouth County, the Monmouth County Sheriff's Office, and Brookdale Community College, a non-Civil Service entity, in cooperation with the Fraternal Order of Police and the Police Benevolent Association, entered into an agreement to transfer public safety services from the college to the Monmouth County Sheriff's Office, whereby the office "will deliver the staff, training, and resources necessary to ensure the appropriate level of professional public safety services" to the college. To avoid disruption to the employment of existing Campus Police Officers at the college, Monmouth County had also agreed to appoint these individuals to the title of Sheriff's Officer.

In the instant matter, Monmouth County reiterates that it has agreed for its Sheriff's Office to provide the appropriate level of professional public safety services to Brookdale Community College. To avoid adverse employment consequences, it seeks a rule relaxation to intergovernmentally transfer 11 non-Civil Service Campus Police Officers, namely, Haaris Ahmad, Rocco Belloni, Nicolette Caprio, Dalton Douglas, Matthew Esposito, Michael Halpin, Colten Hilbert, Robert Kimler, Christopher Morgan, Joseph Szotak, and Shawn White to the career service title of Sheriff's Officer with Monmouth County effective January 1, 2023. Monmouth County states that the retention of these officers will "ensure public safety without

disruption to employment” and will also “provide the Monmouth County Sheriff’s Office with site-specific knowledge, skills, and abilities for a seamless transition of services.” It notes that both positions require the same basic course of training by the New Jersey Police Training Commission and that the officers have successfully completed the course. In that regard, it submits certificates of completion for the Basic Course for Police Officers of 10 officers, dated between December 1994 and October 2022.<sup>1</sup> Monmouth County asks that these 11 officers be considered to have regular appointments as a Sheriff’s Officer. Additionally, it submits that a memorandum of agreement has been executed that allows the “accumulated excused” leave balances to be retained by the officers upon their transfer to Monmouth County.<sup>2</sup>

It is noted that Monmouth County does not have a special reemployment list for Sheriff’s Officer.

## CONCLUSION

Initially, the Civil Service Commission (Commission) notes that the Legislature made substantial changes to the laws governing the sharing of services and consolidation of local governments. *See* P.L. 2007, c. 63, P.L. 2013, c.166, and P.L. 2018, c.140. These changes included the repeal of *N.J.S.A. 11A:9-8*, which had stated that “[w]hen the functions of two or more political subdivisions are consolidated, and any one of the political subdivisions shall be operating under [Title 11A, Civil Service Act] at the time of such consolidation, the other political subdivision or subdivisions shall be deemed to have adopted this title with regard to the consolidated functions.” The changes included the enactment of the “Uniform Shared Services and Consolidation Act”(Act), *N.J.S.A. 40A:65-1, et seq.*, which was

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<sup>1</sup> For one Campus Police Officer, Monmouth County submits a certificate of completion for the Basic Course for Class Two Special Law Enforcement Officers. However, the New Jersey Police Training Commission has confirmed that all of the officers in question are certified by way of completion of the Basic Course for Police Officers or through an approved waiver. Accordingly, they are eligible for a Sheriff’s Officer position with regard to their training.

<sup>2</sup> *N.J.A.C. 4A:6-1.1(a)* provides that in local service, appointing authorities shall establish types of leaves and procedures for leaves of absence. However, *N.J.A.C. 4A:6-1.1(a)1* states that pursuant to this subchapter, employees in local service shall also be entitled to vacation leave (*N.J.A.C. 4A:6-1.2(b)* through (h)); sick leave (*N.J.A.C. 4A:6-1.3(a)* through (h)); military leave (*N.J.A.C. 4A:6-1.11*); gubernatorial appointment leave (*N.J.A.C. 4A:6-1.12*); convention leave (*N.J.A.C. 4A:6-1.13*); elective office leave (*N.J.A.C. 4A:6-1.17*); family leave under State law (*N.J.A.C. 4A:6-1.21A*); and federal family and medical leave (*N.J.A.C. 4A:6-1.21B*). With regard to Police Officers and Fire Fighters, vacation and sick leave are established by local ordinance. *See N.J.A.C. 4A:6-1.1(a)4*. In an intergovernmental transfer, there is the option to waive accumulated sick leave and seniority rights by a law enforcement officer, including a Sheriff’s Officer, and requires the consent in writing of the receiving jurisdiction, the affected employee, and the Chairperson or designee of this agency. *See N.J.A.C. 4A:4-7.1A(b)2*.

then supplemented with the “Common Sense Shared Services Pilot Program” (Pilot Program), *N.J.S.A.* 40A:65-4.1, *et seq.*, that established a pilot program in seven counties, including Monmouth County, to evaluate the efficiencies related to the sharing of services of certain local personnel.

However, the movement of the Campus Police Officers from the Brookdale Community College to Monmouth County would not be the type of arrangement contemplated by the Act or the Pilot Program. Rather, in this case, the Brookdale Community College’s police force will essentially be dissolved due to the transfer of public safety services to Monmouth County, and its employees, in essence, would simply cease to be employed with the college. Moreover, although Monmouth County requests a relaxation of the intergovernmental transfer rules as Brookdale Community College does not operate under Title 11A, Civil Service Act, Monmouth County’s request is more appropriately considered a request for permanent regular appointments.<sup>3</sup>

In that regard, the general method by which an individual can achieve permanent appointment in the competitive division is if the individual applies for and passes an examination, is appointed from an eligible list, and satisfactorily completes a working test period. *N.J.A.C.* 4A:4-5.2(d) provides, in relevant part, that persons appointed to entry-level law enforcement shall serve a 12-month working test period and:

1. In local service, law enforcement officers who are required by *N.J.S.A.* 52:17B-66 *et seq.* (Police Training Act) to complete a police training course shall not begin their working test period until notification is received by the appointing authority from the Police Training Commission of the successful completion of the police training course. However, major disciplinary procedures applicable to employees serving in a working test period (see *N.J.A.C.* 4A:2-2) shall also be applicable to such officers from the date of appointment until completion of police training. Upon successful completion of the working test period, the date of appointment from the eligible list shall be recorded as the date of regular appointment.
  - i. Law enforcement officers who have successfully completed the police training course prior to appointment shall begin their working test period on the date of regular appointment.

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<sup>3</sup> While the intergovernmental transfer of a Campus Police Officer to a Sheriff’s Officer position is routinely approved by this agency, such a transfer is afforded to a permanent employee whose transfer is between jurisdictions operating under Title 11A, Civil Service Act. See *N.J.A.C.* 4A:4-7.1A(a). A permanent employee means 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.

However, in the present case, it would be inequitable and possibly detrimental for the Campus Police Officers who work at Brookdale Community College to compete in an open competitive examination situation for a Sheriff's Officer position, and conceivably be displaced, in order to secure a position for which they have already clearly demonstrated their merit and fitness to perform. In these unique circumstances, while *N.J.S.A.* 11A:9-9 does not precisely mirror the present situation, its application is instructive. *N.J.S.A.* 11A:9-9 provides that "[a]ny employee of a political subdivision who, at the time of adoption of [Title 11A], was actively employed by the political subdivision continuously for a period of at least one year prior to the adoption of [Title 11A], or any employee who was on an approved leave of absence and had at least one year of continuous service with the political subdivision prior to the adoption of [Title 11A], and who comes within the career service, shall continue to hold such position, and shall not be removed except in accordance with the provisions contained in [Title 11A]." *See also N.J.A.C.* 4A:9-1.1(b). In this matter, the Brookdale Community College Campus Police Officers will have come within the career service by virtue of the dissolution of their police force and the utilization of their positions by Monmouth County, a jurisdiction that has adopted Title 11A.

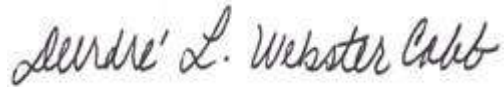
Therefore, as there is no Monmouth County special reemployment list for Sheriff's Officer that would be required to be utilized first, and for good cause shown in these particular circumstances, Monmouth County's request to record the Campus Police Officers' regular appointments as Sheriff's Officers with Monmouth County, effective January 1, 2023, shall be granted. Those Campus Police Officers who have been employed with Brookdale Community College continuously for one or more years following their successful completion of or approved waiver for the Basic Course for Police Officers by January 1, 2023 shall be considered to have permanent regular appointments as Sheriff's Officers. Those Campus Police Officers who have not achieved one year of continuous service after the completion of or approved waiver for the Basic Course for Police Officers with Brookdale Community College as of the January 1, 2023 date will continue to complete the one year working test period as a Sheriff's Officer with Monmouth County, and at the completion of such time, their appointments will be considered permanent. Monmouth County is to contact its representative in the Division of Agency Services to effectuate these appointments consistent with this decision.

### **ORDER**

Therefore, it is ordered that this 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 21<sup>st</sup> DAY OF DECEMBER, 2022



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