



**STATE OF NEW JERSEY**

In the Matter of William Besnecker,  
Borough of Seaside Park

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

CSC Docket No. 2025-227

Intergovernmental Transfer

**ISSUED: September 4, 2024 (SLK)**

Seaside Park, represented by Brandon A. Klimakowski, Esq., requests the intergovernmental transfer of William Besnecker from Pemberton Borough (Pemberton), a non-Civil Service jurisdiction, to the title of Police Officer, retroactive to September 29, 2023.

In its request, Seaside Park presents that Besnecker was a special police officer with Seaside Park in 2017. It indicates that Besnecker graduated from the Ocean County Police Academy in May 2018 and finished the waiver course in May 2019. Additionally, Seaside Park provides that Besnecker's name appeared on a Seaside Park Police Officer certification in 2020; however, it was unable to appoint him at that time because there was another more qualified candidate and it only had one Police Officer position to offer. Still, Seaside Park continues to value Besnecker for full-time employment based on his employment history with it, and his ties to the area as he previously lived in Seaside Park and now resides in a neighboring town. It presents that Seaside Park has a significant hiring need for an additional Police Officer as Seaside Park is a beachfront resort community that experiences significant population growth in the summer, and it is currently understaffed to meet its public safety needs. Seaside Park provides that Pemberton agrees with the transfer request.

Further, Besnecker, who is represented by Michael A. Bukosky, Esq. as the representative for Seaside Park PBA Local 182, states that he was hired by Seaside Park on September 29, 2023. He indicates that he resigned his position with

Pemberton, a non-Civil Service jurisdiction, and then sought appointment by Seaside Park. Besnecker indicates that he resigned based on representations from Seaside Park that he would be hired according to the “alternate route,” under *N.J.S.A. 11A:4-1.3*, and not as an intergovernmental transfer because Pemberton is a non-Civil Service jurisdiction.

It is noted that the Intergovernmental Transfer Agreement, which was signed by both Pemberton and Seaside Park on August 19, 2024, proposes the effective date of the transfer be retroactive to September 29, 2023.

## CONCLUSION

*N.J.S.A. 11A:4-1.3(a)* provides, in pertinent part, that the Civil Service Commission (Commission) shall exempt from the requirement to take an examination for an entry-level law enforcement officer position a person who successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training commission within nine from the date of hire as a temporary entry-level officer under the provisions of this section.

*N.J.S.A. 11A:4-1.3(d)* provides, in pertinent part, permanent entry-level officers, who are employed by a municipal police department, shall not be appointed by a different municipal police department, utilizing the provisions of this section and municipal police departments may not utilize the provisions of this section to circumvent the intergovernmental transfer process regulations established by the Commission for officers which requires written authorization from the departing authority.

*N.J.A.C. 4A:4-1.10(a)* provides, in pertinent part, that all initial appointments in the career service are subject to the review and approval of the Chairperson or designee. *N.J.A.C. 4A:4-1.10(b)* provides, in pertinent part, that following submission and review of personnel actions, the appointing authority shall be notified by an appropriate representative of the Commission whether the action has been approved or disapproved and the reasons for any disapproval. *N.J.A.C. 4A:4-1.10(c)* provides that when a regular appointment has been made, the Commission may order a retroactive appointment date due to administrative error, administrative delay, or other good cause, on notice to affected parties.

*N.J.A.C. 4A:4-7.1A(a)* provides, in pertinent part, that an intergovernmental transfer is the movement of a permanent employee between governmental jurisdictions operating under Title 11A, New Jersey Statutes. The intergovernmental transfer rules permit the transfer of State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the

transferring agency, the receiving agency, the transferring employee, and the approval of the Chairperson or designee.

*N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Since Pemberton is not a governmental jurisdiction operating under Title 11A of the New Jersey Statutes, Besnecker does not have permanent Civil Service status and the provisions of *N.J.A.C.* 4A:4-7.1A(a) do not apply. However, Seaside Park has indicated that it has a significant hiring need for an additional Police Officer as Seaside Park is a beachfront resort community that experiences significant population growth in the summer, and it is currently understaffed to meet its public safety needs. Further, Pemberton has consented to the transfer. Additionally, as Pemberton is not a Civil Service jurisdiction, based on its present consent, it appears that instead of having Besnecker resign, it is assumed that it would have kept him as an employee until the intergovernmental transfer request was approved. Moreover, although the record is unclear if Seaside Park could timely fulfill through regular Civil Service procedures or through intergovernmental transfers with other Civil Service jurisdictions to meet its needs, as Besnecker began his employment with Seaside Park on September 29, 2023, and he was relying on the representations of Seaside Park, for equitable purposes, the Commission finds good cause to allow the transfer of Police Officer William Besnecker from Pemberton, a non-Civil Service jurisdiction, to the title of Police Officer, Seaside Park. As this is an equitable remedy being implemented through relaxation of rules, Civil Service seniority and seniority-related privileges shall not be transferrable.

Concerning Seaside Park's request that Besnecker's permanent appointment as a Seaside Park Police Officer be effective September 29, 2023, it appears that Seaside Park did not contact this agency at that time as required because if it had, it would have been advised by this agency that Besnecker's appointment could not have been approved using the "alternate route." See *N.J.A.C.* 4A:4-1.10(a) and (b). Specifically, as Besnecker had already successfully completed a full Basic Course for Police Officers training course, *N.J.S.A.* 11A:4-1.3(a) is not applicable. Further, *N.J.S.A.* 11A:4-1.3(d) indicates that permanent entry-level officers, who are employed by a municipal police department, shall not be appointed by a different municipal police department, utilizing the provisions of this section. Accordingly, there is no good cause to grant Seaside Park's request that Besnecker's permanent appointment be effective the date it hired him, September 29, 2023, as there is no evidence of any administrative error or delay by this agency. Further, Seaside Park has not presented any rationale while it appointed Besnecker without first seeking approval from this agency. Similarly, it has not presented any reason why it waited until July 2024 to make the subject request for an intergovernmental transfer when it appointed Besnecker in September 2023. Accordingly, Besnecker's date of permanent appointment shall be the date of this decision. Further, Besnecker is required to

complete a current full 12-month working test period. Besnecker's service with Seaside Park from September 29, 2023, to the date of this decision shall be reflected in his official personnel record as provisional.

Although the Commission is permitting the current permanent appointment of Besnecker, the Commission advises Seaside Park that it may be subject to fines if it continues to appoint personnel without first seeking approval from this agency. In this regard, the Commission is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Civil Service laws or rules or any order of the Commission. *N.J.S.A. 11A:10-3; N.J.A.C. 4A:10-2.1(a)2. See In the Matter of Fiscal Analyst (M1351H), Newark, Docket No. A-4347-87T3 (App. Div. 1989).*

The Commission must emphasize that the remedy provided by this decision is limited to the unique facts of this case and should not be used as precedent in any other matter.

### ORDER

Therefore, it is ordered that this request be granted in part, and William Besnecker shall receive a current permanent appointment as Seaside Park Police Officer subject to a 12-month working test period. Seaside Park's request for a retroactive permanent appointment of September 29, 2023, is denied, and Besnecker's appointment as a Police Officer on September 29, 2023, shall be recorded as provisional.

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 4<sup>TH</sup> DAY OF SEPTEMBER, 2024



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