



## STATE OF NEW JERSEY

In the Matter of Louis Salerno,  
Marlboro

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

CSC Docket No. 2025-621

Administrative Appeal

**ISSUED:** March 19, 2025

Marlboro requests relaxation of *N.J.A.C.* 4A:4-7.1A(a)1 to permit the intergovernmental transfer of Louis Salerno from the title of Police Officer Palisades Interstate Park, Palisades Interstate Park Commission, to the title of Police Officer, Marlboro.

In the present matter, Marlboro seeks the transfer of Salerno from the title of Police Officer Palisades Interstate Park, at the Palisades Interstate Parkway Commission, to the title of Police Officer, Marlboro. Salerno, the Palisades Interstate Park Commission, and Marlboro reached an agreement as to the terms of transfer. The agreement provides, in pertinent part, that Salerno waives all accumulated seniority and sick leave in accordance with *N.J.S.A.* 11A:2-28(1)a and b. However, this request was unable to be processed on the basis that Salerno is serving provisionally, pending promotional examination procedures, in the title of Police Officer Palisades Interstate Park.

In this regard, in a letter dated September 6, 2024, Jonathan A. Capp, Business Administrator with Marlboro, states that Salerno was provisionally appointed as a Police Officer Palisades Interstate Park on October 9, 2021, and completed the full Basic Course for Police Officers on October 18, 2021. However, Salerno was not appointed from an eligible list for the title since a promotional announcement has not yet been issued.<sup>1</sup> Nevertheless, Salerno had been

<sup>1</sup> A review of the available record finds that an announcement for Police Officer Palisades Interstate Park (PS5733V), Palisades Interstate Park Commission, was issued on June 1, 2024 and closed on June 24, 2024. Eight individuals, including Salerno, were admitted to the subject exam which was

permanently appointed to the Security Officer title with the Palisades Interstate Park Commission. In addition, Salerno has taken and passed the open competitive Entry Level Law Enforcement Examination (LEE) (S9999A) and achieved a score of 93.370. Capp adds that Salerno has been performing the duties of a Police Officer Palisades Interstate Park since his provisional appointment in October 2021. Further, Capp indicates that due to upcoming retirements in the Marlboro Police Department, there is an immediate public safety need to hire additional law enforcement personnel who have completed the full Basic Course for Police Officers. Therefore, Marlboro requests the relaxation of *N.J.A.C. 4A:4-7.1A(a)1* to permit the intergovernmental transfer of Salerno.

## CONCLUSION

*N.J.A.C. 4A:4-5.2(d)* states, in pertinent part, that persons appointed to entry level law enforcement officer titles shall serve a 12-month working test period in order to obtain permanent status.

*N.J.A.C. 4A:4-7.1A(a)1* 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 and that non-permanent employees serving in entry level law enforcement titles who were appointed from an eligible list and who have completed the required Police Training Commission training course may intergovernmentally transfer upon consent of the sending and receiving jurisdictions, but will be required to complete the full 12-month working test period with the receiving jurisdiction.

*N.J.A.C. 4A:1-1.2(c)* provides that a rule may be relaxed for good cause, in a particular situation, in order to effectuate the purposes of 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 Division of Agency Services. Although the terms of transfer in this case were agreed to by the transferring agency, the receiving agency and the transferring employee, it cannot be processed, absent rule relaxation procedures, since Salerno is not permanent in the title of Police Officer Palisades Interstate Park.

It is noted that on February 4, 2021, *N.J.S.A. 11A:4-1.3* was signed into law, and become effective August 4, 2021. *N.J.S.A. 11A:4-1.3* permits, in pertinent part, a municipality to hire a person, exempt from the requirement to take the entry level law enforcement examination conducted by the Civil Service Commission, who has

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administered on November 19, 2024. It is noted that to date, the resultant eligible list has not promulgated.

successfully completed the full Basic Course for Police Officers at a school approved and authorized by the New Jersey Police Training Commission.<sup>2</sup> While the legislative intent of this law is to increase diversity in the hiring of Police Officers, it cannot be ignored that in his signing statement, the Governor indicated that the new law “would allow, but not require, an appointing authority to hire a candidate based upon completion of a course that teaches and ***tests an array of qualities and skills necessary to become a successful law enforcement officer***” (emphasis added). Stated differently, successful completion of the full Basic Course for Police Officers has been equated to passing the entry level law enforcement examination and permits appointing authorities to hire those individuals as Police Officers absent open competitive list issuance and normal Civil Service certification and appointment procedures.

In this case, while Salerno is serving provisionally in the title of Police Officer, Palisades Interstate Park, it cannot be ignored that he has underlying permanent status in the title of Security Officer. Additionally, Salerno has been performing the duties of a Police Officer Palisades Interstate Park since his provisional appointment to the title in October 2021, he successfully completed the requirements for the Basic Course for Police Officers, and he achieved a passing score on the LEE and his name appeared on the S9999A eligible list. In this regard, it is noted that in State service, in some instances, a candidate’s score on the LEE is utilized when processing promotional announcement for some State entry-level law enforcement titles. However, there is no current promotional eligible list for Police Officer Palisades Interstate Park from which to regularly appoint Salerno. Based on these unique factors, including the fact that he is permanent in his underlying title and Marlboro’s pressing need for fully trained Police Officers, good cause exists to relax the provisions of *N.J.A.C. 4A:4-7.1A* to permit the intergovernmental transfer of Salerno to the title of Police Officer, Marlboro.

*N.J.S.A. 11A:2-28(1)a* and *b* provide that law enforcement officers shall be granted all privileges under the intergovernmental transfer program, including the option to waive all accumulated sick leave and seniority rights, and that the waiver of accumulated sick leave and seniority rights shall require the consent in writing of the receiving jurisdiction, the affected employee, and the Division of Agency Services. *See also, N.J.A.C. 4A:4-7.1A(b)2*. In this case, Salerno signed an agreement indicating that he waives all accumulated seniority and all accrued sick leave which was acknowledged by the receiving agency. Accordingly, accumulated seniority and sick leave do not transfer. *See N.J.A.C. 4A:4-7.4(c)*.

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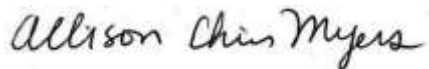
<sup>2</sup> It is noted that *N.J.S.A. 11A:4-1.3* was amended effective July 18, 2022 to, in pertinent part, prohibit permanent entry-level officers and entry-level officers serving in a working test period from utilizing the provisions of this law to circumvent the intergovernmental transfer process regulations established by the Civil Service Commission. *See N.J.S.A. 11A:4-1.3d*.

**ORDER**

Therefore, it is ordered that the instant request to allow the prospective transfer of Louis Salerno from the Palisades Interstate Park Commission to the Marlboro Police Department, be granted. Additionally, Louis Salerno's 12-month working test period shall commence upon appointment as a Police Officer, Marlboro.

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 19<sup>TH</sup> DAY OF MARCH, 2025



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