

RAYMOND M. BALDINO, ESQ. – 073952013

WALTER M. LUERS, ESQ. – 034041999

LAW OFFICES OF WALTER M. LUERS, LLC

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Attorneys for Plaintiff

<p>LIBERTARIANS FOR TRANSPARENT GOVERNMENT,</p> <p>Plaintiff,</p> <p>v.</p> <p>CIVIL SERVICE COMMISSION of the STATE OF NEW JERSEY and PETER J. LYDEN, III in his official capacity as the Government Records Custodian of the Civil Service Commission,</p> <p>Defendants.</p>	<p><b>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MERCER COUNTY</b></p> <p><b>DOCKET NO.</b> _____</p> <p><b>CIVIL ACTION</b></p> <p><b>VERIFIED COMPLAINT</b></p>
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Plaintiff Libertarians for Transparent Government, through its counsel Law Offices of Walter M. Luers, LLC and by way of verified complaint against the Civil Service Commission of the State of New Jersey and Peter J. Lyden, III in his official capacity as the Government Records Custodian of the Civil Service Commission (hereinafter, “Commission” or “Defendants”), allege as follows:

**PRELIMINARY STATEMENT**

1. This is an action under the Open Public Records Act, *N.J.S.A. 47:1A-1 et seq.* (“OPRA”) and the common law right of access seeking copies of intergovernmental transfer documents to the extent they show information classified as public pursuant to N.J.S.A. 47:1A-10.

## **PARTIES**

2. Plaintiff Libertarians for Transparent Government is a New Jersey non-profit corporation whose principal place of business is 73 Servis Road, Skillman, New Jersey.

3. Defendant Civil Service Commission is a commission within the State of New Jersey and is subject to the Open Public Records Act. The Commission's principal place of business is 44 South Clinton Avenue, Trenton, New Jersey. Defendant Commission is a "public agency" as that term is defined by *N.J.S.A. 47:1A-1.1*.

4. Defendant Lyden is the Government Records Custodian of the Commission and is a "Custodian of a government record" as that term is defined by *N.J.S.A. 47:1A-1.1*. On information and belief, his principal place of business is 44 South Clinton Avenue, Trenton, New Jersey.

## **VENUE**

5. Venue is properly laid in Mercer County because the Commission is a state agency. *R. 4:3-2(a)*.

## **FACTUAL ALLEGATIONS**

6. On July 12, 2016, Plaintiff placed a request to the Civil Service Commission under OPRA and the Common Law Right of Access. The request was for copies of intergovernmental transfer packets for three employees who were believed to be employed by the Office of Weights and Measures within the New Jersey Division of Consumer Affairs.

Plaintiff's full request is set forth below:

Please accept this as our request under the Open Public Records Act (OPRA) and the common law right of access. Records requested: 1. For the following three employees: Jason Flint, Kyle Pierson, Evan Earl[e] (all of whom we believe work with Weights and Measures in the Division of Consumer Affairs, we'd like their "name, title, position, salary and length of service (with their

present agency)” pursuant to *N.J.S.A. 47:1A-10.2*. For the same three employees, the Intergovernmental Transfer Agreement Form (DPF-721) that was completed at the time they were hired by Weights and Measures.

7. On July 28, 2016, Defendants denied access to the requested records for employee Evan Earle, claiming it was exempt as a personnel record. Defendants stated “Your request for the DPF-721 form for Evan Earle is denied, as the document is a personnel record not subject to disclosure pursuant to *N.J.S.A. 47:1A-10*.”

8. Plaintiff’s interest in the requested records arises out of its suspicion that employee Earle was transferred improperly into the Office of Weights and Measures. Any transfer memorialized under the DPF-721 form would only be available to employees who are already in the Civil Service system, however Plaintiff suspects that employee Earle was **not** in the Civil Service system. Plaintiff suspects that, in hiring or transferring Earle to his current position, the Civil Service rules may have been circumvented.

9. DPF-721 forms contain much information that is subject to OPRA, such as information regarding the title and salary with the sending agency at the time of transfer, and the type of pension the employee had at the time of transfer. Also, if the employee was a law enforcement officer, the transfer form might show information regarding waiver of accrued sick leave and waiver of accumulated seniority. (Baldino Certification, Exh. B, being filed herewith).

10. In fact, in the past, Defendants have provided these same documents for law enforcement officers, with redactions to protect private information. (Baldino Certification, Exh. C).

11. The records responsive to Plaintiff’s OPRA request should be produced to the extent they show the information that is a public record pursuant to *N.J.S.A. 47:1A-10*, which includes: a public employee’s name, salary and payroll records, an individual’s title, position,

length of service, date of separation and reasons therefore, and amount and type of pension being received.

**FIRST COUNT**  
(OPEN PUBLIC RECORDS ACT VIOLATION)

12. Plaintiff hereby repeats and incorporates by reference paragraphs 1-11 of this Verified Complaint.

13. Defendants violated OPRA by not providing Plaintiff with copies of the documents requested by him on July 28, 2016, with redactions as appropriate to protect non-public information, such as social security numbers or home addresses.

**SECOND COUNT**  
(COMMON LAW RIGHT OF ACCESS)

14. Plaintiffs hereby repeat and incorporate by reference paragraphs 1-13 of this Verified Complaint.

15. The records requested by Plaintiff are public records under the common law right of access.

16. Plaintiff is a political organization keenly interested in curbing governmental waste and corruption and believes disclosure of the requested records may uncover such waste and corruption.

17. Defendants' interest in non-disclosure is weak, because much of the information contained on the forms must be disclosed under OPRA.

18. Plaintiff's interest in the records requested by him is greater than Defendants' interest in non-disclosure.

**WHEREFORE**, Plaintiff demands:

- A. An Order or Judgment ordering Defendants to provide Plaintiff with copies of the documents requested by it in its July 12, 2016 request, which are copies of the intergovernmental transfer documents received by Defendant for Evan Earle, to be redacted to protect exempt personal information, such as social security numbers or home addresses;
- B. An award of costs of this action and reasonable attorneys' fees;
- C. Such other, further and different relief as the Court may deem equitable and just.

**DESIGNATION OF TRIAL COUNSEL**

Plaintiff hereby designates Walter M. Luers as trial counsel.

**CERTIFICATION OF NO OTHER ACTIONS**

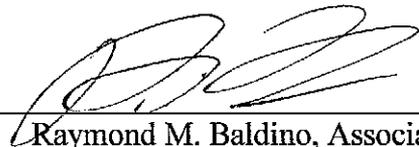
Pursuant to *R. 4:5-1*, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. To the best of my belief, no other action or arbitration proceeding is pending or contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Respectfully submitted,

Dated: August 31, 2016

THE LAW OFFICES OF  
WALTER M. LUERS, LLC

By:

A handwritten signature in black ink, appearing to read 'R. Baldino', written over a horizontal line.

Raymond M. Baldino, Associate  
Suite 2  
122 West Main Street  
Clinton, New Jersey 08809  
Telephone: 908.894.5656

## VERIFICATION

John Paff, of full age, certifies as follows:

1. I am the Executive Director of the Plaintiff in the action captioned  
*“Libertarians for Transparent Government v. Civil Service Commission of New Jersey, et al.”*

All of the facts stated in the verified complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief, I believe those facts to be true. In addition, I have been duly authorized by the Plaintiff to execute this Verification on behalf of the Plaintiff.

2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: August 31, 2016



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JOHN PAFF

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August 31, 2016

Raymond M. Baldino, Esq.\*

\*Also admitted in New York

Writer's Direct Email: rbaldino@luerslaw.com

Honorable Mary C. Jacobson, A.J.S.C.  
Superior Court of New Jersey  
New Criminal Courthouse, 4<sup>th</sup> Floor  
400 S. Warren Street  
Trenton, New Jersey 08650

**Re: *Libertarians for Transparent Government v.  
Civil Service Commission, et al.***  
**Docket No.**

Dear Judge Jacobson:

We are submitting this Letter Brief in lieu of a more formal brief in support of this action under the Open Public Records Act ("OPRA"), *N.J.S.A. 47:1A-1, et seq.*, and the common law right of access, which has been opened to the Court via Verified Complaint and Order to Show Cause. The issue in this case is whether the Defendants are obligated to produce the intergovernmental transfer applications of employee Evan Earle who is believed to be an employee of the Office of Weights and Measures in the New Jersey Division of Consumer Affairs. While, in general, such records are personnel records, much of the information in these documents, each of which are five pages, contain information about their salaries, titles, position from the sending agency, and other information that are governmental records under N.J.S.A. 47:1A-10. In fact, Defendants have provided these same records in the past for law enforcement officers. This lawsuit seeks copies of these transfer documents to the extent they show public personnel information.

First, we discuss the facts of this case. Second, we discuss why this action should proceed in a summary manner. Third, we discuss legal arguments that support disclosure.

### **STATEMENT OF FACTS**

For a full recitation of the facts, the Court is respectfully referred to Plaintiff's Verified Complaint. Plaintiff's OPRA request and the Defendants' response are attached to the Baldino Certification. All of the information below is taken from Plaintiff's Verified Complaint and the exhibits.

### **LEGAL ARGUMENT**

#### **I. PLAINTIFF'S ACTION SHOULD PROCEED IN A SUMMARY MANNER**

"A person who is denied access to a government record by the custodian of the record, . . . may institute a proceeding to challenge the custodian's decision by filing an action in Superior Court." *N.J.S.A.* 47:1A-6. Once instituted, "[a]ny such proceeding shall proceed in a summary or expedited manner." *Id.* "This statutory language requires a trial court to proceed under the procedures prescribed in Rule 4:67." *Courier News v. Hunterdon County Prosecutor's Office*, 358 N.J. Super. 373, 378 (App. Div. 2003). Any such action must be initiated by Order to Show Cause, supported by a verified Complaint. *Id.* (citing *R. 4:67-2(a)*). Here, because OPRA authorizes actions under it to proceed in a summary manner, and Plaintiff's request for an order to show cause is supported by a verified complaint, the relevant documents have been provided via certification, and the relevant facts should not reasonably be disputed, the order to show cause should be granted so this matter may proceed in a summary manner. *R. 4:67-2(a)*.

#### **II. THE DEFENDANTS BEAR THE BURDEN OF PROOF IN ESTABLISHING A BASIS FOR DENIAL UNDER OPRA**

Plaintiff seeks records pursuant to OPRA and the common law right of access. As the Court knows, the Open Public Records Act ("OPRA") mandates that "government

records shall be readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interests, and any limitations on the right of access accorded [under OPRA] as amended and supplemented, shall be construed in favor of the public's right of access." *Libertarian Party of Cent. New Jersey v. Murphy*, 384 N.J. Super. 136, 139 (App. Div. 2006) (citing *N.J.S.A. 47:1A-1*). "The purpose of OPRA 'is to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process.'" *Times of Trenton Publ'g Corp. v. Lafayette Yard Cmty. Dev. Corp.*, 183 N.J. 519, 535 (2005) (quoting *Asbury Park Press v. Ocean County Prosecutor's Office*, 374 N.J. Super. 312, 329 (Law Div. 2004)).

Here, the documents sought by Plaintiff are most certainly "government records" within the meaning of OPRA. Under OPRA, a "government record":

means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. *N.J.S.A. 47:1A-1.1*.

The records at issue here are government records in the sense that they were created or received by the Defendants during the course of their official business. The issue is whether portions of those records must be disclosed pursuant to *N.J.S.A. 47:1A-10*. The burden of proving that a denial of access was justified rests solely with the Records Custodian. *N.J.S.A. 47:1A-6; Asbury Park Press v. Monmouth County*, 406 N.J. Super. 1, 7 (App. Div. 2009).

**III. THE DOCUMENTS SOUGHT UNDER OPRA ARE PUBLIC RECORDS,  
AND THE DEFENDANTS ARE OBLIGATED UNDER LAW TO RELEASE THEM**

In 1979, Governor Byrne issued Executive Order 11 (“EO 11”). That order recited many of the principles regarding public records that hold true today, which are that it is “the public policy of this State that public records shall be readily accessible for examination by the citizens of this State for the protection of the public interest” and that all “public records” are “subject to inspection and examination and available for copying.” In a prior executive order, Executive Order 9 issued by Governor Hughes in 1963 (“EO 9”), Governor Hughes exempted from access “all personnel and pension records.” EO 11 narrowed that exemption and created an “exception to the exception.” EO 11 rescinded the blanket exemption in EO 9. In its place, EO 11 iterated the exemption for personnel and pension records, but granted to the public access to a band of documents and information. (EO 11, paragraphs 1 & 2).

EO 11 expanded access to personnel records by requiring access to the following documents and information: “An individual’s name, title, position, salary, payroll record, length of service in the instrumentality of government and in the government, date of separation from government service and reason therefor; and the amount and type of pension he is receiving[.]” This affirmative grant of access to certain personnel records was adopted and codified almost verbatim when OPRA became law, and is reflected in *N.J.S.A. 47:1A-10*. (*N.J.S.A. 47:1A-10* & EO 11, paragraph 2(a)).

In addition to the foregoing information, EO 11 further expanded access to personnel records by creating a second “exception to the exception.” In this second “exception to the exception,” Governor Byrne ordered that the following information were also public records: “Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment” except that “in no

event shall detailed medical or psychological information be released.” Like the payroll information exception discussed in the paragraph immediately foregoing, this exception was also adopted and codified nearly verbatim into OPRA at *N.J.S.A. 47:1A-10*.

Therefore, based on the unambiguous and plain language of both EO 11 and *N.J.S.A. 47:1A-10*, Defendants must produce the requested records to the extent that they show payroll information, employee names, titles, positions, dates of separation and the reason therefor, type of pension, etc. No case has ever weakened or otherwise invalidated this “exception to the exception,” which allows access to documents that would otherwise be personnel records.

Indeed, these types of documents have been produced before. While, under OPRA, the production of like documents does not require that similar documents be produced in the future, the documents produced in the past do give us insight into the nature of the documents being withheld. These records are ministerial in nature, have basic salary and employee title information, and do not contain sensitive information, other than personal information that can (and has been) redacted in the past.

It should also be noted that much of the information cannot be obtained from simply placing a request for the information with the subject agency where an employee is known to work (for example, the Office of Weights and Measures, here). This is because the DPF-721 forms contain the title, salary and pension information of the employee *from the sending agency*. While the same information could be requested from the sending agency under OPRA, that would not be possible, where as occurred here, the sending agency or the verification that a proper transfer occurred are unknown.

Further, the fact of the transfer itself is public information and not a confidential personnel record; it is a “separation” within the meaning of *N.J.S.A.* 47:1A-10, which provides that “the date of separation and reason therefor” from an agency are public under OPRA. In fact, the procedure for an intergovernmental transfer may be invoked where there has been an actual layoff from the sending agency. *See N.J.A.C.* 4A:4-7.1A (defining an intergovernmental transfer to include “the appointment of an employee...within one year of the effective date of a layoff”). Indeed, the DPF-721 form itself has a blank for the sending agency to complete indicating the “**Requested Termination Date**” of the employee under the portion of the form entitled “Sending Jurisdiction Agreement.”

#### **IV. ACCESS SHOULD BE GRANTED UNDER THE COMMON LAW RIGHT OF ACCESS**

If this Court should deny access to the records requested under OPRA, the Court should grant access under the common law right of access. The public’s right of access to records is broader under the common law right of access than under OPRA. “Nothing contained in [OPRA] shall be construed as limiting the common law right of access to a government record, including criminal investigatory records of a law enforcement agency.” *N.J.S.A.* 47:1A-8; *see also North Jersey Media Group Inc. v. State, Dep’t of Personnel*, 389 N.J. Super. 527, 536 (Law. Div. 2006); *Bergen County Improvement Auth. v. N. Jersey Media Group, Inc.*, 370 N.J. Super. 504, 516 (App. Div. 2004). Thus, the right of access to records under the common law is broader than under OPRA. *North Jersey Media Group*, 389 N.J. Super. at 537.

The common law right of access has three elements: (1) the records must be common law public documents; (2) the person who seeks access must “establish an interest in the subject matter of the material,” *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991), and (3) the citizen’s right to access “must be balanced against the

State's interest in preventing disclosure.” *Higg-A-Rella, Inc.*, 141 N.J. at 46; *see also Keddie v. Rutgers, The State University*, 148 N.J. 36, 50 (1997) (discussing these three elements).

Common law public records “include almost every document recorded, generated, or produced by public officials whether or not 'required by law to be made, maintained or kept on file.’” *Shuttleworth v. City of Camden*, 258 N.J. Super. 573, 582 (App. Div. 1992). Here, the records sought are public records because they are kept by the public agency. *Higg-A-Rella, Inc.*, 141 N.J. at 46 (defining a common-law record as one that is made by a public official in the exercise of their public function, either because the record was required or directed by law to be made or kept, or because it was filed in a public office). Plaintiff has standing to request these documents under the common law, a requirement that is easily met. “A citizen, and the press on its behalf, does not have to prove any personal interest in order to satisfy the common law standing requirement.” *Daily Journal v. Police Dep't of City of Vineland*, 351 N.J. Super. 110, 122 (App. Div. 2002).

To determine whether the records should be disclosed to Plaintiff, this Court must balance Plaintiff's interest in disclosure against Defendants' interest in confidentiality. In weighing whether disclosure outweighs confidentiality, New Jersey courts have weighed several factors, including

- (1) the extent to which disclosure will impede agency functions by discouraging citizens from providing information to the government;
- (2) the effect disclosure may have upon persons who have given such information, and whether they did so in reliance that their identities would not be disclosed;
- (3) the extent to which agency self-evaluation, program improvement, or other decision making will be chilled by disclosure;
- (4) the degree to which the information sought includes factual data as opposed to evaluative reports of policy-makers;
- (5) whether any findings of public misconduct have been insufficiently corrected by remedial measures instituted by the investigative agency; and
- (6) whether any

agency disciplinary or investigatory proceedings have arisen that may circumscribe the individual's asserted need for the materials. *Loigman v. Kimmelman*, 102 N.J. 98, 113 (1986).

In the instant matter, the Defendants' interest in non-disclosure cannot be more than de minimis. The documents at issue are intergovernmental transfer documents that show the circumstances under which a public employee, Evan Earle, in the context of civil service, was transferred from one public agency to another. The documents show his old salary and position, his new salary and positions, and what (if anything) he waived to effectuate the transfer, as well as who authorized it. Disclosing this information would not harm any interest of the Defendants.

It is also true that disclosure of the records may show that the employee was not transferred from another civil service jurisdiction at all, in which case the public interest in disclosure of the records would be greatly enhanced. The record would likely show that the civil service regulations were circumvented and that the hiring was improper.

We further submit that all the same reasons for disclosure under OPRA also apply to the common law right of access.

**[continued on the next page]**

**IV. AWARD OF REASONABLE ATTORNEY'S FEES**

If the Court orders Defendant to produce the documents at issue, the Court should find that Plaintiff is the prevailing party and, under OPRA's fee-shifting provision and the common-law right of access, award Plaintiff a reasonable attorneys' fee and costs. *N.J.S.A. 47:1A-6; Mason v. Hoboken*, 196 N.J. 51, 79 (2008) (concluding that catalyst theory applies to fee awards under both OPRA and the common law right of access).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raymond M. Baldino', written in a cursive style.

Raymond M. Baldino

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RAYMOND M. BALDINO, ESQ. - 073952013  
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Attorneys for Plaintiff

<p>LIBERTARIANS FOR TRANSPARENT GOVERNMENT ,</p> <p>Plaintiff,</p> <p>v.</p> <p>CIVIL SERVICE COMMISSION of the STATE OF NEW JERSEY and PETER J. LYDEN, III in his official capacity as the Government Records Custodian of the Civil Service Commission,</p> <p>Defendants.</p>	<p><b>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MERCER COUNTY</b></p> <p><b>DOCKET NO.</b> _____</p> <p><b>CIVIL ACTION</b></p> <p><b>CERTIFICATION OF RAYMOND M. BALDINO</b></p>
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I, RAYMOND M. BALDINO, of full age, hereby certify:

1. I am an attorney of the State of New Jersey and a member of the law firm of Law Offices of Walter M. Luers, LLC, and counsel for Plaintiff.
2. Attached hereto as Exhibit A is a true and correct copy of Defendants' July 18, 2016 denial of Plaintiff's OPRA request, which itself contains the wording of Plaintiff's July 12, 2016 OPRA request.
3. Attached hereto as Exhibit B is a true and correct copy of a blank intergovernmental transfer form, DPF-721.
4. Attached hereto as Exhibit C are true and accurate copies of completed DPF-721 forms that have been disclosed in the past for law enforcement officers.

5. I certify that the foregoing statements made by me are true. I understand that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: August 31, 2016



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RAYMOND M. BALDINO

# **Exhibit A**

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
Office of the Chair/Chief Executive Officer  
PO Box 317  
Trenton, NJ 08625-0317

July 18, 2016

John Paff  
73 Servis Road  
Skillman, NJ 08558

**OPRA Request #W111227**

Dear Mr. Paff,

The Civil Service Commission received your Open Public Records Act (OPRA) request on July 12, 2016. As such, the seven (7) business day deadline to respond to your request is July 21, 2016. This response to your request is being provided to you within seven business days after the custodian's receipt of said request for the following:

*Please accept this as our request under the Open Public Records Act (OPRA) and the common law right of access. Records requested:*

- 1. For the following three employees: Jason Flint, Kyle Pierson, Evan Earle (all of whom we believe work with Weights and Measures in the Division Of Consumer Affairs, we'd like their "name, title, position, salary and length of service (with their present agency)" pursuant to N.J.S.A. 47:1A-10.*
- 2. For the same three employees, the Intergovernmental Transfer Agreement Form (DPF-721) that was completed at the time they were hired by Weights and Measures.*

Regarding your request number 1, our records indicate the following:

<i>Name</i>	<i>Title/Position</i>	<i>Salary</i>	<i>Date of Hire, Current Pos.</i>
Jason Flint	Weights and Measures Inspector 3	\$61,589.61	06/29/2015
Kyle Pierson	Weights and Measures Inspector 3	\$61,589.61	06/29/2015
Evan Earle	Transitional Worker Support	\$52,098.80	07/07/2016

The CSC has no records responsive to your request for the DPF-721 forms for Jason Flint and Kyle Pierson. Your request for the DPF-721 form for Evan Earle is denied, as the document is a personnel record not subject to disclosure pursuant to N.J.S.A. 47:1A-10.

The Open Public Records Act permits a person who believes he or she has been improperly denied access to a government record to file a complaint with the Government Records Council or to file an action in Superior Court to challenge the decision and compel disclosure. See N.J.S.A. 47:1A-6. You will find attached to this letter the document that describes the procedures for taking these actions.

Sincerely,

Peter J. Lyden, III  
Government Records Custodian  
New Jersey Civil Service Commission  
Phone: (609) 292-7045  
Fax: (609) 984-3631

# **Exhibit B**

New Jersey State Civil Service Commission  
Division of Classification and Personnel Management- Intergovernmental Services Unit  
P.O. Box 313, Trenton, New Jersey 08625-0313

**INTERGOVERNMENTAL TRANSFER AGREEMENT**

All rules, regulations, policies and procedures effective at the date on which this agreement is signed apply.

Intergovernmental transfers are subject to approval by the Civil Service Commission prior to the effective date of the transfer.

This document is a consensual, voluntary transfer agreement by the sending jurisdiction, the receiving jurisdiction, and the employee and contains the conditions by which:

_____	_____	_____
Transferee Name	Present Permanent Title	Current Salary
Requests a transfer from: _____		
_____	_____	_____
	Sending Jurisdiction	Jurisdiction Code
To: _____		
_____	_____	_____
	Receiving Jurisdiction	Jurisdiction Code

**EMPLOYEE AGREEMENT**

_____	_____	____/____/____
Signature of Employee	Social Security Number	Date
Pension system of which you are an active member: <input type="checkbox"/> PERS <input type="checkbox"/> PFRS <input type="checkbox"/> OTHER		Date of Birth: ____/____/____
A Waiver of all accumulated seniority and/or sick leave shall be afforded to those in Law Enforcement titles. Please see the attached waiver. Providing your social security number is voluntary. It will be used only to keep records for this program, which is established by N.J.A.C. 4A:4-7.1A.		

**SENDING JURISDICTION AGREEMENT**  
(TO BE COMPLETED ONLY BY THE APPOINTING AUTHORITY)

Transferees shall retain accumulated seniority rights and sick leave, except for those transferring in the title of Firefighter or those in Law Enforcement titles who have signed the attached waiver. Vacation leave balances will not be carried forward by the transferee. The transferee will be paid, on a pro-rated basis, for vacation time earned prior to the effective date of transfer.

**CONTACT INFORMATION (Please Print):**

_____	
ADDRESS	
_____	(____) _____
CITY / STATE / ZIP	TELEPHONE
_____	(____) _____
EMAIL ADDRESS	FAX

As the Sending Jurisdiction's authorized signing authority, I by approving and signing below, hereby certify to the receiving jurisdiction and the Civil Service Commission that no supplemental compensation for accumulated sick leave has or will be paid to the transferee.

This transfer has been  Approved Requested Termination Date: \_\_\_\_\_

Appointing Authority (Authorized Name and Signature of Authority as listed with CSC):

_____	_____
Authorized AA Name	Title
_____	_____
Signature of Approval	Date

**RECEIVING JURISDICTION AGREEMENT**  
(TO BE COMPLETED ONLY BY THE APPOINTING AUTHORITY)

1. This intergovernmental transfer agreement in addition to all documents required to effectuate the transfer must be received by CSC at least seven (7) days prior to the effective date of the transfer.
2. Employees shall retain all accumulated seniority rights and sick time, **except for those transferring in the title of Firefighter**. A Waiver of such rights shall be afforded to those in Law Enforcement titles and must be agreed upon with written consent from the receiving authority, the affected employee, and the Civil Service Commission. A signed Law Enforcement Waiver  **is**  **is not** attached.
3. Vacation leave balances, administrative, personal or other types of leave will not be carried forward by the transferee. The transferee will be paid, on a pro-rated basis, for vacation time earned prior to the transfer.
4. Continuation of payments into the New Jersey Department of the Treasury, Division of Pensions and Benefits Retirement System, without interruption, is mandatory.
5. Is the transferee transferring to a title that has been designated to the Police and Fire Retirement System?  YES  NO
6. If you answered yes above, has it been verified that the transferee meets the eligibility requirements set forth in N.J.S.A 40A:14-127 for enrollment into the Police and Fire Retirement System?  YES  NO
7. The transferee will receive a health benefits package pursuant to the jurisdiction policy.
8. The affected union has been informed of this transfer by the receiving jurisdiction.
9. The requested title is: \_\_\_\_\_; to be compensated at \$ \_\_\_\_\_ annually.
10. If there is an existing residency ordinance, a waiver of residency requirements has been approved for this transferee.

**CONTACT INFORMATION (Please Print):**

\_\_\_\_\_

**ADDRESS**

\_\_\_\_\_ ( ) \_\_\_\_\_

**CITY / STATE / ZIP** **TELEPHONE**

\_\_\_\_\_ ( ) \_\_\_\_\_

**EMAIL ADDRESS** **FAX**

This transfer has been  **Approved** **Proposed Effective Date:** \_\_\_\_\_

**Appointing Authority (Authorized Name and Signature of Authority as listed with CSC):**

\_\_\_\_\_, \_\_\_\_\_

**Authorized AA Name** **Title**

\_\_\_\_\_

**Signature of Approval** **Date**

**NEW JERSEY CIVIL SERVICE COMMISSION**  
**AUTHORIZATION OF INTERGOVERNMENTAL TRANSFER**

1. This individual, having met all the conditions for an Intergovernmental Transfer, is granted a change to the following;  
title: \_\_\_\_\_ title code: \_\_\_\_\_ from the title code of: \_\_\_\_\_
  2. A Law Enforcement Waiver for the following is attached:  Waiver of all accumulated seniority  Waiver of all accrued sick leave
  3. The appointment type for this Intergovernmental Transfer is: \_\_\_\_\_
  4. A Working Test Period (WTP):  WILL  WILL NOT be necessary.
  5. Conditions/Comments: \_\_\_\_\_
- This transfer has been:  **APPROVED**  **DISAPPROVED**

\_\_\_\_\_

**CSC Authorized Signature** **Title** **Date**

New Jersey Civil Service Commission  
Division of Classification and Personnel Management - Intergovernmental Services Unit  
P.O. Box 313, Trenton, New Jersey 08625-0313

**INTERGOVERNMENTAL TRANSFER WAIVER OF RIGHTS**

**Law Enforcement Waiver Requests**  
(Request to Waive All Accumulated Seniority and/or Sick Leave)

I \_\_\_\_\_ hereby request to waive the following rights:  
Transferee Name

**SENIORITY WAIVER**

Employees seeking intergovernmental transfers in Law Enforcement titles shall be granted the option to waive retention of rights to **all accumulated seniority**. By authorized signature of transferee below, a waiver has been requested:

I request to waive my rights to all accumulated seniority and authorize the Civil Service Commission to facilitate an intergovernmental transfer as specified in the attached Intergovernmental Transfer Agreement (DPF-721).

Transferee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SICK LEAVE WAIVER**

Employees seeking intergovernmental transfers in Law Enforcement titles shall be granted the option to waive retention of rights to **all accrued sick leave**. By authorized signature of transferee below, a waiver has been requested:

I request to waive my rights to all accrued sick leave and authorize the Civil Service Commission to facilitate an intergovernmental transfer as specified in the attached Intergovernmental Transfer Agreement (DPF-721). By signing this waiver, I further acknowledge that no supplemental compensation for accrued sick leave has or will be paid to me.

Transferee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RECEIVING AGENCY ACKNOWLEDGEMENT OF WAIVER**

As the Receiving Agency's authorized signing authority, I \_\_\_\_\_ by signing below, acknowledge such waiver signed by the above named transferee and certify that accumulated seniority and/or sick leave will not be retained after effectuation of the intergovernmental transfer.

Appointing Authority Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NEW JERSEY CIVIL SERVICE COMMISSION**  
**AUTHORIZATION OF SENIORITY AND/OR SICK LEAVE WAIVER**

A Seniority and/or Sick Leave Waiver have been signed by the transferee. The Receiving Agency's authorized signing authority has acknowledged such waiver and certified the employee's accumulated seniority and sick leave will not be retained after effectuation of the intergovernmental transfer. The Sending Agency's authorized signing authority has certified that no supplemental compensation has or will be paid to the employee.

\_\_\_\_\_  
CSC Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

# **Exhibit C**

New Jersey State Civil Service Commission  
Division of Classification and Personnel Management- Intergovernmental Services Unit  
P.O. Box 313, Trenton, New Jersey 08625-0313

**INTERGOVERNMENTAL TRANSFER AGREEMENT**

All rules, regulations, policies and procedures effective at the date on which this agreement is signed apply.  
Intergovernmental transfers are subject to approval by the Civil Service Commission prior to the effective date of the transfer.  
This document is a consensual, voluntary transfer agreement by the sending jurisdiction, the receiving jurisdiction, and the employee and contains the conditions by which:

Linda Alicea , Police Officer , \$82,597.00  
Transferee Name Present Permanent Title Current Salary  
Requests a transfer from: City of Camden Police Department C04080016  
Sending Jurisdiction Jurisdiction Code  
To: Camden County C04000012  
Receiving Jurisdiction Jurisdiction Code

**EMPLOYEE AGREEMENT**

Linda Alicea | [REDACTED] | 02.05.2013  
Signature of Employee Social Security Number Date  
Pension system of which you are an active member:  PERS  PPRS  OTHER Date of Birth: [REDACTED]  
A Waiver of all accumulated seniority and/or sick leave shall be afforded to those in Law Enforcement titles. Please see the attached waiver. Providing your social security number is voluntary. It will be used only to keep records for this program, which is established by N.J.A.C. 4A:4-7.1A.

**SENDING JURISDICTION AGREEMENT**  
(TO BE COMPLETED ONLY BY THE APPOINTING AUTHORITY)

Transferees shall retain accumulated seniority rights and sick leave, except for those transferring in the title of Firefighter or those in Law Enforcement titles who have signed the attached waiver. Vacation leave balances will not be carried forward by the transferee. The transferee will be paid, on a pro-rated basis, for vacation time earned prior to the effective date of transfer.

CONTACT INFORMATION (Please Print):  
City of Camden - Mayor Dana L. Redd  
ADDRESS  
520 Market St., Camden NJ 08102 (856) 757-7200  
CITY / STATE / ZIP TELEPHONE  
\_\_\_\_\_  
EMAIL ADDRESS FAX

As the Sending Jurisdiction's authorized signing authority, I by approving and signing below, hereby certify to the receiving jurisdiction and the Civil Service Commission that no supplemental compensation for accumulated sick leave has or will be paid to the transferee.

This transfer has been  Approved Requested Termination Date: \_\_\_\_\_

Appointing Authority (Authorized Name and Signature of Authority as listed with CSC):  
Dana L. Redd , Mayor  
Authorized AA Name Title  
Dana L. Redd 2/5/13  
Signature of Approval Date

### RECEIVING JURISDICTION AGREEMENT

(TO BE COMPLETED ONLY BY THE APPOINTING AUTHORITY)

1. This intergovernmental transfer agreement in addition to all documents required to effectuate the transfer must be received by CSC at least seven (7) days prior to the effective date of the transfer.
2. Employees shall retain all accumulated seniority rights and sick time, except for those transferring in the title of Firefighter. A Waiver of such rights shall be afforded to those in Law Enforcement titles and must be agreed upon with written consent from the receiving authority, the affected employee, and the Civil Service Commission. A signed Law Enforcement Waiver  is  is not attached.
3. Vacation leave balances, administrative, personal or other types of leave will not be carried forward by the transferee. The transferee will be paid, on a pro-rated basis, for vacation time earned prior to the transfer.
4. Continuation of payments into the New Jersey Department of the Treasury, Division of Pensions and Benefits Retirement System, without interruption, is mandatory.
5. Is the transferee transferring to a title that has been designated to the Police and Fire Retirement System?  YES  NO
6. If you answered yes above, has it been verified that the transferee meets the eligibility requirements set forth in N.J.S.A 40A:14-127 for enrollment into the Police and Fire Retirement System?  YES  NO
7. The transferee will receive a health benefits package pursuant to the jurisdiction policy.
8. The affected union has been informed of this transfer by the receiving jurisdiction.
9. The requested title is: Police Officer; to be compensated at \$ 72,135.<sup>00</sup> annually.
10. If there is an existing residency ordinance, a waiver of residency requirements has been approved for this transferee.

#### CONTACT INFORMATION (Please Print):

Camden County Police Department  
ADDRESS  
6 Collier Drive, Blackwood, NJ 08012 (856) 382-2690  
CITY / STATE / ZIP TELEPHONE  
efanelle@camdencounty.com (856) 227-3420  
EMAIL ADDRESS FAX

This transfer has been  Approved Proposed Effective Date: \_\_\_\_\_

#### Appointing Authority (Authorized Name and Signature of Authority as listed with CSC):

Frank E Cirilli Personnel officer  
Authorized AA Name Title  
[Signature] 2/5/13  
Signature of Approval Date

#### NEW JERSEY CIVIL SERVICE COMMISSION AUTHORIZATION OF INTERGOVERNMENTAL TRANSFER

1. This individual, having met all the conditions for an Intergovernmental Transfer, is granted a change to the following:  
title: \_\_\_\_\_ title code: \_\_\_\_\_ from the title code of: \_\_\_\_\_
2. A Law Enforcement Waiver for the following is attached:  Waiver of all accumulated seniority  Waiver of all accrued sick leave
3. The appointment type for this Intergovernmental Transfer is: \_\_\_\_\_
4. A Working Test Period (WTP):  WILL  WILL NOT be necessary.
5. Conditions/Comments: \_\_\_\_\_

This transfer has been:  APPROVED  DISAPPROVED

\_\_\_\_\_  
CSC Authorized Signature Title Date

New Jersey Civil Service Commission  
Division of Classification and Personnel Management - Intergovernmental Services Unit  
P.O. Box 313, Trenton, New Jersey 08625-0313

**INTERGOVERNMENTAL TRANSFER WAIVER OF RIGHTS**

**Law Enforcement Waiver Requests**  
(Request to Waive All Accumulated Seniority and/or Sick Leave)

I Linda Alicea hereby request to waive the following rights:  
Transferee Name

**SENIORITY WAIVER**

Employees seeking intergovernmental transfers in Law Enforcement titles shall be granted the option to waive retention of rights to all accumulated seniority. By authorized signature of transferee below, a waiver has been requested:

I request to waive my rights to all accumulated seniority and authorize the Civil Service Commission to facilitate an intergovernmental transfer as specified in the attached Intergovernmental Transfer Agreement (DPF-721).

Transferee's Signature: Linda Alicea Date: 2-5-2013

**SICK LEAVE WAIVER**

Employees seeking intergovernmental transfers in Law Enforcement titles shall be granted the option to waive retention of rights to all accrued sick leave. By authorized signature of transferee below, a waiver has been requested:

I request to waive my rights to all accrued sick leave and authorize the Civil Service Commission to facilitate an intergovernmental transfer as specified in the attached Intergovernmental Transfer Agreement (DPF-721). By signing this waiver, I further acknowledge that no supplemental compensation for accrued sick leave has or will be paid to me.

Transferee's Signature: Linda Alicea Date: 2-5-2013

**RECEIVING AGENCY ACKNOWLEDGEMENT OF WAIVER**

As the Receiving Agency's authorized signing authority, Frank Cirri by signing below, acknowledge such waiver signed by the above named transferee and certify that accumulated seniority and/or sick leave will not be retained after effectuation of the intergovernmental transfer.

Appointing Authority Signature: [Signature] Date: 2/5/13

**NEW JERSEY CIVIL SERVICE COMMISSION  
AUTHORIZATION OF SENIORITY AND/OR SICK LEAVE WAIVER**

A Seniority and/or Sick Leave Waiver have been signed by the transferee. The Receiving Agency's authorized signing authority has acknowledged such waiver and certified the employee's accumulated seniority and sick leave will not be retained after effectuation of the intergovernmental transfer. The Sending Agency's authorized signing authority has certified that no supplemental compensation has or will be paid to the employee.

CSC Authorized Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**Leaves, Separations and Transfers Form**

Transaction Codes: 04, 05, 06, 09, 10, 11

\*EMPLOYEE ID [ ] \*JOB NO. [ ] \*EFFECTIVE DATE 02/11/2013  
MM/DD/YYYY

EMPLOYEE'S CURRENT INFORMATION:

\*First Name Linda MI [ ] \*Last Name Alicea Suffix [ ]

\*Jurisdiction Code C04080016 \*Jurisdiction Name City of Camden \*Jurisdiction Department Camden Police Department

\*Title Code 02728 \*Title Name Police Officer

LEAVE / SEPARATION / TRANSFER ACTION

\*Transaction Code Intergovernmental Transfer \*Request Reason Code 026

Receiving Jurisdiction Code C04000012 Receiving Department Camden County Police Department

Start Date 2/11/2013 End Date [ ] Half Day Code [ ]

Extended Leave Y/N [ ] With Pay Y/N [ ] Aggregate No. of Leave Days [ ] Resigned Perm. Status Y/N [ ] Signature Sent Y/N [ ]

Comments [ ]

AUTHORIZING SIGNATURES:

Employee: Required for voluntary transfers.

SIGNATURE OF EMPLOYEE: Linda Alicea DATE: 2-5-13

The Appointing Authority takes responsibility for informing the employee and accepts responsibility for the accuracy of this request. Signature of Appointing Authority is required if submitted by US mail; courier or facsimile. Signature is not required if form is submitted electronically.

Appointing Authority: I certify that the action requested conforms to Merit System Rules and Regulations. This request has been made in accordance with legal requirements.

SIGNATURE OF AA: [Signature] DATE: 2/5/13 TITLE: Mayor

FOR APPOINTING AUTHORITY USE: X \_\_\_\_\_ X \_\_\_\_\_

SUBMIT FORM\* TO: CAMPS.Forms@DOP.state.nj.us or the NJ Department of Personnel; CAMPS Forms, PO Box 354 Trenton, NJ, 08625-0354

**New Hire and Intergovernmental Transfer Form**

Transaction Codes: 02, IT

\*JURISDICTION CODE

CO400012

\*EFFECTIVE DATE

2/11/2013

MM/DD/YYYY

**EMPLOYEE INFORMATION:**

\*Soc. Sec. Number

[REDACTED]

\*First Name

Linda

MI

[REDACTED]

\*Last Name

Alicea

Suffix

[REDACTED]

\*Home Address

[REDACTED]

Employee ID

Job No.

CAMPS Generated Codes - Enter only if known

Email Address

[REDACTED]

\*Date of Birth

[REDACTED]

\*Gender

[REDACTED]

\*EEO Ethnic Code

[REDACTED]

Educ. Code

[REDACTED]

\*US Citizen Y/N

Yes

Immigration Number

[REDACTED]

Driver's License Number

[REDACTED]

State of Issue

[REDACTED]

\*Residency Code

[REDACTED]

Comments

[REDACTED]

**APPOINTMENT INFORMATION:**

\* Transaction Code

IT Intergovt. Transf. DOP Only

\*Appt. Type

RAO

\*Title Code

02728

\*Title Name

Police Officer

\*Jurisdiction Name

Camden County

\*Jurisdiction Department

Camden County Police Department

License Code

[REDACTED]

\*Comp. Method

01 - FT Annual Salary

Part Time %

[REDACTED]

\*Essential Emp. Y/N

Yes

\*Salary Range Minimum

[REDACTED]

\*Salary Range Maximum

[REDACTED]

\*Base Salary

\$72,135

Extra Salary

[REDACTED]

Interim Replaced Emp. ID

[REDACTED]

IA Thru Date

[REDACTED]

\* Work Week Hours

40

WTP Start Date

[REDACTED]

Certification No.

[REDACTED]

Exam Symbol No.

[REDACTED]

Special Legislation Citation

[REDACTED]

Canvassed List Y/N

[REDACTED]

Comments

[REDACTED]

**AUTHORIZING SIGNATURES:**

The Appointing Authority takes responsibility for informing the employee and accepts responsibility for the accuracy of this request.

Appointing Authority: I certify that the action requested conforms to Merit System Rules and Regulations. This request has been made in accordance with legal requirements.

SIGNATURE OF AA: \_\_\_\_\_ DATE: \_\_\_\_\_ TITLE: \_\_\_\_\_

FOR APPOINTING AUTHORITY USE: X \_\_\_\_\_ X \_\_\_\_\_

SUBMIT TO: NJ Department of Personnel; CAMPS Forms, PO Box 354, Trenton, NJ, 08625-0354