



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P.O. Box 313
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

May 5, 2016

Elinor Gibney
Hudson County
830 Bergen Avenue, 5A
Jersey City, NJ 07305

RE: Hudson County Department of Corrections

Dear Ms. Gibney:

This office is in receipt of a complaint regarding the transfer of Hudson County Juvenile Detention Officers to the adult correctional facility and the assignment of certain duties to these civilian personnel.

As you know, following the closure of Hudson County's youth detention facility in 2015, a number of Juvenile Detention Officers from that facility were transferred to the County's adult correctional facility. At issue in the current complaint is the duties that have been assigned to these civilian employees. Specifically, it is alleged that the current and former Juvenile Detention Officers are performing duties that are custodial in nature and, as such, must be assigned to individuals in the County Correction Officer ranks. We have received a number of Hudson County Corrections Post Orders in order to illustrate the duties that are allegedly being inappropriately assigned to civilian employees.

At the outset, it must be noted that, notwithstanding the closure of the County's youth detention facility over one year ago, there remain 50 County employees in the titles of Juvenile Detention Officer, Senior Juvenile Detention Officer, or Supervising Juvenile Detention Officer. As there are currently no juvenile offenders housed in Hudson County, the continued use of these job titles is wholly inappropriate. *See N.J.A.C. 4A:3-3.4* ("No person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds, unless otherwise provided by law or these rules.") Civil Service Commission staff has been in contact with you concerning this issue on a number of occasions; however, these employees remain misclassified. Thus, you are directed to correct these misclassifications within thirty (30) days of the date of this letter. Failure to do so will result in the referral of this matter to the Civil Service Commission for enforcement.

With regard to the assignment of duties to these employees, *N.J.A.C. 10A:31-1, et seq.* provides the regulatory framework governing the operation and administration of adult county correctional facilities. These regulations dictate that the following duties, some of which are contained in the Post Orders submitted, must be performed by custody staff, *i.e.*, individuals in the County Correction Officer ranks:

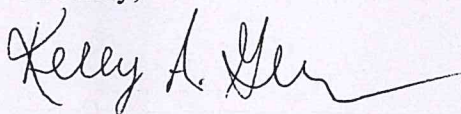
- Observation of the entrance area of the facility;
- Conduct of strip searches;
- Conduct of searches of all vehicular traffic and supplies entering the facility;
- Conduct of inmate counts;
- Observation and regulation of inmate movements; and
- Manning of posts in inmate living areas.

These duties mirror the Examples of Work contained in the job specification for the title of County Correction Officer. For example, the job specification provides that County Correction Officers, *inter alia*, constantly observe inmates to detect violations of institutional regulations or any unusual physical appearance or behavior of inmates, keep continual trace of the number of inmates in their immediate charges through periodic head counts, patrols cell block areas, tiers, grounds and corridors to check for safety/security hazards, escorts inmates during movements, and searches inmate cells in accordance with established policies, regulations, and procedures.

Accordingly, the County is directed to immediately remove any of the above duties from staff serving in civilian titles. Failure to do so will result in the referral of this matter to the Civil Service Commission for enforcement.

Please be advised that staff is available to assist you with this transition. Do not hesitate to contact me at (609) 984-1042 if we can assist in any way.

Sincerely,



Kelly A. Glenn
Assistant Director

c: William D. Sayers, Esq.
Alexander Rosario, III
Tish Castillo, Director, Hudson County Department of Corrections
Stacey Walker