



County of Burlington

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Eve A. Cullinan, *County Administrator*

Board of Commissioners

Felicia Hopson, Director
Tom Pullion, Deputy
Allison Eckel
Daniel O'Connell
Balvir Singh

Via Email: opra+request-40678-a1704eca@requests.opramachine.com

March 16, 2023

Patrick Duff

Re: OPRA Request 0418-23

Dear Mr. Duff:

I am in receipt of your recent OPRA request, whereby you requested the following:

1. A record/list of all non-union, unclassified employees hired by Burlington County between January 1, 2020 to present denoting responsive individuals' names, titles, positions, department, salary, hire date, post-hire adjustments to payroll records, length of service, date of separation and the reason therefor, and the amount and type of any pension received. For clarity, the description "non-union" means any employee designated in a confidential, managerial executive or other title that is not currently in/or able to align with a collective bargaining unit/union. The description "unclassified" means any employee appointed to a County title that is exempt from NJ Civil Service procedures, qualifications or other requirements. The foregoing request should include any responsive records regardless if such appointment is categorized as "permanent," "provisional" "full-time" or "part-time."
2. A copy of any resumes, curriculum vitae or other records that disclose an employee's specific experiential, educational or medical qualifications required for appointment to any position(s) identified in response to Request No. 1. This request does not seek any detailed medical or psychological information, which may be contained in otherwise responsive records. Further, "other records" sought by this Request include any job descriptions, job postings or communications that set forth the required qualifications for an individual's appointment to such positions.
3. A copy of any agendas, minutes, resolutions, or other related documents concerning the appointment of any persons identified in response to Request No. 1 or reflecting the consideration, approval, or hire/onboarding by the County Administrator, the Burlington County Board of County Commissioners, or any Board-created personnel committee. For clarification, the description "other documents" means any supporting record provided to the Administrator, any Board member or committee member in conjunction with a request for formal action to hire any person identified by Request No. 1. By way of example, but not limitation, responsive records include any communications to a member of the Burlington County Board of County Commissioners or as delegated to the Personnel Committee or the County Administrator, that establishes the specific experiential, educational or medical qualifications relied upon for approving the appointment.

4. To the extent excluded from your response to Request No. 1, a record/list of all non-union, unclassified employees hired between January 1, 2020 to present pursuant to the appointing authority of any constitutional officer, independent agency, or similar board subject to the County's personnel administration, funding or oversight, including any responsive individuals' names, applicable appointing authority, titles, positions, department salary, hire date, post-hire adjustments to payroll records, length of service, date of separation and the reason therefor, and the amount and type of any pension received. The terms "non-union" and "unclassified" are intended to have the same meaning as used in Request No. 1. For clarity, records should include any employee under the appointment authority of the County Clerk, County Surrogate, County Sheriff, County Prosecutor, Superintendent of Elections, the Board of Elections or analogous independent officer or agency, but subject to ministerial, financial or administrative oversight by the Burlington County Board of County Commissioners, or a Personnel Committee and the County Administrator as may be delegated by the Board for employment matters.

5. To the extent excluded from your response to Request Nos. 1 & 2, a copy of any resumes, curriculum vitae or other records that disclose an employee's specific experiential, educational or medical qualifications required for appointment to any position(s) identified in response to Request No. 4. This request does not seek any detailed medical or psychological information, which may be contained in otherwise responsive records. Further, "other records" sought by this Request include any job descriptions, job postings or communications that set forth the required qualifications for an individual's appointment to such positions.

6. To the extent excluded from your response to Request No. 1, a copy of any agendas, minutes, resolutions, or other documents concerning or reflecting the consideration, approval, or hire/onboarding of any persons identified in response to Request No. 4 by the County Administrator, the Burlington County Board of County Commissioners, or any Board-created personnel committee. For clarification, the description "other documents" means any supporting record provided to the Administrator, any Board member or committee member in conjunction with a formal request to hire any person identified by Request No. 4 and used in reliance of making such appointment. By way of example, but not limitation, responsive records include any communications to a member of the Burlington County Board of County Commissioners or as delegated to the Personnel Committee or the County Administrator, that establishes the specific experiential, educational or medical qualifications relied upon for approving the appointment.

Please be advised that currently items 4-6 of your request fail to identify with reasonable clarity the specific government records sought, as is required by Bent v. Stafford Police Department, 381 N.J.Super. 30, 37 (App. Div. 2005). At this time, we request clarification of your OPRA request. Please respond in writing to Deanna Perez at dperez@co.burlington.nj.us and identify the specific government records sought so that we may process your request. As currently written, it is unclear as to which County employees you are seeking documents for as items 1-3 of your request seek similar documents covering all non-union, unclassified employees of the County. Please note that the County will only have responsive documents for persons employed by the County of Burlington.

Please be further advised that we are still in the process of locating, identifying and reviewing records potentially responsive to your request. Thereafter, any such responsive records will need be reviewed and, if necessary, redacted, should any OPRA exemption and/or privilege be found to apply. As such, additional time is required to thoroughly and properly respond to your request. See, Werner v. NJ Civil Service Commission, GRC Complaint No. 2011-151 (December 2012) and Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010).

Rest assured, we are processing your request as quickly as possible and will respond to you further no later than **April 5, 2023**.

If you have any questions or concerns, please do not hesitate to contact me. In addition, you should know that if you believe that our response does not comply with existing law, you have the right to bring an action in the Superior Court of New Jersey, or to appeal to the Government Records Council. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc.

Thank you for your continued cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dina Rocco', is written over the printed name.

DINA ROCCO
Custodian of Public Records
Burlington County