



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 31, 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.

Attached please find the documents responsive to items 1 and 2 of your request. Please be advised that unlisted telephone numbers and personal email addresses were redacted from the enclosed documents to protect the citizen's reasonable expectation of privacy pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 47:1A-1.1. Please be further advised that item 3 of your request is impermissibly overbroad, lacks specificity and/or is not limited as to time. OPRA is not intended to be used as a research tool to force government officials to identify and provide useful information. MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). Rather, the OPRA's purpose is to make identifiable

government records "readily accessible for inspection, copying or examination." Id. (quoting N.J.S.A. 47:1A-1). "OPRA does not require record custodians to conduct research among its records for a requestor and correlate data from various government records in the custodian's possession." MAG Entertainment, 375 N.J. Super. at 546-47 (quoting Reda v. Twp. of West Milford, GRC Complaint No. 2002-58 (January 17, 2003)). Thus, this part of your request is denied.

Please be further advised that on March 16, 2023, this office requested clarification on items 4-6 of your request. To date no response has been received from you. Please note that failure to provide written clarification of these items of your request will result in the closure of this OPRA request as all other items have been responded to.

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dina Rocco", is written over the "Sincerely," line.

DINA ROCCO
Custodian of Public Records
Burlington County