



In the Matter of Kevin Brady and Ryan Szaniszlo, Ventnor City

CSC Docket Nos. 2017-2230 and 2017-2229

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**STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

Request for Administrative Relief

ISSUED: FEB 10 2017 (SLK)

Ventnor City (Ventnor), on behalf of Kevin Brady and Ryan Szaniszlo, requests that they be permitted to participate in the intergovernmental transfer program and to complete their working test periods as Police Officers with Ventnor.

By way of background, Brady and Szaniszlo were appointed as Sheriff's Officers with Atlantic County effective March 28, 2016. Accordingly, their 12-month working test periods commenced on March 28, 2016. Although Brady, Szaniszlo, Atlantic County, and Ventnor agreed to the terms of their intergovernmental transfer to Ventnor as Police Officers, the Division of Agency Services (Agency Services) was unable to process the request since Brady and Szaniszlo had not achieved permanent status as Sheriff's Officers. Since they have not completed their 12-month working test periods, absent rule relaxation procedures, an intergovernmental transfer cannot be processed on the basis that they have not achieved permanent status in a substantially similar title. *See N.J.A.C. 4A:4-7.1A(a).*

In its request to the Civil Service Commission (Commission), Ventnor asserts that Brady's and Szaniszlo's service as Sheriff's Officers has demonstrated that they are capable of performing the duties of Ventnor Police Officers. Further, Ventnor explains that it is short Police Officers and will be short of manpower. Therefore, it has an immediate need to hire fully trained Police Officers. Under these circumstances, Ventnor requests permission to allow Brady and Szaniszlo to

complete the remainder of their working test periods with Ventnor and to process the request for intergovernmental transfer.

CONCLUSION

N.J.A.C. 4A:4-7.1A(a) states that an intergovernmental transfer is the movement of a *permanent* employee between governmental jurisdictions operating under Title 11A or the appointment of an employee, by a governmental jurisdiction operating under Title 11A, within one year of the effective date of a layoff for reasons of economy or efficiency in which the employee is separated from service from another governmental jurisdiction operating under Title 11A (emphasis added).

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:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

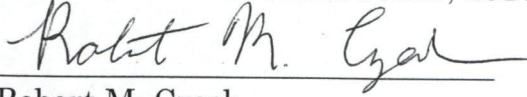
The intergovernmental transfer rules permit the transfer of permanent State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. In this case, Brady and Szaniszlo are not permanent since they have not completed their working test periods as Sheriff's Officers. However, Ventnor has agreed to the transfers, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Ventnor has agreed to have Brady and Szaniszlo complete the required 12-month working test period. Given the circumstances surrounding Ventnor's need for trained law enforcement staff, and the staffing needs of Ventnor, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Brady and Szaniszlo. However, since the two titles are not precisely the same, Sheriff's Officers who intergovernmentally transfer to the title of Police Officer are required to complete a full 12-month working test period as a Police Officer. *See In the Matter of Jason Mangano* (CSC, decided September 19, 2012).

ORDER

Therefore, it is ordered that these requests, seeking the transfer of Kevin Brady and Ryan Szaniszlo, to Ventnor, be granted. Further, it is ordered that Brady and Szaniszlo undergo full 12-month working test periods as Police Officers.

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 8th DAY OF FEBRUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

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and
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c: Kevin Brady
Ryan Szaniszlo
Michael Miller, Chief
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Records Center

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