B-8

STATE OF NEW JERSEY

In the Matter of James Fehring,
Little Egg Harbor Township

CSC Docket No. 2015-756

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED: OCT 03 2014 (SLK)

Little Egg Harbor Township (Little Egg Harbor), on behalf of James Fehring, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Little Egg Harbor.

By way of background, Fehring was appointed as a Sheriff's Officer, Ocean County Sheriff's Department effective April 11, 2014. Accordingly, his 12-month working test period commenced on April 11, 2014. Although Fehring, the Ocean County Sheriff's Department, and Little Egg Harbor agreed to the terms of the transfer, the Division of Classification and Personnel Management (CPM) was unable to process the request since Fehring had not achieved permanent status as a Sheriff's Officer, Ocean County Sheriff's Department. Since he has not completed his 12-month working test period, absent rule relaxation procedures, an intergovernmental transfer cannot be processed on the basis that he has 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), Little Egg Harbor asserts that Fehring's service as a Sheriff's Officer, Ocean County Sheriff's Department as well as his previous service with Little Egg Harbor as a Special Law Enforcement Officer has demonstrated that he is capable of performing the duties of a Little Egg Harbor Police Officer. Further, Little Egg Harbor 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, Little Egg

Harbor requests permission to allow Fehring to complete the remainder of his working test period with Little Egg Harbor and to process the request for an intergovernmental transfer.

CONCLUSION

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 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 the Division of Classification and Personnel Management. Absent rule relaxation procedures, the transfer in this case cannot be processed since it involves an employee who did not complete his working test period.

In this case, Fehring had not completed his working test period as a Sheriff's Officer, Ocean County Sheriff's Department since he was permanently appointed effective April 11, 2014. However, Little Egg Harbor has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Little Egg Harbor has agreed to conduct the required 12-month working test period.

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. However, Fehring is not permanent since he did not complete his working test period. Given the circumstances surrounding Little Egg Harbor's need for trained law enforcement staff, and the staffing needs of Little Egg Harbor, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Fehring and to allow him to complete his working test period with Little Egg Harbor. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of Fehring. *See In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010) (Commission permitted the

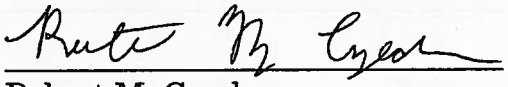
retroactive intergovernmental transfer of a Police Officer who transferred two and a half years prior to Commission's formal review and approval).

ORDER

Therefore, it is ordered that this request, seeking the transfer of James Fehring, to Little Egg Harbor, be granted.

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 1st DAY OF OCTOBER, 2014



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