

B-418



STATE OF NEW JERSEY

In the Matter of Jessica Fane, City of  
Margate

CSC Docket No. 2015-761

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED: OCT 03 2014 (SLK)

The City of Margate (Margate), on behalf of Jessica Fane, requests that she be permitted to participate in the intergovernmental transfer program and to complete her working test period as a Police Officer with Margate.

By way of background, Fane was appointed as a Sheriff's Officer with the Atlantic County Sheriff's Department effective June 10, 2013, but did not complete the Basic Course for Police Officer until December 11, 2013. Accordingly, her 12-month working test period commenced on December 11, 2013. Although Fane, the Atlantic County Sheriff's Department, and Margate agreed to the terms of the transfer, the Division of Classification and Personnel Management (CPM) was unable to process the request since Fane had not achieved permanent status as a Sheriff's Officer. Since she has not completed her 12-month working test period, absent rule relaxation procedures, an intergovernmental transfer cannot be processed on the basis that she 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), Margate asserts that Fane's service as a Sheriff's Officer has demonstrated that she is capable of performing the duties of a Margate Police Officer. Further, Margate 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, Margate requests permission to allow Fane to complete the remainder of her working test period with Margate 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, Fane had not completed her working test period as a Sheriff's Officer since she had completed the Basic Course for Police Officers on December 11, 2013. However, Margate has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Margate has agreed to conduct the required 12-month working test period.

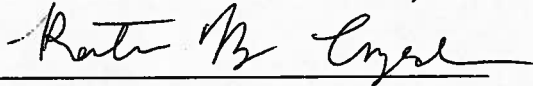
*N.J.A.C.* 4A:4-7.1A(a) states that an intergovernmental transfer is the movement of a *permanent* employee between governmental jurisdictions operating under Title 11A or the appointment of an employee, by a governmental jurisdiction operating under Title 11A, within one year of the effective date of 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, Fane is not permanent since she did not complete her working test period. Given the circumstances surrounding Margate's need for trained law enforcement staff, and the staffing needs of Margate, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Fane and to allow her to complete her working test period with Margate. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of Fane. *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 Jessica Fane, to Margate, 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 1<sup>st</sup> DAY OF OCTOBER, 2014**



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