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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Matthew DeBonis,
Police Officer, City of Hackensack

Administrative Appeal

CSC Docket No. 2015-1254

ISSUED: NOV 19 2014 (LH)

The City of Hackensack requests relaxation of the provisions of *N.J.A.C. 4A:4-7.1A* so as to permit the intergovernmental transfer of Matthew DeBonis from the title of Sheriff's Officer, Bergen County Sheriff's Department, to the title of Police Officer, City of Hackensack.

By way of background, Mr. DeBonis was appointed as a Sheriff's Officer, Bergen County Sheriff's Department, on July 25, 2013, but his working test period did not commence until December 20, 2013 when he completed the Basic Course for Police Officers. Thus, his 12-month working test period has not yet concluded. The City of Hackensack seeks the transfer of Mr. DeBonis from the title of Sheriff's Officer, Bergen County Sheriff's Department, to the title of Police Officer. Mr. DeBonis, the Bergen County Sheriff's Department, and the City of Hackensack reached an agreement as to the terms of transfer. The agreement provides, in pertinent part, that Mr. DeBonis waives all accumulated seniority and sick leave in accordance with *N.J.S.A. 11A:2-28(a)* and (b). However, this request cannot be processed on the basis that Mr. DeBonis is still serving in his working test period. See *N.J.A.C. 4A:4-7.1A(a)*.

Art F. Koster, Executive Assistant/Personnel Director City of Hackensack, states that the Police Department is in need of an additional Police Officer due to recent retirements causing a loss of manpower. He adds that the transfer of Mr. DeBonis will greatly help the Department's staffing needs because Mr. DeBonis would be able to start immediately. As such, Mr. Koster requests a rule relaxation

in accordance with *N.J.A.C.* 4A:1-1.2(c) to permit Mr. DeBonis's participation in the intergovernmental transfer program. Due to the City of Hackensack's critical public safety and staffing needs, Mr. DeBonis was appointed as Police Officer on November 3, 2014.

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. *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:4-5.2(d)1 states that in local service, law enforcement officers who are required by *N.J.S.A.* 52:17B-66 *et seq.* (Police Training Act) to complete a police training course shall not begin their working test period until notification is received by the appointing authority from the Police Training Commission of the successful completion of the police training course. *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 (CPM). Although the terms of transfer in this case were agreed to by the transferring agency, the receiving agency and the transferring employee, absent rule relaxation procedures, a transfer in this case cannot be processed since Mr. DeBonis is not a permanent employee since he did not complete his working test period. *See N.J.A.C.* 4A:4-7.1A(a). However, the City of Hackensack has indicated that it is experiencing a personnel hardship because it is short of Police Officers. Therefore, given the City of Hackensack's critical need for a trained law enforcement staff member, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Mr. DeBonis. Moreover, it is appropriate to approve the retroactive intergovernmental transfer of Mr. DeBonis effective November 3, 2014. *See In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010).

Additionally, in *In the Matter of Jason Mangano* (CSC, decided September 19, 2012), the Civil Service Commission (Commission) granted the appointing authority's request to transfer a Sheriff's Officer to a Police Officer position and,

based on the revised Sheriff's Officer job specification, it ordered the Division of Classification and Personnel Management (CPM) to permit intergovernmental transfers of individuals in the title of Sheriff's Officer to the title of Police Officer without the necessity of formal rule relaxation procedures. CPM was also directed to advise individuals who transfer from the title of Sheriff's Officer to Police Officer that, upon appointment as a Police Officer, he or she will be required to complete a new 12-month working test period since the two titles are not precisely the same. Accordingly, notwithstanding the fact that Mr. DeBonis is currently serving a working test period as a Sheriff's Officer and the Commission has authorized his permanent transfer to Police Officer, City of Hackensack, he cannot continue to serve the remainder of his working test period as a Police Officer. Rather, he must complete a new 12-month working test period upon his appointment as Police Officer.

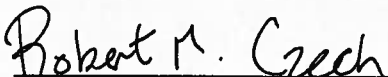
As a final matter, *N.J.S.A. 11A:2-28(a)* and (b) provide that law enforcement officers shall be granted all privileges under the intergovernmental transfer program, including the option to waive all accumulated sick leave and seniority rights, and that the waiver of accumulated sick leave and seniority rights shall require the consent in writing of the receiving jurisdiction, the affected employee, and CPM. *See also N.J.A.C. 4A:4-7.1A(b)2*. In this case, Mr. DeBonis agreed to waive all accumulated seniority and all accrued sick leave. Accordingly, accumulated seniority and sick leave do not transfer. *See N.J.A.C. 4A:4-7.4(c)*.

ORDER

Therefore, it is ordered that the request, seeking to allow the transfer of Matthew DeBonis from the title of Sheriff's Officer, Bergen County Sheriff's Department, to the title of Police Officer, City of Hackensack, effective November 3, 2014 be granted. Nevertheless, since the duties of a Police Officer and Sheriff's Officer do not precisely mirror each other, Matthew DeBonis' 12-month working test period shall commence upon appointment as a Police Officer.

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 19th DAY OF NOVEMBER 2014



Robert M. Czech

Chairperson

Civil Service Commission

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and
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- c. **Matthew DeBonis
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Kenneth Connolly
Keith Appleby
Joseph Gambino**