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STATE OF NEW JERSEY

In the Matter of Robert Littlejohn,
Jr., Township of Saddle Brook

CSC Docket No. 2015-1082

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FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED: NOV - 7 2014 (SLK)

The Township of Saddle Brook (Saddle Brook), on behalf of Robert Littlejohn, Jr., requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Saddle Brook.

By way of background, Littlejohn was appointed as a Police Officer, Palisades Interstate Park effective May 3, 2014. Accordingly, his 12-month working test period commenced on May 3, 2014. Although Littlejohn, Palisades Interstate Park, and Saddle Brook agreed to the terms of the transfer, the Division of Classification and Personnel Management (CPM) was unable to process the request since Littlejohn had not achieved permanent status as a Police Officer, Palisades Interstate Park as he has not completed his 12-month working test period. Therefore, 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), Saddle Brook asserts that Littlejohn's service as a Police Officer, Palisades Interstate Park has demonstrated that he is capable of performing the duties of a Saddle Brook Police Officer. Further, Saddle Brook 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, Saddle Brook requests permission to allow Littlejohn to complete the remainder of his working test period with Saddle Brook 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, Littlejohn had not completed his working test period as a Police Officer, Palisades Interstate Park since he was permanently appointed effective May 3, 2014. However, Saddle Brook has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Saddle Brook has agreed to conduct the required 12-month working test period.

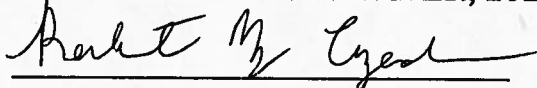
N.J.A.C. 4A:4-7.1A(a) states that an intergovernmental transfer is the movement of a *permanent* employee between governmental jurisdictions operating under Title 11A or the appointment of an employee, by a governmental jurisdiction operating under Title 11A, within one year of the effective date of 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, Littlejohn is not permanent since he did not complete his working test period. Given the circumstances surrounding Saddle Brook's need for trained law enforcement staff, and the staffing needs of Saddle Brook, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Littlejohn and to allow him to complete his working test period with Saddle Brook. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of Littlejohn. *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 Robert Littlejohn, Jr., to Saddle Brook, 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 6th DAY OF NOVEMBER, 2014**



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Chairperson
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and
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