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STATE OF NEW JERSEY

In the Matter of Charles Keenan,  
Borough of Elmwood Park

CSC Docket No. 2015-1451

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FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED: DEC 06 2014 (SLK)

The Borough of Elmwood Park (Elmwood Park), on behalf of Charles Keenan, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Elmwood Park.

By way of background, Keenan was appointed as a Police Officer with the City of Paterson (Paterson) effective January 21, 2014. However, his 12-month working test period commenced on June 27, 2014 when he completed the Basic Course for Police Officers. Although Keenan, Paterson, and Elmwood Park agreed to the terms of the transfer, the Division of Classification and Personnel Management<sup>1</sup> (CPM) was unable to process the request since Keenan had not achieved permanent status as a Police Officer 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), Elmwood Park asserts that Keenan's service as a Police Officer has demonstrated that he is capable of performing the duties of an Elmwood Park Police Officer. Further, Elmwood Park explains that it is short Police Officers and will be short of manpower. Therefore, it has an immediate need to hire fully trained Police

<sup>1</sup> Now known as Agency Services

Officers. Under these circumstances, Elmwood Park requests permission to allow Keenan to transfer effective December 18, 2014 and to complete the remainder of his working test period with Elmwood Park 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, Keenan had not completed his working test period as a Police Officer since he completed the Basic Course for Police Officers on June 27, 2014. However, Elmwood Park has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Elmwood Park has agreed to conduct the required 12-month working test period.

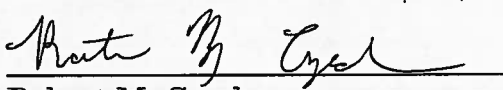
*N.J.A.C. 4A:4-7.1A(a)* states that an intergovernmental transfer is the movement of a *permanent* employee between governmental jurisdictions operating under Title 11A or the appointment of an employee, by a governmental jurisdiction operating under Title 11A, within one year of the effective date of 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, Keenan is not permanent since he did not complete his working test period. Given the circumstances surrounding Elmwood Park's need for trained law enforcement staff, and the staffing needs of Elmwood Park, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Keenan and to allow him to complete his working test period with Elmwood Park. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of Keenan. *See In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010).

ORDER

Therefore, it is ordered that this request, seeking the transfer of Charles Keenan, to Elmwood Park, 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 3<sup>rd</sup> DAY OF DECEMBER, 2014



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