

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, Garrett had not completed his working test period as a Police Officer, Palisades Interstate Parkway Police since he was permanently appointed effective May 3, 2014. However, Hackensack has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Hackensack has agreed to conduct the required 12-month working test period.

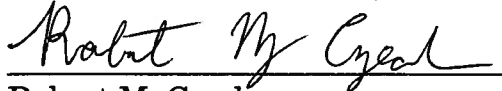
N.J.A.C. 4A:4-7.1A(a) states that an intergovernmental transfer is the movement of a *permanent* employee between governmental jurisdictions operating under Title 11A or the appointment of an employee, by a governmental jurisdiction operating under Title 11A, within one year of the effective date of 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, Garrett is not permanent since he did not complete his working test period. Given the circumstances surrounding Hackensack's need for trained law enforcement staff, and the staffing needs of Hackensack, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Garrett and to allow him to complete his working test period with Hackensack. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of Garrett. *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 Frankie Garrett, to Hackensack, 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 30th DAY OF JULY, 2014



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