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STATE OF NEW JERSEY

In the Matter of Dennis Moore,
Passaic County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-535

Request for Rule Relaxation

ISSUED: SEP 19 2014 (SLK)

Passaic County requests that the provisions of *N.J.A.C. 4A:4-7.1A(b)* be relaxed in order to permit the retroactive intergovernmental transfer of Dennis Moore to the title of Assistant Superintendent of Weights and Measures from Bergen County.

By way of background, on August 11, 2014, Moore sought an intergovernmental transfer from his title of Assistant Superintendent of Weights and Measures, Bergen County, to the title of Assistant Superintendent of Weights and Measures, Passaic County. The necessary paperwork was completed by the sending and receiving jurisdictions. However, the paperwork was not sent to this agency until August 20, 2014. Consequently, in a letter dated August 21, 2014, the Division of Classification and Personnel Management (CPM) disapproved the transfer, stating that since Mr. Moore separated from permanent status prior to obtaining approval from CPM, an intergovernmental transfer would not be approved without relaxation of *N.J.A.C. 4A:4-7.1A(b)*.

In its request to the Civil Service Commission (Commission), Passaic County states that it was administrative error in that it omitted the final step of the intergovernmental transfer process, which was to submit the appropriate paperwork to this agency. Passaic County explains that initially Mr. Moore was going to start employment on July 25, 2014 and that his paperwork was going to be processed when he started. However, due to personal issues, Mr. Moore had to change his start date to August 11, 2014 and that Passaic County's Director of Human Resources was on vacation from August 6, 2014 to August 18, 2014. Upon

the Director's return from vacation, she immediately submitted the appropriate paperwork to this agency.

It is noted that Mr. Moore's personnel records in the County and Municipal Personnel System (CAMPS) indicate that he resigned from Bergen County on August 8, 2014. Moore's CAMPS records indicate that he completed an intergovernmental transfer agreement on August 11, 2014. Passaic County verifies that Mr. Moore started work with Passaic County on August 11, 2014.

N.J.A.C. 4A:4-7.1A(b) provides that an intergovernmental transfer shall require the consent in writing of the sending jurisdiction, if any, the receiving jurisdiction and the affected employee, and the approval of this agency. *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.

CONCLUSION

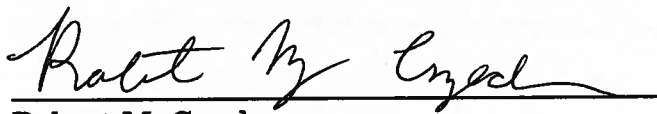
The purpose of the intergovernmental transfer program is to promote more efficient public service by allowing State and local jurisdictions to obtain the services of talented and experienced individuals from other jurisdictions within the Civil Service system. However, absent a compelling emergent situation, such as public safety, accepting and employing interested applicants prior to formal approval by this agency could seriously circumvent the Civil Service system and frustrate the legislative goals of appointments based on merit and fitness as demonstrated in a competitive testing situation. In this case, due to an administrative error caused by Mr. Moore's change in his starting date and then Passaic County's Director of Human Resources' vacation, which was during the new start date, Bergen County and Passaic County delayed completing the paperwork in support of Moore's intergovernmental transfer. However, a review of the intergovernmental transfer agreement confirms that Bergen County and Passaic County agreed to transfer Moore. Although Moore should not have accepted their transfer prior to this agency's approval, given the fact that Moore is serving in the same title for Passaic County as he was for Bergen County, good cause exists to permit their permanent transfer to Passaic County effective August 11, 2014. *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). *See also, In the Matter of Kenneth Dowzycki* (MSB, decided December 1, 2004).

ORDER

Therefore, it is ordered that this request be granted and the personnel records of Dennis Moore reflect his intergovernmental transfer from Bergen County to Passaic County effective August 11, 2014.

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 17th DAY OF SEPTEMBER, 2014



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