

B-90



STATE OF NEW JERSEY

In the Matter of Anthony Jones and
Douglas Merckx, County Correction
Officers, Salem County Sheriff's
Office

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2015-8 and 2015-9

Request for Administrative Relief

ISSUED: JUL 17 2014 (CSM)

The Salem County Sheriff's Office (Sheriff's Office), on behalf of Anthony Jones and Douglas Merckx, requests that they be permitted to participate in the intergovernmental transfer program more than one year after the effective date of their layoffs as County Correction Officers, Gloucester County Sheriff's Office.

By way of background, Mr. Jones and Mr. Merckx were permanently appointed as County Correction Officers in Gloucester County in October 2008 and were laid off on June 29, 2013. Subsequently, the Sheriff's Office sought intergovernmental transfers of Mr. Jones and Mr. Merckx. However, since the Sheriff's Office will be unable to appoint these individuals until July 28, 2014, a request for intergovernmental transfers would be unable to be processed on the basis that their layoffs occurred more than one year prior to the date of transfer. See *N.J.A.C. 4A:4-7.1A(a)*.

In its request to the Civil Service Commission (Commission), the Sheriff's Office presents that it has employed several displaced Gloucester County Correction Officers over the last year and now has several additional positions available. Although Mr. Jones, Mr. Merckx, and the appointing authority completed all of the necessary paperwork for their intergovernmental transfer prior to June 30, 2014, the Sheriff's Office explains that it will be unable to actually hire these individuals until July 28, 2014. Therefore, the Sheriff's Office requests permission to allow Mr. Jones and Mr. Merckx to participate in the intergovernmental transfer program more than one year after their layoffs.

CONCLUSION

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 prospective transfers in this case could not be processed since the transfers would occur more than one year after the effective layoff date.

In this case, Mr. Jones and Mr. Merckx were laid off on June 29, 2013. Therefore, in order to participate in the intergovernmental transfer program, the Sheriff's Office would have to appoint them by June 30, 2014. However, the Sheriff's Office has indicated that even though of the paperwork in support of the transfers was completed prior to June 30, 2014, it will be unable to appoint them until July 28, 2014.

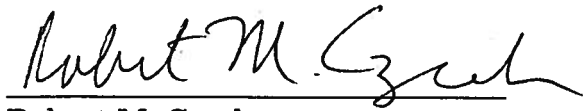
N.J.A.C. 4A:4-7.1A(a) states that an intergovernmental transfer is the movement of a *permanent* employee between governmental jurisdictions operating under Title 11A or the appointment of an employee, by a governmental jurisdiction operating under Title 11A, within one year of the effective date of 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, Mr. Jones and Mr. Merckx were laid off more than one year prior to the proposed effective date of the transfer. Given the circumstances surrounding the layoff actions in Gloucester County, the Sheriff's Office's need for trained law enforcement staff, and the staffing needs of the Sheriff's Office, good cause exists to relax the controlling regulatory provisions in order to permit the transfers of Mr. Jones and Mr. Merckx more than one year after the effective date of their layoffs.

ORDER

Therefore, it is ordered that this request, seeking the transfers of Anthony Jones and Douglas Merckx, 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 16TH DAY OF JULY, 2014



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