

program and to complete his working test period with the Borough of Woodland Park.

CONCLUSION

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. *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:4-5.2(d)1* states that in local service, law enforcement officers who are required by *N.J.S.A. 52:17B-66 et seq.* (Police Training Act) to complete a police training course shall not begin their working test period until notification is received by the appointing authority from the Police Training Commission of the successful completion of the police training course. *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 (CPM). Although the terms of transfer in this case were agreed to by the transferring agency, the receiving agency and the transferring employee, absent rule relaxation procedures, a transfer in this case cannot be processed since Mr. DiZenzo is not a permanent employee since he did not complete his working test period. *See N.J.A.C. 4A:4-7.1A(a)*. However, Woodland Park has indicated that it is experiencing a staffing shortage because of two medical leaves, a military leave and a recent retirement. Therefore, given Woodland Park's critical need for a trained law enforcement staff member, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Mr. DiZenzo and to allow him to complete the remainder of his working test period with Woodland Park.

As a final matter, *N.J.S.A. 11A:2-28(a)* and (b) provide that law enforcement officers shall be granted all privileges under the intergovernmental transfer program, including the option to waive all accumulated sick leave and seniority rights, and that the waiver of accumulated sick leave and seniority rights shall require the consent in writing of the receiving jurisdiction, the affected employee, and CPM. *See also N.J.A.C. 4A:4-7.1A(b)2*. In this case, Mr. DiZenzo agreed to

waive all accumulated seniority and all accrued sick leave. Accordingly, accumulated seniority and sick leave do not transfer. See *N.J.A.C. 4A:4-7.4(c)*.

ORDER

Therefore, it is ordered that the request, seeking to allow the transfer of Richard DiZenzo from the title of Police Officer, City of Paterson, to the title of Police Officer, Borough of Woodland Park, effective March 1, 2015, 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 4TH DAY OF FEBRUARY, 2015

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