

B-41



STATE OF NEW JERSEY

In the Matter of Timothy Hoolahan
and Michael McKuhan, Little Egg
Harbor

CSC Docket Nos. 2015-1724 and
2015-2725

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Administrative Relief

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ISSUED: APR 16 2015 (CSM)

The Township of Little Egg Harbor (Little Egg Harbor), on behalf of Timothy Hoolahan and Michael McKuhan, requests that they be permitted to participate in the intergovernmental transfer program and to complete the remainder of their working test periods as Police Officers with Little Egg Harbor.

By way of background, Hoolahan and McKuhan were appointed as Sheriff's Officers with Ocean County on April 11, 2014 but their 12-month working test periods did not commence until September 10, 2014 when they completed the Basic Course for Police Officers. Subsequently, Hoolahan and McKuhan sought intergovernmental transfers to Little Egg Harbor. However, since their 12-month working test periods as Sheriff's Officers commenced on September 10, 2014, a request could not be processed on the basis that Hoolahan and McKuhan were still serving in their working test periods. See N.J.A.C. 4A:4-7.1A(a).

In its request to the Civil Service Commission (Commission), Little Egg Harbor presents that it has an immediate need for a fully trained Police Officer. It also emphasizes that it has critical public safety and staffing needs since two of its Police Officers have retired. Under these circumstances, Little Egg Harbor requests permission to waive the working test period 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 Agency Services. Absent rule relaxation procedures, transfers in this case could not be processed since the transfers involve employees who did not complete their working test periods.

In this case, Hoolahan and McKuhan began their working test periods as Sheriff's Officers with Ocean County upon completion of the required Police Training Commission course on September 10, 2014, but have not yet completed their working test periods. Little Egg Harbor has indicated that it is short Police Officers and is in need of fully trained law enforcement personnel.

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, Hoolahan and McKuhan are not permanent since they did not complete their working test periods as Sheriff's Officers.


Given Little Egg Harbor's critical need for trained law enforcement staff, good cause exists to relax the controlling regulatory provisions in order to permit the transfers of Hoolahan and McKuhan and to allow them to complete the remainder of their working test periods as Police Officers with Little Egg Harbor.

ORDER

Therefore, it is ordered that this request, seeking the transfers of Timothy Hoolahan and Michael McKuhan, to Little Egg Harbor Township, 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 15TH DAY OF APRIL, 2015**



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Chairperson
Civil Service Commission**

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and
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- c. **Timothy Hoolahan
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