

B-38



STATE OF NEW JERSEY

In the Matter of Joseph J. Sloan,
Town of Harrison

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3047

Administrative Appeal

ISSUED: JUN 05 2015 (JET)

The Town of Harrison (Harrison), on behalf of Joseph J. Sloan, requests that he be permitted to participate in the intergovernmental transfer program with a new working test period as a Police Officer with Harrison.

By way of background, Sloan was appointed as a Sheriff's Officer with the Hudson County Sheriff's Office effective December 30, 2013. However, his 12-month working test period commenced on August 28, 2014 when he completed the Basic Course for Police Officers. Although Sloan, the Hudson County Sheriff's Office, and Harrison agreed to the terms of the intergovernmental transfer, the Division of Agency Services (Agency Services) was unable to process the request absent rule relaxation procedures, since Sloan has not achieved permanent status as a Sheriff's Officer as he has not completed his 12-month working test period. See *N.J.A.C. 4A:4-7.1A(a)*.

In its request to the Civil Service Commission (Commission), Harrison presents that as a result of retirements and a shortage of Police Officers, there is a need to hire additional Police Officers. Further, Harrison states that it would implement a new working test period for Sloan since he has already satisfied the requirements for the Basic Course for Police Officers. Moreover, Sloan signed an agreement indicating that all accumulated seniority and accrued sick leave is waived, and the Hudson County Sheriff's Office approved the intergovernmental transfer. Thus, under these circumstances, Harrison requests permission to proceed with an intergovernmental transfer for Sloan.

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: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.

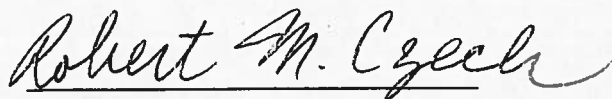
The intergovernmental transfer rules permit the transfer of permanent State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. In this case, Sloan is not permanent since he has not completed his working test period as a Sheriff's Officer. However, Harrison has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Harrison has agreed to have Sloan complete a new 12-month working test period as a Police Officer. Given the circumstances surrounding Harrison's need for trained law enforcement staff, and the staffing needs of Harrison, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Sloan and to allow him to complete a new working test period as a Police Officer with Harrison.

ORDER

Therefore, it is ordered that the request, seeking to allow the transfer of Joseph J. Sloan from the Hudson County Sheriff's Office to Harrison's Police Department, be granted. Further, Joseph J. Sloan's working test period shall commence upon appointment as a Police Officer in Harrison.

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 3rd DAY OF JUNE, 2015



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