

B-49



STATE OF NEW JERSEY

In the Matter of Joel Morales, City of Bayonne :

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3115 :

Request for Administrative Relief

ISSUED: JUN 05 2015 (SLK)

The City of Bayonne (Bayonne), on behalf of Joel Morales, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Bayonne.

By way of background, Morales was appointed as a Sheriff's Officer with the Hudson County Sheriff's Department effective December 30, 2013, but did not complete the Basic Course for Police Officer until August 28, 2014. Accordingly, his 12-month working test period commenced on August 28, 2014. Although Morales, the Hudson County Sheriff's Department, and Bayonne agreed to the terms of the transfer, the Division of Agency Services (Agency Services) was unable to process the request since Morales had not achieved permanent status as a Sheriff's Officer. Since he has not completed his 12-month working test period, absent rule relaxation procedures, an intergovernmental transfer cannot be processed on the basis that he has not achieved permanent status in a substantially similar title. See N.J.A.C. 4A:4-7.1A(a).

In its request to the Civil Service Commission (Commission), Bayonne asserts that Morales's service as a Sheriff's Officer has demonstrated that he is capable of performing the duties of a Bayonne Police Officer. Further, Bayonne explains that it is short Police Officers and will be short of manpower. Therefore, it has an immediate need to hire fully trained Police Officers. Under these circumstances, Bayonne requests permission to allow Morales to complete the remainder of his working test period with Bayonne and to process the request for an intergovernmental transfer.

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.

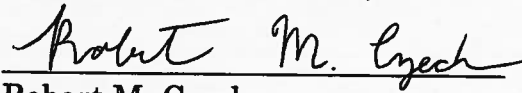
The intergovernmental transfer rules permit the transfer of permanent State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. In this case, Morales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

ORDER

Therefore, it is ordered that this request, seeking the transfer of Joel Morales, to Bayonne, 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 3rd DAY OF JUNE, 2015**



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