



STATE OF NEW JERSEY

In the Matter of Mark Corandan,  
City of Beverly

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-4473

Request for Rule Relaxation

ISSUED: **NOV 16 2016** (SLK)

The City of Beverly (Beverly) requests that the provisions of *N.J.A.C. 4A:4-7.1A(b)* be relaxed in order to permit the retroactive intergovernmental transfer of Mark Corandan from the title of Police Officer, Burlington Township (Burlington) to the title of Police Officer, Beverly.

By way of background, on May 10, 2016, Corandan sought an intergovernmental transfer from his title of Police Officer, Burlington, to the title of Police Officer, Beverly. The necessary paperwork was completed by the sending and receiving jurisdictions. However, the paperwork was not received by this agency until May 27, 2016. Consequently, in a letter dated June 6, 2016, the Division of Agency Services (Agency Services) disapproved the transfer, stating that since Corandan separated from permanent status<sup>1</sup> prior to obtaining approval from Agency Services, an intergovernmental transfer would not be approved without relaxation of *N.J.A.C. 4A:4-7.1A(b)*.

In its request to the Civil Service Commission (Commission), Beverly states that it was administrative error in that it omitted the final step of the intergovernmental transfer process, which was to submit the appropriate paperwork to this agency prior to effectuating the transfer. Beverly presents that, due to its staffing needs, on May 10, 2016, its City Council approved the intergovernmental transfer prior to the Commission's receipt of the agreement. It explains that, in Beverly's haste to ensure adequate police department staffing, it

<sup>1</sup> The County and Municipal Personnel System (CAMPS) does not reflect any personnel transactions for Corandan.

inadvertently effectuated the transfer prior to receiving approval from the Commission. It asserts that it would be unfair to Corandan for the Commission to treat him as having separated from permanent status due to Beverly's inadvertent error of transferring him prior to the Commission's approval. It presents that Beverly, Burlington, and Corandan agreed to the transfer, and it was always the intent of the parties to ensure all rules were followed to ensure he maintained his permanent status as a Police Officer, as evidenced by the parties' execution of the intergovernmental transfer agreement. Therefore, it requests a rule relaxation be granted and his intergovernmental transfer be approved retroactive to May 10, 2016.

A review of the intergovernmental transfer agreement indicates that Burlington approved Corandan's termination effective May 9, 2016 and Beverly approved his transfer effective May 10, 2016.

*N.J.A.C.* 4A:4-7.1A(b) provides that an intergovernmental transfer shall require the consent in writing of the sending jurisdiction, if any, the receiving jurisdiction and the affected employee, and the approval of this agency. *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.

### CONCLUSION

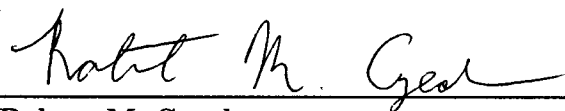
The purpose of the intergovernmental transfer program is to promote more efficient public service by allowing State and local jurisdictions to obtain the services of talented and experienced individuals from other jurisdictions within the Civil Service system. However, absent a compelling emergent situation, such as public safety, accepting and employing interested applicants prior to formal approval by this agency could seriously circumvent the Civil Service system and frustrate the legislative goals of appointments based on merit and fitness as demonstrated in a competitive testing situation. In this case, due to Beverly's haste to ensure it had adequate police department staffing, it inadvertently effectuated the transfer prior to receiving Commission approval. However, a review of the intergovernmental transfer agreement confirms that Burlington and Beverly agreed to transfer Corandan. Although Corandan should not have been transferred prior to this agency's approval, given the fact that Corandan is serving in the same title for Beverly as he was for Burlington, good cause exists to permit his permanent transfer to Beverly effective May 10, 2016. *See In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010). *See also, In the Matter of Kenneth Dowzycki* (MSB, decided December 1, 2004).

ORDER

Therefore, it is ordered that this request be granted and the personnel records of Mark Corandan reflect his intergovernmental transfer from Burlington Township to the City of Beverly effective May 10, 2016.

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 10<sup>th</sup> DAY OF NOVEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Mark Corandan  
Richard Wolbert  
Walter Corter  
Kelly Glenn  
Records Center

