



STATE OF NEW JERSEY

In the Matter of Patrick Billingsley, :
Voorhees Township :
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CSC Docket No. 2017-945 :
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FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED: NOV 29 2016 (SLK)

Voorhees Township (Voorhees), on behalf of Patrick Billingsley, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Voorhees.

By way of background, Billingsley was appointed as a Police Officer with Magnolia Borough (Magnolia) effective February 18, 2016. Accordingly, his 12-month working test period commenced on February 18, 2016. Although Billingsley, Magnolia, and Voorhees agreed to the terms of the transfer, the Division of Agency Services (Agency Services) was unable to process the request since Billingsley had not achieved permanent status as a Police 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), Voorhees asserts that Billingsley's service as a Police Officer has demonstrated that he is capable of performing the duties of a Voorhees Police Officer. Further, Voorhees 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, Voorhees requests permission to allow Billingsley to complete the remainder of his working test period with Voorhees and to process the request for an intergovernmental transfer. Voorhees submitted its request for the intergovernmental transfer agreement to Agency Services with a proposed effective

date of October 16, 2016. However, the Commission was not able to review the request at that time. Thereafter, the intergovernmental transfer agreement was administratively processed by this agency.

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.

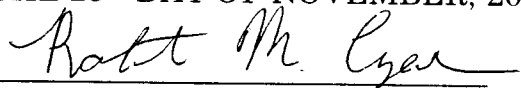
The intergovernmental transfer rules permit the transfer of permanent State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. In this case, Billingsley is not permanent since he has not completed his working test period as a Police Officer. However, Voorhees has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Voorhees has agreed to have Billingsley complete the required 12-month working test period. Given the circumstances surrounding Voorhees' need for trained law enforcement staff, and the staffing needs of Voorhees, good cause exists to ratify the action of this agency and relax the controlling regulatory provisions in order to permit the transfer of Billingsley and to allow him to complete his working test period with Voorhees. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of Billingsley. *See In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010).

ORDER

Therefore, it is ordered that this request, seeking the transfer of Patrick Billingsley, to Voorhees, 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 23rd DAY OF NOVEMBER, 2016



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