



B-46

STATE OF NEW JERSEY

In the Matter of Kevin Jones, Jr.,
Borough of Belmar

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1522

Request for Rule Relaxation

ISSUED: ~~NOV~~ 06 2015 (SLK)

The Borough of Belmar (Belmar) 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 Kevin Jones, Jr. to the title of Police Officer from the Borough of Lake Como (Lake Como).

By way of background, on October 6, 2015, Jones sought an intergovernmental transfer from his title of Police Officer, Lake Como, to the title of Police Officer, Belmar. The necessary paperwork was completed by the sending and receiving jurisdictions. However, the paperwork was not sent to this agency until October 14, 2015. Consequently, in a letter dated October 15, 2015, the Division of Agency Services (Agency Services) disapproved the transfer, stating that since Mr. Jones separated from permanent status 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), Belmar states 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, Belmar requests permission to process Jones' request for an intergovernmental transfer with a retroactive appointment date of October 6, 2015.

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

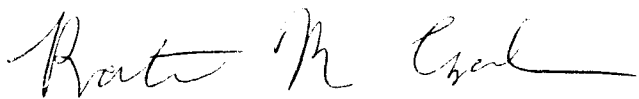
The purpose of the intergovernmental transfer program is to promote more efficient public service by allowing State and local jurisdictions to obtain the services of talented and experienced individuals from other jurisdictions within the Civil Service system. However, absent a compelling emergent situation, 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, Belmar indicates that it is short Police Officers and manpower and it has an immediate need to hire fully trained Police Officers. Further, a review of the intergovernmental transfer agreement confirms that Belmar and Lake Como agreed to transfer Jones. Although Jones should not have accepted their transfer prior to this agency's approval, given the fact that Jones is serving in the same title for Belmar as he was for Lake Como, good cause exists to permit their permanent transfer to Belmar effective October 6, 2015. *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 Kevin Jones, Jr. reflect his intergovernmental transfer from the Borough of Lake Como to the Borough of Belmar effective October 6, 2015.

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 5th DAY OF NOVEMBER, 2015



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