



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of David Arey,
Lakewood Township

Administrative Appeal

CSC Docket No. 2017-1098

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

Lakewood Township (Lakewood), on behalf of David Arey, requests that he be permitted to participate in the intergovernmental transfer program with a new working test period as a Police Officer with Lakewood.

By way of background, Arey was appointed as a Sheriff's Officer with Ocean County effective July 13, 2015. However, his 12-month working test period commenced February 11, 2016 when he completed the basic course for Police Officers. Although Arey, the Ocean County Sheriff's Office, and Lakewood 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 Arey 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), Lakewood presents for that as a result of separations and a shortage of Police Officers, there is a need to hire additional police officers. Although they are in the process of hiring officers, they will not be ready for at least nine months pending successful completion of the police academy and a field training program. Moreover, Arey signed an agreement indicating that all accumulated seniority and accrued sick leave is waived, and the Ocean County Sheriff's Office approved the intergovernmental transfer. Thus, under these circumstances, Lakewood requests permission to proceed with an intergovernmental transfer for Arey.

It is noted that Sheriff's Officers who intergovernmentally transfer to the title of Police Officer are required to complete a 12-month working test period as a Police Officer. See *In the Matter of Jason Mangano, Police Officer, Vernon* (CSC, decided September 19, 2012). As such, if the request is granted, Lakewood must implement a new working test period for Arey.

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, New Jersey Statutes, 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:1-1.3(c) provides that a rule may be relaxed for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes

CONCLUSION

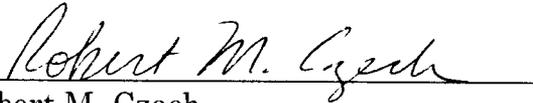
The intergovernmental transfer rules permit the transfer of permanent State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. In this case, Arey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

ORDER

Therefore, it is ordered that the request, seeking to allow the transfer of David Arey from the Ocean County Sheriff's Office to Lakewood's Police Department, be granted. Further, David Arey's 12-month working test period shall commence upon appointment as a Police Officer in Lakewood.

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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c. David Arey
Thomas Henshaw
Michael Mastronardy
Kelly Glenn
Records Center

