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STATE OF NEW JERSEY

In the Matter of Richard Bosland, Borough of Hopatcong

CSC Docket No. 2017-1850

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED:

DEC 2 2 2016 (SLK)

The Borough of Hopatcong (Hopatcong), on behalf of Richard Bosland, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Hopatcong.

By way of background, Bosland was appointed as a Sheriff's Officer with Morris County effective January 11, 2016. Accordingly, his 12-month working test period commenced on January 11, 2016. Although Bosland, Morris County, and Hopatcong agreed to the terms of his intergovernmental transfer to Hopatcong as a Police Officer, the Division of Agency Services (Agency Services) was unable to process the request since Bosland 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), Hopatcong asserts that Bosland's service as a Sheriff's Officer has demonstrated that he is capable of performing the duties of a Hopatcong Police Officer. Further, Hopatcong 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, Hopatcong requests permission to allow Bosland to complete the remainder of his working test period with Hopatcong and to process the request for an intergovernmental transfer. Hopatcong submitted its request for the

intergovernmental transfer agreement to Agency Services with a proposed effective date of December 24, 2016.

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, Bosland is not permanent since he has not completed his working test period as a Sheriff's Officer. However, Hopatcong has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Hopatcong has agreed to have Bosland complete the required 12-month working test period. Given the circumstances surrounding Hopatcong's need for trained law enforcement staff, and the staffing needs of Hopatcong, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Bosland. However, since the two titles are not precisely the same, 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 (CSC, decided September 19, 2012).

ORDER

Therefore, it is ordered that this request, seeking the transfer of Richard Bosland, to Hopatcong, be granted. Further, it is ordered that Bosland undergo a full 12-month working test period as a Police Officer.

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 21st DAY OF DECEMBER, 2016

Robert M. Czech Chairperson

Civil Service Commission

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and

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 ${\bf Director}$

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