



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Henri Zilliox, County
Correction Officer, Hunterdon
County Sheriff's Department

Administrative Appeal

CSC Docket No. 2019-2089

ISSUED: March 6, 2019 (RE)

The Division of Agency Services (Agency Services), on behalf of the Hunterdon County Sheriff's Office (Hunterdon), petitions the Civil Service Commission (Commission) to relax the provisions of *N.J.A.C. 4A:4-7.1A(a)* in order to permit the permanent transfer of Henri Zilliox, in the title of County Correction Officer from Monmouth County (Monmouth) to Hunterdon County.

By way of background, Zilliox was appointed as County Correction Officer with Monmouth on March 26, 2009. In October 2016, Zilliox sought an intergovernmental transfer to Hunterdon County. Zilliox and the sending and receiving jurisdictions completed the agreement, and Zilliox signed an Intergovernmental Transfer Waiver of Rights. Zilliox was separated from permanent service with Monmouth on September 30, 2016 and has been working for Hunterdon County with no official record of his employment. Thereafter, Agency Services disapproved the transfer as it occurred without Commission approval since Agency Services had no record of having received the agreement. In January 2019, Hunterdon asked for correction of this error, and submitted a resolution, adopted on October 18, 2016 by the Board of Freeholders, which appointed Zilliox as full-time County Correction Officer in the Sheriff's Department. On January 17, 2019, Hunterdon completed a form in the County and Municipal Personnel System (CAMPS) regarding the transfer, effective October 1, 2016.

CONCLUSION

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 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. *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.

In the present matter, Hunterdon sought to transfer Zilliox from Monmouth, and both organizational units and Zilliox consented to the transfer. However, in the absence of a request for administrative relief, Agency Services was unable to process the request to transfer on the basis that Agency Services had no record of having received the agreement, and Zilliox did not have permanent status with Monmouth at the time that it received the request. Hunterdon maintains that this was the result of an administrative oversight, and has completed a form in the County and Municipal Personnel System (CAMPS) regarding the transfer, effective October 1, 2016. As Agency Services disapproved the transfer, Zilliox does not appear in CAMPS. Nevertheless, Hunterdon confirms he is still working there. Through administrative error Hunterdon did not send and confirm receipt of its request for an intergovernmental transfer for Zilliox, effective October 1, 2016.

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 Agency Services 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. To this end, it is very important that Hunterdon County ensure that it properly files future requests for Intergovernmental Transfers with Agency Services.

Nevertheless, based on the particular circumstances presented in this case, including the fact that appellant has been satisfactorily performing the duties with the appointing authority, good cause exists to provide administrative relief to permit the permanent transfer of appellant to the appointing authority. *See In the Matter of Kenneth Dowzycki* (MSB, decided December 1, 2004). Thus, it is appropriate for the Commission to permit the intergovernmental transfer of Zilliox from Monmouth to Hunterdon in the title County Correction Officer, effective October 1, 2016. Zilliox satisfies the criteria for participation in the intergovernmental transfer program as the record demonstrates that he was permanently appointed as County Correction

Officer in Monmouth in accordance with Civil Service law and rules and completed his working test period. Moreover, there is nothing in the record to indicate that any other party would be harmed by permitted the transfer and the public interest is served by ensuring sufficient staffing levels. Therefore, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-7.1A(a) to permit the retroactive intergovernmental transfer of Zilliox in the title of County Correction Officer, to Hunterdon.

ORDER

Therefore, it is ordered that this request, seeking the transfer of Henri Zilliox in the title County Correction Officer, from Monmouth County to Hunterdon County, be granted with an effective date of October 1, 2016.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6th DAY OF MARCH, 2019



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