

Agency Services for the intergovernmental transfer, the request was denied and Klymenko would be considered provisional pending open competitive procedures with Roselle, effective October 14, 2019.

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:4-7.1A(b) states 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 the Chairperson or designee.

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, Paterson, Roselle, and Klymenko agreed to the transfer. However, the Intergovernmental Transfer Agreement was received by this agency on November 1, 2019, which was after Klymenko was separated from his permanent position with Paterson and commenced employment with Roselle on October 14, 2019, without the consent of this agency.¹ However, Roselle explains that due to Paterson's staffing issues, the paperwork was unable to be provided to this agency for approval before the transfer became effective. Further, given that all the parties have agreed to the transfer, the Civil Service Commission's approval of the transfer of Klymenko to Roselle, is granted, retroactive to October 14, 2019, as that is the earliest date the transfer could have been approved.

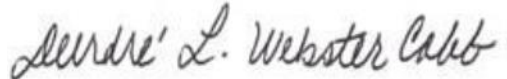
ORDER

Therefore, the Civil Service Commission grants the intergovernmental transfer of Victor Klymenko to Roselle, effective October 14, 2019.

¹ While Klymenko should not have been actually transferred prior to receiving approval from this agency, the Civil Services Commission notes that there is no Civil Service law or rule which indicates that an untimely request for an intergovernmental transfer, such as the case at bar, cannot be approved by Agency Services. Thus, so long as any such future request is otherwise in compliance with *N.J.A.C. 4A:4-7.1A*, and any explanation as to the delay is reasonable, Agency Services is authorized to rely on this matter to approve such a request without the need for Civil Service Commission approval.

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 15th DAY OF JANUARY, 2020



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