



STATE OF NEW JERSEY

In the Matter of Shawn McGuire, :
Voorhees Township :
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CSC Docket No. 2016-4013 :
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FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED: OCT 21 2016 (HS)

Voorhees Township (Voorhees), on behalf of Shawn McGuire, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Voorhees.

By way of background, McGuire was appointed as a Sheriff's Officer with the Camden County Sheriff's Office effective November 8, 2015. Accordingly, his 12-month working test period commenced on November 8, 2015. Although McGuire, the Camden County Sheriff's Office and Voorhees agreed to the terms of the transfer, the Division of Agency Services (Agency Services) was unable to process the request since McGuire 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, Voorhees indicates that McGuire has completed the Police Training Commission's Basic Course for Police Officers. Further, Voorhees explains that it is short Police Officers. Therefore, it has an immediate need to hire fully trained Police Officers. Under these circumstances, Voorhees requests permission to allow McGuire to complete the remainder of his working test period with Voorhees and to process the request for an intergovernmental transfer.

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.

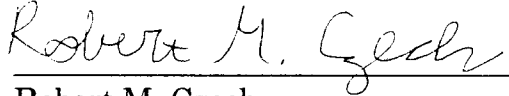
The intergovernmental transfer rules permit the transfer of permanent State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee and Agency Services. In this case, McGuire is not permanent since he has not completed his working test period as a Sheriff's Officer. However, Voorhees has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Voorhees has agreed to have McGuire complete the required 12-month working test period. Given the circumstances surrounding Voorhees' need for trained law enforcement staff, and the staffing needs of Voorhees, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of McGuire and to allow him to complete his working test period with Voorhees. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of McGuire. *See In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010). However, upon his appointment with Voorhees, McGuire shall be required to complete a new 12-Month working test period as a Police Officer.

ORDER

Therefore, it is ordered that this request, seeking the transfer of Shawn McGuire, to Voorhees, be granted.

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 19TH DAY OF OCTOBER, 2016



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