



STATE OF NEW JERSEY

In the Matter of Nicholas Valakas, :
Borough of North Arlington :
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CSC Docket No. 2016-4271 :
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FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Administrative Relief

ISSUED: **OCT 21 2016** (SLK)

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

By way of background, Valakas was appointed as a Police Officer, Palisades Interstate Park effective December 26, 2015. Accordingly, his 12-month working test period commenced on December 26, 2015. Although Valakas, the Palisades Interstate Park, and North Arlington agreed to the terms of the transfer, the Division of Agency Services (Agency Services) was unable to process the request since Valakas had not achieved permanent status as a Police Officer, Palisades Interstate Park. 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), North Arlington asserts that Valakas' service as a Police Officer, Palisades Interstate Park has demonstrated that he is capable of performing the duties of a North Arlington Police Officer. Further, North Arlington 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, North Arlington requests permission to allow Valakas to complete the remainder of his working test period with North Arlington 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, Valakas is not permanent since he has not completed his working test period as a Police Officer, Palisades Interstate Park. However, North Arlington has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, North Arlington has agreed to have Valakas complete the required 12-month working test period. Given the circumstances surrounding North Arlington's need for trained law enforcement staff, and the staffing needs of North Arlington, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Valakas and to allow him to complete his working test period with North Arlington. Moreover, if necessary, it is appropriate to approve the retroactive intergovernmental transfer of Valakas. See *In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010).

ORDER

Therefore, it is ordered that this request, seeking the transfer of Nicholas Valakas, to North Arlington, 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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