

STATE OF NEW JERSEY

In the Matter of DeLorfette Clark, Ewing Township

CSC Docket No. 2018-1736

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Intergovernmental Transfer

:

ISSUED: APRIL 2, 2018 (SLK)

Ewing Township (Ewing) requests that the provisions of *N.J.A.C.* 4A:4-7.1A(b) be relaxed in order to permit the retroactive intergovernmental transfer of DeLorfette Clark, an Emergency Medical Technician, from Lawrence Township (Lawrence) to Ewing.

By way of background, Clark was employed by Lawrence from November 8, 2010 through May 5, 2013 as an Emergency Medical Technician. On May 6, 2013, Clark began employment with Ewing with the understanding that the appointment would be processed as an Intergovernmental Transfer. Ewing asserts that its assigned Personnel Officer at that time failed to process Clark's appointment as an Intergovernmental Transfer and never entered the appointment into the County and Municipal Personnel System (CAMPS). It is further noted that Lawrence is in agreement with processing a retroactive Intergovernmental Transfer for Clark's movement to Ewing. A review of the intergovernmental transfer agreement indicates that Lawrence approved Clark's separation effective May 5, 2013 and Ewing's records indicate that it approved his transfer effective May 6, 2013.

Chief Emergency Medical Technician. Upon approval of a retroactive Intergovernmental Transfer, Agency Services will consider a request to allow Clark to undergo promotional procedures in order to

¹ In addition, Ewing indicates that upon Clark's transfer, he was assigned duties commensurate with the title, Chief Emergency Medical Technician. As such, Ewing requests that Clark be provisionally appointed pending promotional examination as a Chief Emergency Medical Technician. In this regard, on August 3, 2017, as a result of a request for a pre-appointment evaluation, the Division of Agency Services (Agency Services) determined that Clark meets the requirement for

Agency records indicates that there are no existing regular reemployment or special reemployment lists for Emergency Medical Technician.

CONCLUSION

N.J.A.C. 4A:4-7.1A(b) provides 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 this agency. *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 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 this agency 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. In this case, due to an administrative error, Ewing's Personnel Officer failed to process Clark's appointment as an Intergovernmental Transfer and never entered his appointment in CAMPS. Thus, the transfer was never timely approved by this agency as required. However, a review of the intergovernmental transfer agreement confirms that Lawrence and Ewing agreed to transfer Clark. Moreover, given the fact that Clark is serving in the same title for Ewing as he was for Lawrence and no regular or special reemployment lists for the title are active for Ewing, good cause exists to permit his permanent transfer to Ewing effective May 6, 2013. See In the Matter of Nicholas Rizzitello, Police Officer, Newark (CSC, decided June 9, 2010) (Commission permitted the retroactive intergovernmental transfer of a Police Officer who transferred two and a half years prior to Commission's formal review and approval). See also, In the Matter of Kenneth Dowzycki (MSB, decided December 1, 2004).

ORDER

Therefore, it is ordered that this request be granted and the personnel records of DeLorfette Clark reflect his intergovernmental transfer from Lawrence Township to Ewing Township effective May 6, 2013.

advance from Emergency Medical Technician, a non-competitive title, to the related above entry-level title Chief Emergency Medical Technician in accordance with *N.J.A.C.* 4A:4-1.1(c).

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 27th DAY OF MARCH, 2018

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Deirdre L. Webster Cobb Acting Chairperson

Civil Service Commission

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