



STATE OF NEW JERSEY

In the Matter of Alejandro Santiago, :
Police Officer, Ringwood :

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

CSC Docket No. 2018-1459 :

Request for Administrative Relief

ISSUED: MARCH 28, 2018 (CSM)

The Borough of Ringwood (Ringwood) requests that the provisions of *N.J.A.C.* 4A:4-7.1A(b) be relaxed in order to permit the Intergovernmental Transfer of Alejandro Santiago from the title of State Park Police Officer, Department of Environmental Protection (DEP) to the title of Police Officer, Ringwood.

By way of background, on November 10, 2017, Santiago sought an intergovernmental transfer from his title of State Park Police Officer, DEP to Police Officer, Ringwood. The appointing authority for the DEP approved Santiago's request on November 16, 2017 and indicated that it had approved his separation for Friday, November 10, 2017. The appointing authority for Ringwood also approved the request and indicated a proposed effective date of Monday, November 13, 2017. However, the intergovernmental transfer agreement was not submitted to the Division of Agency Services (Agency Services) until November 15, 2017. Upon receipt of the agreement, Agency Services advised Ringwood that it could not process the transfer because the agreement was effectuated without prior written consent from this agency as required by *N.J.A.C.* 4A:4-7.1A(b).

In its request to the Civil Service Commission (Commission), Ringwood explains that it hired Santiago with an effective date of November 13, 2017 as part of its efforts to hire quality Police Officers and maintain qualified, professional personnel. However, due to an administrative oversight, Ringwood had believed that all of the approvals that it obtained from the DEP were all that was necessary to effectuate the transfer. Accordingly, Ringwood requests that Santiago be intergovernmentally transferred with an effective date of November 13, 2017.

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 the Chairperson or designee. *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.

CONCLUSION

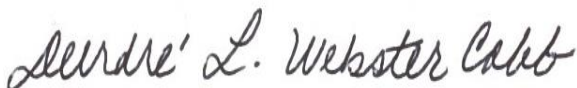
The purpose of the Intergovernmental Transfer Program is to promote more efficient public service by allowing State and local jurisdictions to obtain the services of talented and experienced individuals from other jurisdictions within the Civil Service system. However, absent a compelling emergent situation, 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. Nevertheless, based on the particular circumstances presented in this case, the appointing authority mistakenly believed that all of the approvals were obtained prior to Santiago starting employment as a Police Officer with Ringwood on November 13, 2017. Given the fact that Santiago has been satisfactorily performing the duties with the appointing authority, good cause exists to provide administrative relief to permit the permanent transfer of Santiago to Ringwood. *See In the Matter of Kenneth Dowzycki* (MSB, decided December 1, 2004).

ORDER

Therefore, it is ordered that this request be granted and Alejandro Santiago be intergovernmentally transferred from the DEP's State Park Police Department to Ringwood effective November 13, 2017.

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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