



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Michele Bado,  
Township of Hamilton

Request for Administrative Relief

CSC Docket No. 2017-464

ISSUED: **NOV 15 2016** (ABR)

The Township of Hamilton (Hamilton), on behalf of Michele Bado, requests that she be permitted to participate in the intergovernmental transfer program, retroactively.

By way of background, Bado, who was permanently appointed as a Senior Purchasing Assistant with the Township of Jackson (Jackson) effective September 25, 2012, was provisionally appointed as an Assistant Purchasing Agent effective July 1, 2013. She was returned to her permanent title of Senior Purchasing Assistant, effective March 26, 2015. On November 16, 2015, Bado sought an intergovernmental transfer to Hamilton, in the title of Assistant Purchasing Agent. The appointing authority for Hamilton approved her request on November 30, 2015, with a proposed start date of November 23, 2015. The appointing authority for Jackson had approved Bado's request on November 16, 2015 and indicated that her separation date was November 20, 2015.<sup>1</sup> However, the intergovernmental transfer agreement was not submitted to the Division of Agency Services (Agency Services) until November 30, 2015. Thereafter, on August 8, 2016, Agency Services advised the parties that it could not process the transfer because Bado commenced employment with Hamilton on November 23, 2015 and ceased employment with Jackson on November 20, 2015, prior to this agency's approval. Additionally, it noted that the title of Assistant Purchasing Agent could not be approved without

<sup>1</sup> It is noted that Bado's County and Municipal Personnel System (CAMPS) record was not updated to reflect her separation from Jackson nor her employment with Hamilton.

rule relaxation procedures, as the experience and education requirements for an Assistant Purchasing Agent exceeded those of a Senior Purchasing Assistant and the duties of the two titles were not substantially similar to one another.

In its request to the Civil Service Commission (Commission), Hamilton now seeks to have Bado transferred to her permanent title of Senior Purchasing Assistant. Louis C. Guarino, Personnel Officer for Hamilton indicates that he had been unaware that Hamilton had to submit the Intergovernmental Transfer Agreement before Bado's separation from employment from Jackson. Further, Hamilton adds that it did not intend to transfer Bado to a higher title, but did so in the initial request only because it had been unable to verify Bado's permanent title with Jackson through CAMPS before submitting the Intergovernmental Transfer Agreement for approval. Hamilton also notes that Bado has excelled in her work in its Purchasing Department. Under these circumstances, Hamilton requests that the Commission process the request for an intergovernmental transfer.

### 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. 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. 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, Bado is not permanent since she separated from employment with Jackson before Hamilton requested an intergovernmental transfer. Given that Bado's acceptance of the transfer before approval by the Commission was caused by Hamilton's mistaken interpretation of the procedural requirements for approval of an intergovernmental transfer, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Bado to Hamilton as a Senior Purchasing Assistant. Moreover, it is appropriate to approve

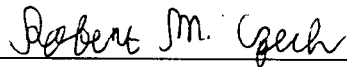
the retroactive intergovernmental transfer of Bado. *See In the Matter of Nicholas Rizzitello, Police Officer, Newark* (CSC, decided June 9, 2010).

**ORDER**

Therefore, it is ordered that this request, seeking to allow the transfer of Michele Bado from the Township of Jackson to the Township of Hamilton, in the title of Senior Purchasing Assistant, effective November 23, 2015, 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 10<sup>TH</sup> DAY OF NOVEMBER, 2016



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