

B-15



STATE OF NEW JERSEY

In the Matter of Joseph Corcoran,  
City of Long Branch

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2879

Request for Rule Relaxation

ISSUED: APR 10 2017 (SLK)

City of Long Branch (Long Branch), on behalf of Joseph Corcoran, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Long Branch.

By way of background, Corcoran was appointed as a Sheriff's Officer with Ocean County effective March 14, 2016 and completed the Basic Course for Police Officers on August 12, 2016. Accordingly, his 12-month working test period commenced on August 12, 2016. Although Corcoran, Ocean County, and Long Branch agreed to the terms of his intergovernmental transfer to Long Branch as a Police Officer, the Division of Agency Services (Agency Services) was unable to process the request since Corcoran 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 (Commission), Long Branch states that at the time of its offer of employment, it believed that Corcoran had been employed as a Sheriff's Officer since August 2014. However, after their offer of employment, it became know that he worked first worked for Ocean County as a County Correction Officer before being appointed as a Sheriff's Officer and not completing his Basic Course for Police Officers until August 2016. Long Branch explains that it is short Police Officers and will be short of manpower. Therefore, it has an immediate need to hire a fully trained Police Officer. Under these

circumstances, Long Branch requests permission to allow Corcoran to complete the remainder of his working test period with Long Branch and to process the request for intergovernmental transfer with an effective date of April 15, 2017.

### 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 (emphasis added).

*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.

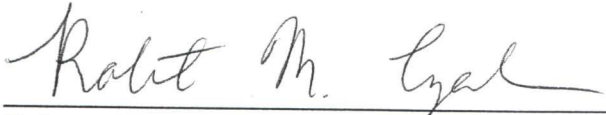
The intergovernmental transfer rules permit the transfer of permanent State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. In this case, Corcoran is not permanent since he has not completed his working test period as a Sheriff's Officer. However, Long Branch has agreed to the transfer, indicating that it is short Police Officers and is in immediate need of fully trained law enforcement personnel. Additionally, Long Branch has agreed to have Corcoran complete the required 12-month working test period. Given the circumstances surrounding Long Branch's need for trained law enforcement staff, and the staffing needs of Long Branch, good cause exists to relax the controlling regulatory provisions in order to permit the transfer of Corcoran effective April 15, 2017. However, since the two titles are not precisely the same, Sheriff's Officers who intergovernmentally transfer to the title of Police Officer are required to complete a full 12-month working test period as a Police Officer. *See In the Matter of Jason Mangano* (CSC, decided September 19, 2012).

ORDER

Therefore, it is ordered that this request be granted and the personnel records of Joseph Corcoran reflect his intergovernmental transfer from Ocean County Sheriff's Department to the City of Long Branch effective April 15, 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 5<sup>th</sup> DAY OF APRIL, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Joseph Corcoran  
Kevin Hayes  
Michael Mastronardy  
Kelly Glenn  
Records Center