



STATE OF NEW JERSEY

In the Matter of S.D., Office of
Information Technology

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-4483

Request for Rule Relaxation

ISSUED: **OCT 19 2016** (WR)

The Office of Information Technology, on behalf of S.D., requests the relaxation of the provisions of *N.J.A.C.* 4A:6-1.22 so as to permit S.D. to receive more than the 260 donated leave days allowed to a recipient.

S.D. is an approved recipient of donated leave and is currently participating in the program. The appointing authority indicates that, as of June 20, 2016, S.D. is on an approved leave of absence with an anticipated return to work date of July 17, 2016. Moreover, it notes that S.D. will have used 260 donated leave days, as of July 13, 2016. The appointing authority requests that S.D. be permitted to receive and use additional days of donated leave above and beyond the 260-day lifetime maximum.

N.J.A.C. 4A:6-1.22 (Donated Leave Program) states, in pertinent part, that in State service, a leave recipient shall receive no more than 260 sick or vacation days, and shall not receive any such days on a retroactive basis.

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, New Jersey Statutes.

CONCLUSION

The Office of Information Technology, on behalf of S.D., seeks approval to allow S.D. to receive more than the 260 donated leave days allowed to a recipient. It is anticipated that S.D.'s leave extension will require him to use donated leave beyond 260 days. Further, S.D. has already been approved for the donated leave

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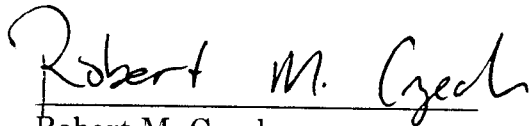
program due to his medical condition. Thus, based on the particular circumstances presented, good cause has been established to retroactively relax the provisions of N.J.A.C. 4A:6-1.22 to permit S.D. to receive donated leave beyond the 260-day maximum.

ORDER

Therefore, it is ordered that this request 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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