



STATE OF NEW JERSEY

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

In the Matter of R.A., Department of
the Treasury

CSC Docket No. 2017-2697

Request for Rule Relaxation

ISSUED: July 28, 2017 (CSM)

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

R.A. is an approved recipient of donated leave and is currently participating in the program. The appointing authority indicates that, as of February 28, 2017, he has used 228 donated leave days. R.A.'s doctor has informed the appointing authority that a leave extension through April 3, 2017 is necessary. In addition, R.A. states that he is scheduled for surgery on April 6, 2017. The appointing authority advises that this additional documentation indicated that R.A. will return to work on May 16, 2017 but he will reach the 260 day lifetime maximum effective May 2, 2017. The appointing authority requests that R.A. 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 Department of the Treasury, on behalf of R.A., seeks approval to allow R.A. to receive more than the 260 donated leave days allowed to a recipient. It is anticipated that R.A.'s leave extension will require him to use donated leave beyond 260 days and he reached the lifetime maximum effective May 2, 2017. Further, R.A. has already been approved for the donated leave program due to his serious medical condition and his return to work is May 16, 2017. Thus, based on the particular circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:6-1.22 to permit R.A. to receive the necessary additional donated leave on a retroactive basis beyond the 260-day maximum in order to facilitate his return to work.

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 26TH DAY OF JULY , 2017



 Robert M. Czedo, Chairperson
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