



STATE OF NEW JERSEY

In the Matter of Susan Donnelly,
Department of Children and Families

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

CSC Docket No. 2021-164

Corrected Decision
Request for Rule Relaxation

ISSUED: NOVEMBER 6, 2020 (JET)

The Department of Children and Families requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit Susan Donnelly to submit a late application for SCOR benefits.

By way of background, Donnelly, a former Supervising Family Service Specialist 1, retired from State Service, effective May 31, 2019. By letter dated July 27, 2020, the appointing authority states that, as a result of the Covid-19 pandemic, business operations were adversely affected, mail delivery was delayed, and its offices were closed in June 2020. The appointing authority explains that, if such events had not occurred, it would have timely delivered Donnelly’s application for SCOR benefits. As such, the appointing authority now requests that the provisions of *N.J.A.C. 4A:6-3.4(a)* be relaxed, in order to process Donnelly’s SCOR application.

It is noted that the appointing authority completed a SCOR application dated June 22, 2020 on behalf of Donnelly, seeking a SCOR payment in the amount of \$15,000. Additionally, Donnelly in her appeal submission states that she was advised to defer making the SCOR application until 2020, and due to the pandemic and her husband being diagnosed with an illness, she was unable to submit the application until June 2020.

CONCLUSION

N.J.A.C. 4A:6-3.3(a) provides that, upon retirement, a State employee is entitled to SCOR to be “computed at the rate of one-half the employee’s daily rate of pay for each day of earned and unused accumulated sick leave at the effective date of retirement.” *N.J.A.C.* 4A:6-3.4(a) provides that an employee may file an application for SCOR within one year of the effective date of retirement. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause.

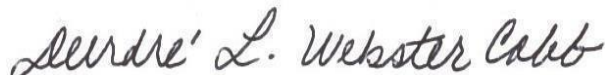
In the instant matter, Donnelly retired from State service effective May 31, 2019, but no attempt was made to file her SCOR application until June 22, 2020, which is outside the one-year time period established by *N.J.A.C.* 4A:6-3.4(a). Nevertheless, the record indicates that such delay was outside of Donnelly’s control. In this regard, the appointing authority explains that the delay was due to interruptions in mail and business activities as a result of the Covid-19 epidemic, and requests relaxation of the applicable rule to permit consideration of Donnelly’s SCOR application. Additionally, Donnelly states that she was informed to defer filing the SCOR application until 2020 at the time she retired. Although Donnelly should have been aware of the SCOR requirements, it is the appointing authority’s responsibility to promptly and properly provide for the processing of appropriate documentation to effectuate such entitlements. Under these specific circumstances, it would be inequitable to penalize her with a diminution of the entitlement. As such, it is appropriate to relax *N.J.A.C.* 4A:6-3.4(a) to permit Donnelly to apply for SCOR. The decision in this matter is based on the specific facts presented and should not be used as precedent for any other matter.

ORDER

Therefore, it is ordered that this request be granted and Susan Donnelly’s application for SCOR be accepted for processing.

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 4TH DAY OF NOVEMBER 2020



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