



## CONCLUSION

*N.J.A.C.* 4A:6-3.3(a) provides that, upon retirement, an 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:6-3.4(c) provides that after receipt of the notice of retirement approval and SCOR application, the appointing authority shall forward to this agency within 45 days: (1) a personnel action request certifying the number of days of earned and unused accumulated sick leave and the amount of SCOR to be paid; (2) a copy of the notice of retirement approval; and (3) a completed SCOR application form. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause.

In this matter, the appellant retired from State service effective January 1, 2018, but the SCOR application was not forwarded to this agency until April 2019, outside the one-year time period established by *N.J.A.C.* 4A:6-3.4(a). The appointing authority indicates that this delay was due to its own mistake and that it does not oppose this appeal. In this regard, the appointing authority explains that a series of staff departures and new arrivals within the Human Resources Division caused delays in the timely filing of the appellant’s application. Although both a former employee and an appointing authority should be aware of the rules governing SCOR and time periods noted therein, it is the appointing authority’s responsibility to properly and promptly provide for the processing of appropriate documentation to effectuate SCOR payments. In such situations, the former employee should not be penalized with a diminution of a monetary entitlement. Accordingly, it is appropriate to relax the provisions of *N.J.A.C.* 4A:6-3.4(a) to permit the appellant to apply for SCOR.

## ORDER

Therefore, it is ordered that this request be granted, the provisions of *N.J.A.C.* 4A:6-3.4(a) be relaxed, and Francine Gary’s SCOR application be processed.

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 15<sup>TH</sup> DAY OF APRIL , 2020



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