



STATE OF NEW JERSEY

In the Matter of M█████ P█████,
Department of Corrections

CSC Docket No. 2025-728

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

Request for Waiver of Repayment of
Salary Overpayment

ISSUED: March 5, 2026

M█████ P█████, a Correctional Police Lieutenant with the Department of Corrections, requests a waiver of repayment of a salary overpayment pursuant to *N.J.S.A. 11A:3-7*, which provides that when an employee has erroneously received a salary overpayment, repayment may be waived based on a review of the case.

By way of background, P█████ was promoted from Correctional Police Sergeant to Correctional Police Lieutenant while contracts were being negotiated, effective May 8, 2021. The New Jersey Law Enforcement Supervisors Association (NJLESA) representing Correctional Police Sergeants settled their contract prior to the New Jersey Superior Officers Association (NJSOA), who represent Correction Police Lieutenants, which caused P█████ to be overpaid in the amount of \$9,776.43.

In its his request for waiver of repayment of a salary overpayment, P█████ states that he was unaware of the error as it involved both retroactive pay increases as part of a newly negotiated collective negotiations agreement that was not completed until over a year after the expiration of the prior agreement, as well as his simultaneous promotion to Correctional Police Lieutenant. Moreover, he states that the methodology for calculating wage increases is different in the contract for Correctional Police Sergeants than in the contract for Correctional Police Lieutenants which added to the confusion of the correct wage increase he should have received. P█████ notes that he never received any notice with either his retroactive pay or promotional increase that his pay was being adjusted for those reasons, the basis for

the adjustments, or the amount of the adjustments. This absence of notice along with the combination of a promotional increase and retroactive salary increases left him unaware that his pay had been inaccurately calculated. Thus, P█████ contends that the overpayment was due to an administrative error on the part of the State and not due to a mere delay in processing a change in pay status. He also states that a proposed repayment plan would pose an economic hardship on him and his family because he recently incurred child college costs, but he provides no specifics. Therefore, P█████ requests a waiver of the total amount, or in the alternative, a partial waiver, of the salary overpayment.

In response, the appointing authority states that for his repayment of overtime pay, it proposed a repayment schedule of \$23.80 biweekly deduction for 48 pay periods. With respect to his regular wages, it proposed a biweekly deduction of \$154.18 for 56 pay periods. Regarding P█████'s argument that the proposed repayment would cause a financial hardship, the appointing authority notes that he has not provided any specific evidence to substantiate this hardship, such as documentation of his monthly income and expenses. Further, it notes that P█████ was on notice that an overpayment of salary had occurred, and repayment was being sought since at least August 2023, when the repayment plans were scheduled to begin. Therefore, since he did not provide any specific evidence to show that the proposed repayment plan would create a financial hardship, the appointing authority maintains that P█████'s request should be denied.

CONCLUSION

N.J.A.C. 4A:3-4.21 provides, in pertinent part:

- (a) The Civil Service Commission may waive, in whole or in part, the repayment of an erroneous salary overpayment, or may adjust the repayment schedule based on consideration of the following factors:
1. The circumstances and amount of the overpayment were such that an employee could reasonably have been unaware of the error;
 2. The overpayment resulted from a specific administrative error, and was not due to mere delay in processing a change in pay status;
 3. The terms of the repayment schedule would result in economic hardship to the employee.

It is well settled that all the factors outlined in *N.J.A.C. 4A:3-4.21* must be satisfied to successfully obtain a waiver of the repayment obligation. Thus, in *In the Matter of Thomas Micai v. Commissioner of Department of Personnel, State of New Jersey*, Docket No. A-5053-91T5 (App. Div., July 15, 1993), the Superior Court of New Jersey, Appellate Division, affirmed the Commissioner of Personnel's decision to deny a request for waiver of repayment of salary overpayment, finding that, although the appellant had established that the overpayment was the result of an administrative error, he failed to show that enforcement of the repayment would create economic hardship.

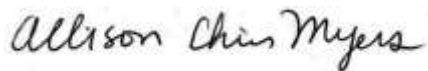
In this matter, although he argues that he should be held harmless from a salary overpayment action under these circumstances, P [REDACTED], other than his mere statement that "I [h]ave recently incurred child college cost[s]," has not provided any evidence to support a claim of economic hardship. It is noted that this agency advised P [REDACTED] in his appeal acknowledgement letter that if he was claiming economic hardship, he needed to submit evidence to substantiate the claim, such as an affidavit and/or relevant documentation regarding monthly income and expenses. Accordingly, as the third criterion has not been met under *N.J.A.C. 4A:3-4.21(a)*, the request is denied.

ORDER

Therefore, it is ordered that this request be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED ON
THE 4TH DAY OF MARCH, 2026



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Chair/Chief Executive Officer
Civil Service Commission

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