

STATE OF NEW JERSEY

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

In the Matter of Jean Dougherty,
Department of Human Services

CSC Docket No. 2018-3686

: Request for Rule Relaxation
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ISSUED: July 19, 2018 (WR)

The Department of Human Services (Human Services), on behalf of Jean Dougherty, requests the relaxation of the provisions of *N.J.A.C.* 4A:6-1.22 so as to permit Dougherty to donate more than 30 sick days.

Dougherty, an employee at Human Services, requests permission to donate 31.75 sick days. Dougherty retired on June 1, 2018 and wishes to donate the remainder of her sick time without receiving a supplemental compensation on retirement payment. However, doing so would leave her with less than 20 days of accrued sick leave and would be in excess of the 30 days allowed. Thus, Human Services requests that Dougherty be permitted to donate 31.75 sick days.

CONCLUSION

N.J.A.C. 4A:6-1.22 (Donated Leave Program) provides, in pertinent part, that under the Donated Leave Program, a leave donor may not donate more than 30 such days to any one recipient and that a leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave and at least 12 days of accrued vacation leave if donating vacation leave. *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.

Human Services, on behalf of Jean Dougherty, requests the relaxation of the provisions of *N.J.A.C.* 4A:6-1.22 so as to permit Dougherty to donate 31.75 sick days. Based on the particular circumstances presented, namely that Dougherty has left State service and has no need for the balance of her sick days, good cause exists to permit Dougherty to retroactively donate her remaining 31.75 sick days.

ORDER

Therefore, it is ordered that this request be granted, as such, Jean Dougherty is permitted to donate more than 30 donated leave days.

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 18th DAY OF JULY, 2018



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