



**STATE OF NEW JERSEY**

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

In the Matter of Becky Candelora  
and Bernice Jones, Irvington Housing  
Authority

Administrative Appeals

CSC Docket Nos. 2019-92 and  
2019-94

**ISSUED: January 18, 2019 (SLD)**

Becky Candelora, a former Program Director, Housing Assistance, and Bernice Jones, a former Keyboarding Clerk 2, represented by Luretha Stribling, Esq., with the Irvington Housing Authority, request compensation for their unused leave time upon their May 31, 2018 layoff. Since these matters concern similar issues they have been consolidate herein.

By way of background, Candelora was provisionally appointed to the title of Housing Coordinator, effective May 27, 2008. Thereafter, she received a regular appointment to the title of Program Director, Housing Assistance, effective August 1, 2014. Jones received a regular appointment to the title of Keyboarding Clerk 1, effective March 18, 1985. Thereafter, she received a regular appointment to the title of Keyboarding Clerk 2, effective January 4, 2001. Both Candelora and Jones were laid off, effective May 31, 2018.

On appeal, the appellants argue that upon their layoff, they were entitled to be paid for all unused vacation, sick and administrative leave time. Specifically, Candelora maintains that she is entitled to be paid for five vacation days, 3.75 sick days and one personal day. In support, she submits an e-mail from the human resource office which notes that those amounts were her leave time allowances, effective February 16, 2018.<sup>1</sup> Jones maintains that she is entitled to be paid for 321.75 sick days, 114 vacation days and three personal days. Specifically, Jones

<sup>1</sup> Agency records indicate that Candelora was immediately suspended on charges, effective February 22, 2018.

argues that with regard to her vacation days, that as of January 29, 2015, she had 39 vacation days. Moreover, based upon her years of service she was entitled to 25 vacation days per year from 2015 forward for an additional 75 days for a total of 114 vacation days. The appellants argue that they were entitled to be paid for their accrued time pursuant to the respective negotiated agreements that covered their positions and Civil Service law and regulations.

Despite an opportunity to do so, the appointing authority did not submit a response.

## CONCLUSION

Initially, *N.J.A.C.* 4A:6-1.2(h) provides, in pertinent part, that an employee who leaves service with a local jurisdiction shall be paid for unused earned vacation leave. However, there are no analogous provisions for sick leave for local employees and there are no provisions in Civil Service regulations or law that provides for payment for personal leave time. Accordingly, the Civil Service Commission (Commission) does not have jurisdiction to review the issue of whether the appellants are entitled to payment for their accrued sick and personal leave time. Rather, the payment of the sick and personal leave upon the appellants' layoff should be pursued through grievance procedures pursuant to any applicable collective negotiations agreement or appointing authority policy.

With regard to their request to be paid for their accrued vacation time, Jones maintains that she is entitled to be paid for 114 vacation days and Candelora maintains that she is entitled to be paid for five vacation days. Although *N.J.A.C.* 4A:6-1.2(h) provides, in pertinent part, that an employee who leaves service with a local jurisdiction shall be paid for unused earned vacation leave, *N.J.A.C.* 4A:6-1, *et seq.*, only indicates the minimum yearly vacation time a local employee is entitled to, but does not provide direction as to how the time is earned or prorated. Therefore, the Commission is unable to determine how much vacation leave time the appellants would be entitled to for 2018 since Candelora was immediately suspended effective February 22, 2018, and the appellants were laid off effective May 31, 2018. Moreover, with respect to Jones' claim that she is entitled to be paid for her vacation days since 2015, *N.J.S.A.* 11A:6-2(f) and *N.J.A.C.* 4A:6-1.2(g), provide that vacation leave not taken in a given year can only be carried over to the following year. *See In the Matter of John Raube, Senior Correction Officer, Department of Corrections*, Docket No. A-2208-02T1 (App. Div. March 30, 2004). Thus, since the accumulation of vacation leave is statutory, it cannot be relaxed by the Commission and Jones would only be entitled to be paid for her earned time for 2017 and 2018 that she did not use. Accordingly, Jones and Candelora are entitled to be paid for their earned vacation leave as discussed above, upon their May 31, 2018 layoff.

**ORDER**

Therefore, it is ordered that these appeals be granted in part. It is also ordered that Irvington Housing Authority remit payment to Becky Candelora and Bernice Jones for their accrued vacation leave, as of May 31, 2018, as discussed above.

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 16TH DAY OF JANUARY, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c:     Becky Candelora  
       Bernice Jones  
       Luretha M. Stribling, Esq.  
       David A. Brown  
       Kelly Glenn  
       Records Unit