



STATE OF NEW JERSEY

In the Matter of Rodney K. Williams,
Department of Corrections

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

CSC Docket No. 2019-82

Request for Waiver of Repayment
of Salary Overpayment

ISSUED: JANUARY 17, 2020 (JET)

Rodney K. Williams, a Senior Correctional Police Officer¹ with the Department of Corrections, represented by Nathan Van Embden, Esq., requests a waiver of an overpayment of his vacation time entitlements, pursuant to *N.J.S.A.* 11A:3-7, which provides that when an employee has erroneously received a salary overpayment, the Civil Service Commission (Commission) may waive repayment based on a review of the case.

As background, by letter dated May 23, 2018, the appointing authority notified Williams that, as a result of an audit of his annual vacation time, it was revealed that he had been incorrectly credited with additional vacation time on various occasions since January 1, 1996. The May 23, 2018 letter attached a balance sheet showing the vacation time Williams was credited with in comparison to the vacation time that he should have been credited with. The letter further indicated that the “administrative error has resulted in [Williams] using more vacation leave than [he] is entitled to use” and that he was responsible to repay 481.5 hours of such time pursuant to *N.J.A.C.* 4A:6-1.5(a). Additionally, by way of

¹ It is noted that the State Time and Leave Reporting System (TALRS) records indicating that Williams was permanently appointed to a position effective July 23, 1988. A review of the County and Municipal Personnel System (CAMPS) reveals that Williams was employed in Cumberland County as a School Superintendent from July 1986 to July 1987, as a County Correction Officer from March 1991 to August 1991, and as a Buildings and Grounds Maintenance Worker from August 1991 to October 1995. Williams was appointed as a Correction Officer Recruit effective September 30, 1995 with the Department of Corrections and as Senior Correction Officer effective September 28, 1996. Effective May 12, 2018, the title of his position changed to Senior Correctional Police Officer.

a May 29, 2018 memorandum, the appointing authority notified Williams that he was overdrawn 481.5 hours and, as a result, he was required to repay \$12,697.63.

In his request to the Civil Service Commission (Commission), Williams maintains that at no point was he overdrawn with respect to his vacation time entitlements.² As such, Williams requests that the alleged repayment amounts be waived by the Commission pursuant to *N.J.A.C.* 4A:3-4.21. Moreover, Williams argues that he was reasonably unaware of the error, the alleged overpayment amount was the result of an administrative error, and the repayment of the vacation time would cause him to experience a financial hardship given the length of time involved and the significant amount that has accrued.

In response, the appointing authority maintains that Williams is responsible for repayment of the overpaid vacation leave entitlements that he used. However, the appointing authority states that it is unaware of why he was over-credited vacation leave on various occasions or why the error occurred. In support, the appointing authority provides documentation with respect to the dates that Williams allegedly overused his vacation time.

The appointing authority's original TALRS records with respect to Williams' vacation entitlements³ are as follows:

Effective Date	Vacation Time Credited	Vacation Time Used	Balance	Salary
1995	24 hours	24 hours	0 hours	\$31,805.15
1996	120 hours (15 days)	120 hours	0 hours	\$34,986.67
1997	120 hours	120 hours	0 hours	\$37,980.30
1998	120 hours	64 hours	56 hours	\$41,140.63
1999	120 hours	176 hours	0 hours	\$44,690.51
2000	160 hours (20 days)	152 hours	8 hours	\$56,380.28
2001	160 hours	160 hours	8 hours	\$58,635.51
2002	160 hours	144 hours	24 hours	\$60,980.96
2003	160 hours	160 hours	24 hours	\$60,980.96
2004	160 hours	184 hours	0 hours	\$64,004.45
2005	160 hours	152 hours	8 hours	\$66,590.16

² Williams also speculates that he may have received more vacation time as a result of stipulations arising from a separate court matter. However, he does not provide any evidence in support of that assertion.

³ The appointing authority did not provide a copy of Williams' TALRS records prior to 1998. However, it provides a chart of his TALRS records dated from 1995 through 2018 showing the original credited vacation hours in comparison to the corrected vacation hours for the same timeframe.

2006	160 hours	144 hours	24 hours	\$72,136.39
2007	160 hours	136 hours	48 hours	\$74,661.11
2008	200 hours (25 days)	152 hours	96 hours	\$77,274.29
2009	200 hours	176 hours	120 hours	\$77,274.29
2010	200 hours	175 hours	145 hours	\$78,819.82
2011	200 hours	232 hours	113 hours	\$80,396.18
2012	200 hours	290 hours	23 hours	\$80,396.18
2013	200 hours	221.5 hours	1.5 hours	\$81,803.11
2014	200 hours	200.5 hours	1 hour	\$83,030.16
2015	200 hours	184 hours	17 hours	\$83,030.16
2016	200 hours	172 hours	45 hours	\$83,030.16
2017	200 hours	238.5 hours	6.5 hours	\$83,030.16
2018	200 hours	32 hours	174.5 hours	\$85,105.91

The appointing authority's corrected TALRS records with respect to Williams' vacation entitlements are as follows:

Effective Date	Vacation Time Credited	Vacation Time Used	Balance	Salary
1995	24 hours	24 hours	0 hours	\$31,805.15
1996	96 hours (12 days)	120 hours	-24 hours	\$34,986.67
1997	96 hours	120 hours	-48 hours	\$37,980.30
1998	96 hours	64 hours	-16 hours	\$41,140.63
1999	96 hours	176 hours	-96 hours	\$44,690.51
2000	120 hours (15 days)	152 hours	-128 hours	\$56,380.28
2001	120 hours	160 hours	-168 hours	\$58,635.51
2002	120 hours	144 hours	-192 hours	\$60,980.96
2003	120 hours	160 hours	-232 hours	\$60,980.96
2004	120 hours	184 hours	-296 hours	\$64,004.45
2005	120 hours	152 hours	-328 hours	\$66,590.16
2006	120 hours	144 hours	-352 hours	\$72,136.39
2007	160 hours (20 days)	136 hours	-328 hours	\$74,661.11
2008	160 hours	152 hours	-320 hours	\$77,274.29
2009	160 hours	176 hours	-336 hours	\$77,274.29
2010	160 hours	175 hours	-351 hours	\$78,819.82
2011	160 hours	232 hours	-423 hours	\$80,396.18
2012	160 hours	290 hours	-553 hours	\$81,803.11
2013	160 hours	221.5 hours	-614.50 hours	\$83,030.16
2014	160 hours	200.5 hours	-655 hours	\$83,030.16
2015	200 hours (25 days)	184 hours	-639 hours	\$83,030.16
2016	200 hours	172 hours	-611 hours	\$83,030.16
2017	200 hours	238.5 hours	-649.50 hours	\$83,030.16
2018	200 hours	32 hours	-481.50 hours	\$85,105.91

The above record reflects that Williams was over credited with respect to his vacation leave entitlements for every full year of his employment beginning at the time of his appointment as a Correction Officer Recruit on September 30, 1995 through 2014.

It is noted that the parties do not provide any other information or additional arguments in this matter.

CONCLUSION

N.J.A.C. 4A:3-4.21, Salary overpayments: State service, provides as follows:

- (a) The [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.

N.J.A.C. 4A:6-1.2, Vacation leave, provides in relevant part that:

- (a) Full-time State employees in the career service shall be entitled to annual paid vacation leave, credited at the beginning of each calendar year in anticipation of continued employment, based on their years of continuous State full-time or part-time service in the career, senior executive or unclassified service. *See (c) below for definition of continuous service.*

* * * * *

2. After the initial month of employment and up to the end of the first calendar year, employees shall receive one working day for each month of service. Thereafter, employees shall receive paid vacation leave as follows:
 - i. From the beginning of the first full calendar year of employment and up to five years of continuous service, 12 working days;

- ii. After five years of continuous service and up to 12 years of continuous service, 15 working days;
 - iii. After 12 years of continuous service and up to 20 years of continuous services, 20 working days;
 - iv. Over 20 years of continuous service, 25 working days.
3. An increase in vacation leave shall be granted at the beginning of the calendar year in which the years of service requirement will be met.

* * * * *

- (c) Continuous service, for the purposes of this section, shall mean employment for the same jurisdiction . . . without actual interruption due to resignation, retirement or removal.

In this matter, Williams requests a waiver of the vacation time overpayments. He argues that he was reasonably unaware of the error, the alleged overpayment amount was the result of an administrative error, and the repayment of the vacation time would cause him to experience a financial hardship. The appointing authority argues that, although Williams is responsible for repaying the overpayment, it is unaware of the reason why and how the administrative error occurred with respect to the overpayments. Although Williams was clearly over credited for his vacation leave time, as will be more fully explained below, the Commission finds there is sufficient cause in this matter to grant his request and waive the overpayment of the vacation leave entitlements.

An illustration of the actual vacation amounts Williams received in comparison to the amounts he should have received from 1996 through 1999 is as follows:

Actual Vacation Time Credited vs. Corrected Amount of Time

Year	Hours	Year	Hours
1996	120 (15 days)	1996	96 (12 days)
1997	120	1997	96
1998	120	1998	96
1999	120	1999	96
Total Hours: 480		Total Hours: 384	

Difference in Amount (480-384) = 96 hours

An illustration of the actual vacation amounts Williams received in comparison to the amounts he should have received from 2000 through 2007 is as follows:

Actual Vacation Time Credited vs. Corrected Amount of Time

Year Hours			Year Hours		
2000	160	(20 days)	2000	120	(15 days)
2001	160		2001	120	
2002	160		2002	120	
2003	160		2003	120	
2004	160		2004	120	
2005	160		2005	120	
2006	160		2006	120	
2007	160		2007	160	
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Total Hours: 1,120			Total Hours: 840		

Difference in Amount (1,120-840) = 280 hours

An illustration of the actual vacation amounts Williams received in comparison to the amounts he should have received from 2008 through 2014 is as follows:

Actual Vacation Time Credited vs. Corrected Amount of Time

Year Hours			Year Hours		
2008	200	(25 days)	2008	160	(20 days)
2009	200		2009	160	
2010	200		2010	160	
2011	200		2011	160	
2012	200		2012	160	
2013	200		2013	160	
2014	200		2014	160	
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Total Hours: 1,400			Total Hours: 1,120		

Difference in Amount (1,400-1,120) = 280 hours

Accordingly, from 2008 through 2014, Williams was over credited with 280 hours of vacation leave. Therefore, from 1995 through 2014, Williams was over credited with a total of 656 hours of vacation time.⁴

Additionally, per *N.J.A.C.* 4A:6-1.2, employees who are employed over 20 years of continuous service receive 25 working-days of vacation time. The record reflects that Williams was properly credited with 200 hours or 25 working days of vacation time, which was the correct amount of vacation leave entitlements for that timeframe. Unused vacation time from 2015 through 2018 was carried over which resulted in the final balance owed of 481.5 hours.

In this matter, the parties do not materially dispute that the overpayments as noted above occurred. The appointing authority acknowledges in its May 23, 2018 letter that an administrative error occurred with respect to the vacation leave entitlements. Although it states that it is unaware of how and why the error occurred, it appears that the appointing authority incorrectly took Williams' service in Cumberland County into account when his vacation leave entitlements were originally calculated. Additionally, the record reflects that the overpayments occurred unnoticed over a period **of 20 years**. There is no reason for Williams to have believed his balances were incorrect as he was awarded such leave over that extended period of time and the periodic increases in vacation time would have appeared consistent with his overall governmental service. Accordingly, given that the error extended for such an unfathomable length of time, based on equitable considerations, the Commission finds that the circumstances of the instant matter warrant granting the requested relief. Therefore, Williams is not responsible for repayment of over-credited vacation leave. *See, e.g., In the Matter of D.R., Department of Law and Public Safety* (CSC, decided November 19, 2019); *In the Matter of Fay Catando* (Commissioner of Personnel, decided April 5, 2006); and *In the Matter of Daniel Watson* (Commissioner of Personnel, decided February 14, 2002). Finally, it is noted that this decision is based on the particular facts and circumstances presented and shall not be used as a precedent in any other matter.

ORDER

Therefore, it is ordered that this request for waiver of the repayment of the overpayment of vacation leave entitlements be granted.

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

⁴ According to the appointing authority's calculation, this number was 655 hours. As this matter is being granted, this discrepancy need not be reconciled.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15th DAY OF JANUARY, 2020



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