



STATE OF NEW JERSEY

In the Matter of Jo Astrid Glading,
Office of the Public Defender

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

CSC Docket No. 2022-757

Administrative Appeal

**ISSUED: NOVEMBER 22, 2021
(SLD)**

Jo Astrid Glading, a former Assistant Deputy Public Advocate 1, with the Office of the Public Defender (OPD), requests that the provisions of *N.J.A.C.* 4A:6-3.4(a), which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit her to submit a late application for SCOR benefits.

As background, the appellant retired from State service, effective March 1, 2020. However, a SCOR application for the appellant was not forwarded to this agency by OPD within one year of her retirement date. Specifically, the application, which sought a \$5,384.82 SCOR payment, was forwarded on or about August 24, 2021, but returned by the Division of Agency Services as untimely.

In her request to the Civil Service Commission (Commission), the appellant argues that the delay in filing of her SCOR application was not her fault. In this regard, the appellant notes that two weeks after retiring on March 1, 2020, she contracted COVID-19, and her recovery took several months. The appellant maintains that after recovering, she realized that although she had received compensation for her unused vacation leave, she had not received her SCOR payment. Therefore, on October 30, 2020, she contacted the appointing authority and inquired about the processing of her SCOR payment. The appellant maintains that she was advised that the OPD needed to submit the application to this agency, and that they would go ahead and do so. The appellant asserts that she was unaware of the one-year time frame and OPD had never informed her of the same. Therefore, as she did not want to “make a pest” of herself “during what was a very difficult time for all employers,” she followed up on August 18, 2021, and left a voicemail, and again

on September 1 and September 11, 2021. The appellant argues that she made a good faith effort to claim her SCOR payment within the one-year time frame and it would be unjust to penalize her for the delay she was not responsible for.

In support of this appeal, OPD explains that the SCOR application was completed and signed on February 15, 2021, within one year of the appellant's effective date of retirement. OPD contends that as a result of the pandemic and working remotely, the form was not submitted to this agency within one year of the appellant's March 1, 2020, retirement date. Instead, it was not until August 24, 2021, when it was "reviewing its files," that it was discovered that the appellant's application for SCOR was never submitted for approval. OPD agrees that the appellant was not at fault.

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." The maximum amount of SCOR for any employee, however, is \$15,000.00. See *N.J.S.A.* 11A:6-19. *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) completed SCOR application form. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause.

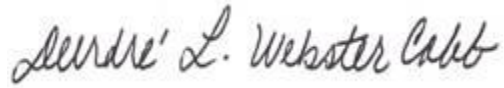
In this matter, the appellant retired from State service effective March 1, 2020, but the SCOR application was not forwarded to this agency until on or about August 24, 2021, outside the one-year time period established by *N.J.A.C.* 4A:6-3.4(a). OPD indicates that the delay was due to the COVID-19 pandemic and the resulting remote work. In such a situation, 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 Jo Astrid Glading'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 17TH DAY OF NOVEMBER 2021



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