



STATE OF NEW JERSEY

In the Matter of K.R., Essex County

CSC Docket No. 2026-1223

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

Administrative Appeal

ISSUED: July 22, 2026 (HS)

K.R., a Data Processing Programmer with Essex County, appeals the decision of Essex County, which denied her request to participate in the donated leave program.

As background, the appellant requested to participate in the donated leave program. In a determination dated November 6, 2025, the appointing authority denied the request noting that an employee shall be eligible to receive donated sick or vacation leave if the employee has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness, or abuse of leave. In this case, the appellant had been counseled on October 7, 2024 for being "Sick Without Pay." On that basis, the appointing authority deemed the appellant ineligible to receive donated leave. The instant appeal to the Civil Service Commission (Commission) followed.

It is noted that a review of agency records found that this agency approved the appointing authority's donated leave program in 1996. It is further noted that the requirement that a donated leave recipient not have been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave in the two-year period immediately preceding the employee's need for donated leave was incorporated into the regulations on January 16, 2001. *See 32 N.J.R. 3515(b); 33 N.J.R. 253(b).*

CONCLUSION

N.J.A.C. 4A:6-1.22(g) provides:

In local service, an appointing authority may establish a donated leave program, which shall be consistent with the provisions of *N.J.A.C.* 4A:6-1.22(a) through *N.J.A.C.* 4A:6-1.22(f), with approval of the Chairperson or designee.

1. The appointing authority shall submit to the Chairperson or designee a donated leave program proposal no later than 30 days before the planned implementation of the program. The proposal shall include a summary of consultations with affected negotiations representatives concerning the program and name the donated leave program administrator for the appointing authority.
2. The appointing authority shall not implement a donated leave program unless the program has been approved by the Chairperson or designee.
3. The appointing authority shall retain all records concerning implementation of an approved donated leave program subject to an audit by a representative of the Civil Service Commission.
4. The appointing authority may suspend or terminate the donated leave program at any time upon 30 days written notice of such suspension or termination to the Chairperson or designee, all affected employees, and labor negotiations representatives.

Upon review, the Commission finds that it cannot entertain the instant appeal. In this regard, a review of *N.J.A.C.* 4A:6-1.22(g) reflects that this agency's role with respect to donated leave in local service is to review and, as appropriate, approve donated leave program proposals. However, *implementation* of such a program is left to the local appointing authority. Moreover, any appeal of the appointing authority's implementation of the donated leave program must be made through its procedures or other appropriate forum. Therefore, the Commission does not have the jurisdiction to review the appointing authority's decision to deny the appellant's participation in its donated leave program.

Finally, in light of the passage of time since this agency's approval of the appointing authority's donated leave program, it is appropriate that the Division of Human Resource Information Services review said program for consistency with the provisions of *N.J.A.C.* 4A:6-1.22(a) through *N.J.A.C.* 4A:6-1.22(f). Additionally, *N.J.A.C.* 4A:6-1.22(g)3 requires an appointing authority to retain all records concerning implementation of such program, subject to audit the Commission.

ORDER

Therefore, it is ordered that this appeal be dismissed for lack of jurisdiction.

It is further ordered that the Division of Human Resource Information Services review Essex County's donated leave program for consistency with the provisions of *N.J.A.C.* 4A:6-1.22(a) through *N.J.A.C.* 4A:6-1.22(f).

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 22ND DAY OF JULY, 2026



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