



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of A. A., Department of
Environmental Protection

CSC Docket No. 2015-11

Request for Rule Relaxation

ISSUED: JUL 21 2014 (JET)

The Department of the Treasury, on behalf of John Futey, requests the relaxation of the provisions of *N.J.A.C. 4A:6-1.22* so as to permit him to donate more than 30 sick days to A. A., and employee of the Department of Environmental Protection, who is participating in the donated leave program.

By way of background, Ms. A is an approved recipient of donated leave and is currently participating in the program. She has used a total of 260 days up through December 21, 2012. In response to a prior request by the Department of Environmental Protection, the Civil Service Commission granted a rule relaxation allowing Ms. A to receive and use additional days of donated leave above the 260 lifetime maximum. *See In the Matter of A.A.* (CSC, decided June 26, 2013). In the instant matter, Mr. Futey, an Administrative Law Judge with the Office of Administrative Law who retired from State service effective June 30, 2014, requests to donate 130 days of leave to Ms. A as her situation has exacerbated. The Department of the Treasury supports the request.

N.J.A.C. 4A:6-1.22 (Donated Leave Program) states, in pertinent part, that in State service, a leave donor may not donate more than 30 days leave 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.

CONCLUSION

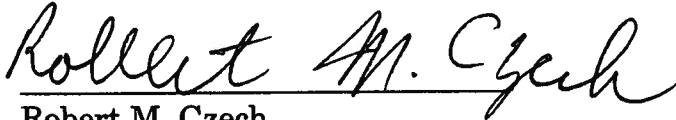
The Department of the Treasury, on behalf of John Futey, seeks approval to allow him to donate leave time to Ms. A beyond the 30 day limit set forth in *N.J.A.C.* 4A:6-1.22. Based on the particular circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:6-1.22 to permit Mr. Futey to donate 100 days of leave time beyond the 30 day limit to Ms. A.

ORDER

Therefore, it is ordered that this request be granted.

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 JULY, 2014



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