



## STATE OF NEW JERSEY

In the Matter of C.W., Department of Agriculture

CSC Docket No. 2016-583

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Request for Rule Relaxation

ISSUED: JUL 3 1 2015 (JET)

The Department of Agriculture, on behalf of James Murphy, 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 C.W., an employee of the Department of Agriculture, who is participating in the donated leave program.

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By way of background, C.W. is an approved recipient of donated leave and is currently participating in the program. The appointing authority indicates that C.W. previously participated in the program, receiving and utilizing 81 days of donated leave up through June 2015. C.W. has been approved to receive donated leave effective July 17, 2015 and she is authorized off duty through September 11, 2015. In the instant matter, Mr. Murphy, an Agricultural Products Agent 1 with the Department of Agriculture who retired from State service effective July 1, 2015, requests to donate 50 days of leave to C.W. as her situation has not improved. It is noted that Mr. Murphy previously donated 20 sick days to C.W. The Department of the Agriculture 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 Agriculture, on behalf of James Murphy, seeks approval to allow him to donate leave time to C.W. 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. Murphy to donate 50 days of leave time beyond the 30 day limit to C.W.

## **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 29th DAY OF JULY, 2015

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries

and

Correspondence

Henry Maurer

Director

Division of Appeals

& Regulatory Affairs

Civil Service Commission

Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

c: C.W.

James Murphy Linda A. Krajain Kenneth Connolly Joseph Gambino