



STATE OF NEW JERSEY

In the Matter of John Searight,
Stockton University

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

CSC Docket No. 2016-4344

Request for Rule Relaxation

ISSUED: DEC 23 2016 (JET)

Stockton University 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 John Searight to submit a late application for SCOR benefits.

By way of background, Searight, a former Dean 2 with Stockton University, retired from State Service, effective July 1, 2002. By letter dated April 11, 2016, the appointing authority explains that, at the time he retired, it erroneously advised Searight that he was not eligible to receive SCOR benefits. The appointing authority states that, since he relied on the erroneous information, Searight did not file an application for SCOR benefits at the time he retired. As such, the application for SCOR benefits was not filed within one year of his retirement due to an administrative oversight. The appointing authority avers that Searight recently found out from a colleague that he should have received SCOR benefits. In addition, the appointing authority confirms that Searight served as a Dean 2 from July 1, 1988 through June 30, 1992. It also notes that he served as a Professor from September 1, 1973 through June 30, 1988, and from July 1, 1992 through July 1, 2002. As such, the appointing authority now requests that the provisions of *N.J.A.C.* 4A:6-3.4(a) be relaxed, in order to process Searight's SCOR application.

It is noted that the appointing authority completed a SCOR application dated April 11, 2016 on behalf of Searight, seeking a SCOR payment in the amount of \$8,761.85. However, the application was returned by the Division of Agency Services (Agency Services) as the application was not filed within one year of the

effective date of retirement, and various items, including salary information, was missing from the application. Additionally, it noted that, in fiscal year 1992, there was 262 working days. As such, the average daily rate was \$287.52 and the paid amount should be \$8,625.60.

CONCLUSION

N.J.A.C. 4A:6-3.1(b)5 states, in pertinent part, faculty members of the State Colleges who served in an administrative capacity may be eligible for SCOR based on the time served in that administrative capacity only. Such employees, if deemed eligible, shall be entitled to payment based on sick leave and salary earned while serving in an administrative title.

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.” *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:1-1.2(c)* provides that a rule may be relaxed for good cause.

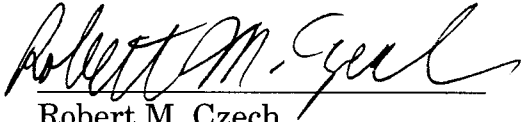
In the instant matter, Searight retired from State service effective July 1, 2002, but no attempt was made to file his SCOR application until April 11, 2016, well outside the one-year time period established by *N.J.A.C. 4A:6-3.4(a)*. Nevertheless, the record indicates that this lengthy delay was outside of Searight’s control. In this regard, the appointing authority explains that the delay was due to an administrative oversight and requests relaxation of the applicable rule to permit consideration of Searight’s SCOR application. Specifically, the appointing authority states that it erroneously informed Searight at the time he retired that he was not eligible for SCOR benefits. Although a former employee should be aware of monetary entitlements, Searight relied on the erroneous information that was provided to him by the appointing authority. *See In the Matter of Suzanne M. Campbell* (CSC, decided December 5, 2012) (While former employee should have been aware of monetary entitlements, it is the appointing authority’s responsibility to promptly and properly provide for the processing of appropriate documentation to effectuate such entitlements and Civil Service Commission permitted the filing of a late application for SCOR benefits where appointing authority delayed forwarding the application to this agency for five years). Under these specific circumstances, it would be inequitable to penalize him with a diminution of the entitlement. As such, it is appropriate to relax *N.J.A.C. 4A:6-3.4(a)* to permit Searight to apply for SCOR. The decision in this matter is based on the specific facts presented and should not be used as precedent for any other matter.

ORDER

Therefore, it is ordered that this request be granted and John Searight's application for SCOR be accepted for processing.

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 21st DAY OF DECEMBER, 2016



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