

APRIL 11, 1949.

DR. WILLIAM S. CARPENTER, *President,*
Department of Civil Service,
State House.

FORMAL OPINION—1949. No. 30.

DEAR SIR:

I have your letter of the 5th instant, stating that Sussex County adopted Civil Service on November 4, 1947, and that the Board of Freeholders of that county now contend that prior to the date of such adoption all employees in the county were temporary, and that the Board has declared that sick leave for county employees will commence only from the date of such adoption.

In my view, that is not the law. Both as to vacation leave and sick leave the years in service of such employees "prior and subsequent to the adoption of this act shall be used." The statute is clear and explicit and must be obeyed. See Chap. 232, P. L. 1939.

In reaching the conclusion I have I am not unmindful of the fact that there may have been in the employ of the county certain true temporary employees who should not be certified to your Commission, but as to all employees regularly employed the provisions of the statute to which I have called attention must be adhered to.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

APRIL 11, 1949.

DR. WILLIAM S. CARPENTER, *President,*
Department of Civil Service,
State House.

FORMAL OPINION—1949. No. 31.

DEAR SIR:

I have your memorandum of the 1st instant, inquiring whether the employees of the Beverly Sewerage Authority come within the jurisdiction of the Civil Service Law.

I understand the City of Beverly adopted the Civil Service Law in 1947, and in the same year created The Beverly Sewerage Authority, pursuant to the provisions of Chapter 138 of the Laws of 1946. By Section 5 (e) of that act The Sewerage Authority is authorized to appoint necessary officers and employ the required help; and by Section 4 (b) of said act such Sewerage Authority when constituted is an agency and instrumentality of the municipality creating it.

The Sewerage Authority of the City of Beverly necessarily must confine its operations to land lying within the corporate limits of that municipality, and, in my opinion, it is immaterial how the employees of the Sewerage Authority are compen-

sated, whether from appropriations by the municipality, or from revenue derived by The Sewerage Authority from the operation of its system. The Legislature could have provided either method of compensation.

I am, therefore, of opinion that employees of The Beverly Sewerage Authority are subject to the jurisdiction of your Commission.

Very truly yours,

THEODORE D. PARSONS,
Attorney General

APRIL 11, 1949.

DR. WILLIAM S. CARPENTER, *President*,
Department of Civil Service,
State House.

FORMAL OPINION—1949. No. 32.

DEAR SIR:

I have your memorandum of the 6th instant, with respect to the proper interpretation of the statute respecting vacation leave and sick leave, both of which are provided for by R. S. 11:14-1 and R. S. 11:14-2, as said sections were amended by Chapter 233 of the Laws of 1939.

The question submitted by you, if I understand it correctly, is whether vacation time accrues during the period when a State employee is away on accumulated sick leave.

It is my view that vacation leave continues to accumulate while a State employee is on sick leave, and it is my understanding that this matter was fully considered and passed upon by this department, without formal opinion, some years ago. The sick leave may be accumulated over a period of years, and the duration of such sick leave depends upon length of service. Not so, however, with vacation leave, because it does not accumulate except in those instances where the vacation leave was not granted by reason of pressure of State business, in which event the leave accumulates and shall be granted during the next succeeding calendar year.

To state the matter succinctly, in my opinion, vacation leave may not be offset as against sick leave.

Very truly yours,

THEODORE D. PARSONS,
Attorney General