

Under section 18:20-2, the colleges clearly possess the right to confer in general both degrees in course and honorary degrees without approval from the State board, except as such approval may be required by anything contained in sections 18:20-5 to 18:20-17. Of the latter, only section 18:20-8 appears material to the present discussion, and the questions raised are thus narrowed to the effect, if any, of that section upon the general grant of authority contained in 18:20-2.

Section 18:20-8 is manifestly concerned only with degrees awarded for attainment or proficiency "in pursuing or graduating from any course or courses of study, arts or learning," and thus it does not affect the general power of any college to bestow honorary degrees. The same section provides, furthermore, that "nothing in this section shall apply to" any institution of learning which in 1891 was conferring degrees in recognition of attainment or proficiency. That proviso, in my opinion, renders the entire section inapplicable to any college which was bestowing any degree in course in 1891, thereby leaving such college free generally to establish and award new degrees in its own discretion.

Verly truly yours,

THEODORE D. PARSONS,
Attorney General.

By : THOMAS P. COOK,
Deputy Attorney General.

APRIL 16, 1951.

CIVIL SERVICE COMMISSION,
State House, Trenton, N. J.

FORMAL OPINION—1951. No. 13.

GENTLEMEN :

You request to be advised whether a State employee whose services were terminated because of absence occasioned by acute alcoholism is entitled to the vacation leave, which he claims, with pay.

The answer is no.

Such employee has by his conduct forfeited any and all vacation rights.

In *Walters vs. Pension Commission, Trenton*, 120 N. J. L. 39, it was held that a police officer forfeits his right to pension if he is convicted of malfeasance in office even though he had become eligible for pension by reason of having served 20 years and having attained the age of 51 years.

In *McFeeley vs. Pension Commission of New Jersey*, 8 N. J. Super. 575, the court has gone further. It was held that a policeman who was discharged was not entitled to recover amounts which he had contributed to the pension fund.

In *Pendlebury vs. Passaic Valley Sewage Commission*, 122 N. J. L. 344 it was further held that a discharged employee was not entitled to a bonus.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By : JOHN W. GRIGGS,
Deputy Attorney General.