

I conclude that while a conveyance or irrevocable lease of riparian lands by the State must be for more than a nominal consideration, the sum demanded for a grant restricted to public use for a park or street need not be as great as for an unrestricted grant, because the value of the former is plainly less than the value of the latter.

Very truly yours,

*Deputy Attorney General.
Attorney General,*

By: THOMAS P. COOK,
Deputy Attorney General.

tpc;d

OCTOBER 26, 1953.

DR. LESTER H. CLEE, *President,*
Civil Service Commission,
State House,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 40.

MY DEAR DR. CLEE:

As we understand it, you raise the question whether R. S. 11:27-11.1 allows holders of the Congressional Medal of Honor, Distinguished Service Cross, or Navy Cross to one appointment or one promotion, or whether this statute entitles the holder thereof to both an appointment and any number of subsequent promotions.

It is our conclusion that the holder of such an award is entitled to but one appointment, or in lieu thereof, one promotion.

R. S. 11:27-11.1 provides as follows:

“* * * The head or person in charge of any department or subdivision of this State and the various counties and municipalities thereof, to whom such soldier, sailor, marine or nurse as above provided shall apply for employment or promotion, shall within his discretion employ or promote such person, as in his judgment shall deem proper and necessary for the good of his department. Upon said promotion, appointment or employment, the said person shall then become subject to and under the direct supervision, rules and regulations governing such employment by the Civil Service Commission.”

It would appear to us that the statute clearly gives to the head of the department the right to employ or promote such holder as in the judgment of the appointing authority shall be proper for the good of his department. This statement is clearly a limitation upon both the department head and the recipient and allows to the latter either the appointment or promotion as a reward for his distinguished service.

This becomes more clear when one notes the use of the singular terms in the second sentence of the above quoted statute which states, "upon said promotion, appointment, or employment."

This phraseology can mean but one thing, and that is that individual concern is limited to one appointment, or in lieu thereof, one promotion.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: JOHN W. GRIGGS,
Deputy Attorney General.

jwg;d

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NOVEMBER 17, 1953.

DR. LESTER H. CLEE, *President,*
Civil Service Commission,
State House,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 41.

MY DEAR DR. CLEE:

As we understand it, you seek advice in regard to the computation of annual vacation and accumulated sick leave for employees in the State and local services, and you specifically ask whether in computing the allowable vacation and sick leave the employee's service prior to his resignation, dismissal, or lay-off must be taken into consideration or should such computation be based only on that period of continuous service following his re-employment.

It is our conclusion that, prior to the passage of N. J. S. A. 11:14-1.1, allowable annual vacation and sick leave should be based upon the aggregate service of the individual within the classified service, but after the enactment of the aforementioned statute, only continuous service can be allowed as the basis of computation of vacation time but that the computation of sick leave remains as heretofore.

R. S. 11:14-1 provides in pertinent part:

"The chief examiner and secretary shall, * * *, prepare, and after approval by the commission, administer regulations regarding holidays, hours of work, attendance and annual sick and special leaves of absence with or without pay or with reduced pay for permanent employees in the classified service; provided, however, that every permanent employee in the classified service shall be granted at least the following annual leave for vacation purposes with pay * * *. In determining all vacation leave, the years of service of such employees prior and subsequent to the adoption of this act shall be used * * *."