

April 18, 1955.

HONORABLE CHARLES SUMMERS,
*Chairman, Consolidated Police
& Firemen's Pension Fund Commission*

State House,
Trenton, New Jersey.

MEMORANDUM OPINION P-9.

DEAR SIR:

Your recent letter requested an opinion as to whether your Commission may pay a subsidy in addition to the salaries of secretaries employed by your Commission.

As a matter of fundamental policy, an employee's salary is generally intended to compensate him for all services rendered to the State, so long as he is not required to work beyond the ordinary hours of duty. See N. J. S. A. 52:14-17.13. Rule 18 of the Civil Service Rules provides, in part,

"The rates of pay set forth in the compensation plan represent the total remuneration including pay in every form, except as otherwise expressly provided in the compensation schedule for the class."

Civil Service Rule 20 provides, in part, as follows;

"Extra compensation and overtime payment. 1. State Service. No extra compensation, bonus or special payment for extra work shall be paid any permanent or temporary employee unless the work for which such extra compensation, bonus or special payment is proposed, is performed entirely outside of the regularly prescribed hours of duty and is independent of the regular routine daily duties of the employee for whom such extra pay is proposed. No pay roll, estimate or claim for such extra compensation, bonus or special payment shall be approved for any state employee unless such extra employment for pay, together with the rate of compensation to be paid therefor, is first reported to and authorized by this department and such payment shall be not in excess of the rates established by this department after consultation with appointing authorities and their principal assistants."

The Civil Service Rules thus prohibit the payment of extra compensation unless it is performed entirely outside the regularly prescribed hours of duty.

We conclude, therefore, that it would not be proper for your Commission to pay a subsidy to the salaries of the secretaries of your Commission.

Yours very truly,

GROVER C. RICHMAN, JR.,
Attorney General.

By. JOHN F. CRANE,
Deputy Attorney General.