

52:14-6.10 to 52:14-6.18

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 52:14-6.10 to 52:14-6.18 "Government Employees Interchange Act"

**LAWS OF:** 1967 **CHAPTER:** 77

**BILL NO:** A763

**SPONSOR(S):** Biber and others

**Date Introduced:** March 13, 1967

**Committee:** **Assembly:** County and Municipal Government

**Senate:** \_\_\_\_\_

**Amended during passage:** Yes No

**Date of Passage:** **Assembly:** April 17, 1967

**Senate:** April 24, 1967

**Date of Approval:** May 31, 1967

**Following statements are attached if available:**

**Sponsor statement:** No

**Committee statement:** **Assembly** No

**Senate** No

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** Yes

974.90 New Jersey. Legislature. Assembly. Committee on  
H842 County and Municipal Government.  
1967 Public hearing on A.757, A763...  
held 3-30-67. Trenton, 1967.

RDV

ASSEMBLY, No. 763

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblyman BIBER, Assemblywoman KORDJA, Assemblymen WEGNER, GRECCO, POLICASTRO, TANZMAN, WILENTZ, A. E. BROWN, DODD and ADDONIZIO

Referred to Committee on County and Municipal Government

AN ACT providing for the interchange of government employees.

1 WHEREAS, This State recognizes that intergovernmental co-  
2 tion is an essential factor to the resolution of problems affecting  
3 this State, and that the interchange of personnel between and  
4 among governmental agencies at the same or different levels  
5 of government is a significant factor in achieving such co-  
6 operation; now therefore,

7 BE IT ENACTED *by the Senate and General Assembly of the State*  
8 *of New Jersey:*

9 1. This act shall be known as, and may be cited as, the "Govern-  
10 ment Employee Interchange Act of 1967."

11 2. This act being deemed and hereby declared necessary for the  
12 welfare of **\*[the]\*** *\*this\** State and its inhabitants in order to pro-  
13 vide for that intergovernmental co-operation which is essential to  
14 the resolution of problems affecting this State, shall be liberally  
15 construed to effectuate the purposes and intent thereof.

16 3. The following terms whenever used or referred to in this act  
17 shall have the following respective meanings for the purposes of  
18 this act, except in those instances where the context clearly indi-  
19 cates otherwise:

20 (a) The term "act" shall mean this act, any amendments or  
21 supplements thereto, and any rules or regulations promulgated  
22 thereunder.

23 (b) The term "Federal Governmental unit" shall mean any  
24 department, division, office, agency, bureau or section of the United  
25 States, or any authority or instrumentality created or chartered  
26 thereby.

27 (c) The term "New Jersey Governmental unit" shall mean any

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill  
is not enacted and is intended to be omitted in the law.

1 department, division, office, agency, bureau or section of this State,  
2 or any political subdivision thereof, or any authority or instru-  
3 mentality created or chartered thereby.

4 (d) The term "participating employee" shall mean any officer  
5 or employee of any Federal Governmental unit, New Jersey Gov-  
6 ernmental unit or State Governmental unit, other than the chief  
7 executive officer thereof, who participates in a program of govern-  
8 ment employee interchange authorized by this act.

9 (e) The term "receiving agency" shall mean any Federal Gov-  
10 ernmental unit, New Jersey Governmental unit, or State Govern-  
11 mental unit which receives any officer or employee of a sending  
12 agency pursuant to a program of government employee interchange  
13 authorized by this act.

14 (f) The term "sending agency" shall mean any Federal Govern-  
15 mental unit, New Jersey Governmental unit, or State Governmental  
16 unit which sends any officer or employee thereof to a receiving  
17 agency pursuant to a program of government employee interchange  
18 authorized by this act.

19 (g) The term "State Governmental unit" shall mean any depart-  
20 ment, division, office, agency, bureau or section of any State of the  
21 United States other than this State, or any political subdivision  
22 thereof, or any authority or instrumentality created or chartered  
23 thereby.

24 4. Notwithstanding the provisions of any other law, and as here-  
25 inafter provided, any New Jersey Governmental unit is hereby  
26 authorized to participate, as either a sending agency or a receiving  
27 agency, in a program of government employee interchange with  
28 any other New Jersey Governmental unit, any Federal Govern-  
29 mental unit, or any State Governmental unit.

30 5. Any program of government employee interchange pursuant  
31 to this act shall be subject to the following terms, conditions and  
32 requirements:

33 (a) No period of individual assignment or detail to any receiv-  
34 ing agency shall exceed 12 months, nor shall any participating  
35 employee be assigned or detailed to a receiving agency for more  
36 than 12 months during any 36-month period.

37 (b) No person shall be assigned or detailed as a participating  
38 employee except upon the freely-given consent of such person, and  
39 without any form of coercion or duress whatsoever.

40 (c) Any participating employee shall remain in the employ of the  
41 sending agency for a period of not less than 1 year from the  
42 termination of his participation in a program of government em-  
43 ployee interchange pursuant to this act.

1 (d) Any program of government employee interchange pursuant  
2 to this act may be terminated by the sending agency or the receiv-  
3 ing agency, without reason therefor, upon 30 days' notice.

4 (e) Any participating employee received by a receiving agency  
5 shall be considered, for the duration of his participation in a pro-  
6 gram of government employee interchange pursuant to this act,  
7 to be assigned to the receiving agency on detail to the regular work  
8 assignments of the sending agency. No participating employee who  
9 is so assigned on detail shall, by virtue of such assignment on detail,  
10 be considered an employee of the said receiving agency, but shall  
11 be considered to be an employee of the sending agency for any  
12 purpose other than a question as to the supervision of said par-  
13 ticipating employee; provided, that the supervision of any partici-  
14 pating employee may be governed by an agreement between the  
15 respective chief executive officers of the sending agency and the  
16 receiving agency; and provided further, that any question as to the  
17 employee status of an employee of a New Jersey Governmental  
18 unit who participates in a program of government employee inter-  
19 change pursuant to this act shall be decided according to the law  
20 of this State.

21 (f) Any New Jersey Governmental unit may, without regard to  
22 the provisions of Title 11 of the Revised Statutes, Civil Service,  
23 receive and appoint a participating employee from a sending  
24 agency to the unclassified service of said New Jersey Govern-  
25 mental unit.

26 (g) No employee of a New Jersey Governmental unit who is  
27 assigned to a receiving agency shall lose, or suffer any diminution  
28 of, any right, power, privilege or benefit to which said participating  
29 employee would otherwise be entitled pursuant to the provisions  
30 of Title 11 of the Revised Statutes, Civil Service, or Title 43 of  
31 the Revised Statutes, Pensions and Retirement, or any other law,  
32 including but not limited to rights, powers, privileges, or benefits  
33 as to salary, seniority, promotion, re-employment, retirement or  
34 pension.

35 (h) Any employee of a New Jersey Governmental unit who  
36 participates in a program of government employee interchange  
37 pursuant to the provisions of this act who shall suffer injury,  
38 occupational disease, or death, arising out of and in the course of  
39 said program or sustained in the discharge of duties in connection  
40 therewith, shall be considered an "employee" as said term is  
41 defined in section 34:15-36 of the Revised Statutes, and shall not  
42 be deprived, by virtue of his participation in said program, of any  
43 right or expectancy that would otherwise accrue to said participat-

1 ing employee pursuant to chapters 15 and 16, both inclusive, of  
2 Title 34 of the Revised Statutes, Labor and Workmen's Compensa-  
3 tion. No such participating employee of a New Jersey Govern-  
4 mental unit shall receive or accept any payment or benefit pursuant  
5 to a workmen's compensation program, if any, of any State Govern-  
6 mental unit or Federal Governmental unit with which the said  
7 New Jersey Governmental unit has implemented a program of  
8 government employee interchange pursuant to this act.

9 No employee of a Federal Governmental unit or State Govern-  
10 mental unit who is assigned to a New Jersey Governmental unit  
11 as a receiving agency and who suffers injury, occupational disease,  
12 or death, arising out of and in the course of a program of govern-  
13 ment employee interchange pursuant to this act or sustained in  
14 the discharge of duties in connection therewith, shall be considered  
15 an "employee" within the meaning of section 34:15-36 of the  
16 Revised Statutes, nor shall any right or expectancy accrue to said  
17 employee pursuant to chapters 15 and 16, both inclusive, of Title 34  
18 of the Revised Statutes, Labor and Workmen's Compensation.

19 (i) Except as hereinafter provided, no participating employee  
20 shall receive or accept any compensation from the receiving agency  
21 to which the said participating employee is assigned on detail.  
22 Any receiving agency may, in accordance with any applicable  
23 regulations of said receiving agency, reimburse the per diem and  
24 mileage expenses of any participating employee assigned on detail  
25 thereto. Any sending agency may, in accordance with any ap-  
26 plicable regulations of said sending agency, pay the expenses in-  
27 curred by a participating employee thereof incurred in transporting  
28 the immediate family, household goods and personal effects of said  
29 participating employee to and from the location of the receiving  
30 agency; provided, that the period of assignment of said participat-  
31 ing employee is greater than 8 months.

32 6. No employee of a New Jersey Governmental unit shall partic-  
33 cipate, whether as a sending agency or receiving agency, in a  
34 program of government employee interchange pursuant to this act  
35 until (1) the chief executive officer of said New Jersey Govern-  
36 mental unit shall have certified to the President of the Civil Service  
37 Commission that the participation of said employee in such a pro-  
38 gram will assist the said New Jersey Governmental unit in resolv-  
39 ing problems within the field of responsibility of said New Jersey  
40 Governmental unit, and (2) the chief executive officers of the  
41 sending agency and the receiving agency and the participating  
42 employee of a New Jersey Governmental unit shall have executed,  
43 and filed with the President of the Civil Service Commission, an

1 agreement adopting the terms, conditions and requirements stated  
2 in section 5 of this act, and any other terms and conditions not  
3 inconsistent therewith.

4 7. The Civil Service Commission is hereby directed to issue and  
5 promulgate such rules and regulations as are necessary and appro-  
6 priate to carry out the provisions of this act, and to assist any  
7 New Jersey Governmental unit to participate in government em-  
8 ployee interchange programs pursuant to this act. Any rules and  
9 regulations issued and promulgated hereunder may be revised,  
10 repealed or amended from time to time as the Civil Service Com-  
11 mission may deem necessary. Any rules and regulations issued and  
12 promulgated hereunder shall be filed with the Secretary of State.

13 8. All acts or parts of acts inconsistent herewith are hereby  
14 superseded.

15 9. If any section, subsection, paragraph, sentence or other part  
16 of this act is adjudged unconstitutional or invalid, such judgment  
17 shall not affect, impair or invalidate the remainder of this act, but  
18 shall be confined in its effect to the section, subsection, paragraph,  
19 sentence or other part of this act directly involved in the contro-  
20 versy in which said judgment shall have been rendered.

21 10. This act shall take effect immediately.



Governor Richard J. Hughes

To: Members of the Legislature  
of the State of New Jersey

(Institution or Department)

March 6, 1967

**A.B. 763**

Re: Package of proposed Department of Community Affairs Legislation

I am happy to transmit to you today the enclosed package of proposed legislation which I hope you will subject to close study during the coming week. Subject to necessary technical changes, and changes that may be necessary as a result of your committee's wishes to have these bills introduced in the Legislature on Monday, March 13, 1967.

The package consists of six major pieces of proposed legislation and two proposed bills which would effect necessary technical changes in existing law. Each of these bills will dovetail with the other proposals. These six major proposals are:

- (1) The New Jersey Employee Exchange Act of 1967; (A.761)
- (2) The New Jersey National Drinking Act and Safe Water Act of 1967; C. 76 (A.762)
- (3) The New Jersey Law of Renewal Projects Law of 1967; C. 80 (A.763)
- (4) The New Jersey Community Development Law of 1967; C. 79 (A.767)
- (5) The New Jersey Community Affairs Demonstration Grant Law of 1967; C. 82 (A.764)
- (6) The New Jersey Housing Finance Agency Act of 1967; C. 81 (A.765)

These proposals are not, as I am sure you will realize, exhaustive panaceas for the problems of the people of this State or the problems of State and local government. Nevertheless, these proposals, if enacted, will constitute a gigantic step forward toward the solution of those problems. I hope that your inspection of these proposals during the coming week will enable you to completely support the components of this package of proposed legislation.

R.J.H.



with which to carry out a locally-designed plan for social and physical renewal and rehabilitation.

Not all the cities which submit applications under this program will be designated as Model Cities. I feel that cities that undertake to analyze themselves and develop programs to solve their problems deserve assistance from the State, even though they are not selected as Model Cities. I feel that the State can assist these cities in improving and expanding their Model Cities programs so that they will be in the running for a possible second round of designations, and more important, so that they will be equipped on a continuing basis to handle the community problems of 20th Century America and the emerging pattern of federal and state financial assistance.

These funds will also permit a second generation of New Jersey communities to undertake model cities planning, even though they presently lack the staff or financial resources to undertake it on their own.

I believe that this kind of approach by the State is essential to true creative Federalism.

#### The Government Employees Exchange Act

A serious problem facing governments, particularly at the local and state levels, is the lack of sufficient expertise by employees.

The Government Employees Exchange Act which I am proposing is an initial step toward countering this deficiency. The legislation permits the State and its political subdivisions to participate in personnel exchange programs, not only at the local, county and State level but with other states and the Federal government as well.

By permitting personnel to work with various governmental agencies at different levels, they will gain new insights into inter-governmental cooperation and the need for such cooperation in solving problems.