

LEGISLATIVE HISTORY

R. S. 11:4-4 (Unclassified Service)
R. S. 11:4-3 ("Classified Service" - deleted)

Laws 1908, Chapter 156, sec. 11, 12, 13 - S-311 - Introduced March 31 by Mr. Ackerman
No statement. Not amended during passage.

Laws 1930, Chapter 156, sec. 44 - S-61 - Introduced January 27, 1930 by Mr. McAllister
Original bill had statement (copy enclosed).
Committee Substitute had statement (copy enclosed).
Original bill, sec. 38, par. 21, covered these sections (copy enclosed).
Committee Substitute, sec. 44, par. 12, covered these sections (copy enclosed).

Laws 1948, Chapter 121, sec. 1 - S-126 - Introduced February 2, 1948 by Sen. Farley
Concerns unclassified positions.

Laws 1952, Chapter 293, sec. 1 - A-674 - Introduced March 28, 1952 by Mr. Pilger
Concerns election personnel.

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SENATE, No. 311.

STATE OF NEW JERSEY.

INTRODUCED MARCH 31, 1908.

By Mr. ACKERMAN.

Without Reference.

AN ACT regulating the employment, tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties.

1 WHEREAS, in the Judgment of the committee appointed by the two Houses of the
2 Legislature to consider the question of the advisability of a non-partisan board,
3 it was the opinion of said committee that said board should be non-partisan;
4 now, therefore:

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. After the expiration of six months from the time of the approval of this act
2 appointments to and promotions in the civil service of this State, and after the ex-
3 piration of forty-five days from the time of its adoption by any municipality of this
4 State as hereinafter provided, appointments to and promotions in the civil service
5 of such municipality, shall be made only according to merit and fitness, to be ascer-
6 tained, as far as practicable, by examinations, which as far as practicable shall be
7 competitive; and after the expiration of said six months, or three months, as the
8 case may be, no person shall be appointed, transferred, reinstated, promoted, re-
9 duced or dismissed as an officer, clerk, employe or laborer in the civil service under
10 the government of this State, or such municipality thereof as shall adopt the provis-
11 ions of this act as hereinafter provided, in any manner or by any means other than
12 those prescribed in this act.

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1 2. All officers, clerks and employes now in the employ of the State or any mu-
2 nicipality adopting this act, coming within the competitive or non-competitive class
3 of the civil service, shall continue to hold their offices or employments, and shall not
4 be removed therefrom except in accordance with the provisions of section twenty-
5 four hereof, it being the intention hereby to include any and all such offices, clerks,
6 employes and laborers within the classified service of the State or municipality, as
7 the case may be, and to be subject in all respects to the provisions of this act.

1 3. The Governor shall, by and with the advice and consent of the Senate, ap-
2 point four persons to be civil service commissioners under this act, all of whom must
3 be residents of the State of New Jersey, and at the time of such appointment shall
4 designate one of said commissioners to hold office for the term of one year, one
5 for the term of two years, one for the term of three years and one for the term of
6 four years, beginning from the date of the approval of this act; and thereafter at the
7 expiration of such period of one year the Governor of this State shall, by and with
8 the advice and consent of the Senate, appoint one person as the successor of the
9 commissioner whose term shall have expired, to serve for a term of four years, and
10 until his successor shall have been appointed and qualified. No commissioner shall
11 hold any other office of profit under the government of this State or of the United
12 States. Two members of said commission shall constitute a quorum for the trans-
13 action of business. Any vacancy in such commission shall be filled by appointment
14 by the Governor for the remainder of the term, subject to confirmation by the Sen-
15 ate, but any appointment shall be in force until acted upon by the Senate.

1 4. The Governor may remove any Commissioner for inefficiency, neglect of
2 duty or misconduct in office, having first given to such Commissioner a copy of the
3 charges against him and an opportunity of being publicly heard in person or by
4 counsel, upon not less than ten days' notice in writing, and a statement of the find-
5 ings of the Governor and the reasons for his action shall be filed by the Governor
6 with the Secretary of State.

1 5. Each commissioner shall receive a salary of two thousand dollars per annum,
2 payable monthly, out of the treasury of this State, on the warrant of the Comptroller.
3 The person selected under the provisions of this act to act as president of said

4 commission shall receive an additional salary of five hundred dollars per annum. In
5 addition each commissioner shall be entitled to be paid out of the treasury of this State,
6 on the warrant of the Comptroller, such sums as shall be incurred for necessary traveling
7 and other expenses; but no money shall be paid out of the treasury for any such purpose
8 except on bills presented to the Treasurer, duly verified by the oath of the person pre-
9 senting the claim.

1 6. The commission created by this act shall select from among its members a presi-
2 dent, and appoint a chief examiner and a secretary, who must be residents of the State
3 of New Jersey. The commission shall not, however, expend for salaries and expenses
4 in any one year a greater sum than twenty-five thousand dollars, nor any sum in excess of
5 the amount appropriated by the Legislature in the annual appropriations act.

1 7. The secretary shall receive a salary of two thousand dollars a year and the
2 chief examiner a salary of three thousand dollars a year, to be paid in equal monthly
3 payments out of the treasury of the State on the warrant of the Comptroller. The
4 commission may also appoint such other clerical and necessary assistants as may be neces-
5 sary to carry out the provisions of this act, and fix their compensation, which shall be
6 paid out of the treasury of the State on the warrant of the Comptroller. The secretary,
7 chief examiner, clerks and assistants shall, in addition to their salaries, receive such
8 necessary traveling and other expenses incurred under the provisions of this act as shall
9 be approved by the commission, which shall be paid out of the treasury of the State on
10 the warrant of the Comptroller; but no money shall be paid out by the treasury for any
11 purpose except on bills presented to the Treasurer duly verified by the oath of the per-
12 son presenting the claim. Should any commissioner be removed from office, or any em-
13 ploye of said commission be discharged, such commissioner or employe shall only be
14 entitled to receive his compensation up to the date of such removal or discharge.

1 8. The commission shall also have the power:

2 First. To prescribe, amend and enforce rules and regulations for carrying into
3 effect the provisions of this act.

4 Second. To keep minutes of its own proceedings and records of its examinations
5 and other official actions. All recommendations of applicants for office and causes of

6 removal received by the commission shall be filed, and all such records (except recom-
7 mendations of former employers), shall be open to public inspection under reasonable
8 regulations.

9 Third. To make investigations, either sitting as a body or through a single com-
10 missioner, concerning all matters touching the enforcement and effect of this act, and
11 the rules and regulations prescribed thereunder, and concerning the action of any ex-
12 aminer or subordinate of the commission and any person in the paid employ of this
13 State or any municipality that may hereafter adopt the provisions of this act, in re-
14 spect to the execution of this act, and in the course of such investigations each com-
15 missioner and the chief examiner shall have power to administer oaths and affirmations
16 and to take testimony.

17 Fourth. To subpoena and require the attendance in this State of witnesses, and
18 the production thereby of books and papers pertinent to the investigations and in-
19 quires hereby authorized, and to examine them and such public records as it shall
20 require in relation to any matter which it has the authority to investigate. The fees
21 for such witnesses for attendance and travel shall be the same as for witnesses before
22 the Courts of Common Pleas, and shall be paid from the appropriations made to the
23 commission. All officers and employes in the paid service of this State, and
24 of any municipality that may hereafter adopt the provisions of this act, and their
25 deputies, clerks, subordinates and employes, shall attend and testify when required to
26 do so by said commission. Any disobedience to or neglect of any subpoena issued by
27 the said commissioners or any refusal to testify shall be certified in writing by the presi-
28 dent of said commission to the judge of the Court of Common Pleas of the county in
29 which such disobedience occurred, who shall thereupon, by a warrant issued to the
30 sheriff of the county, direct the production of the body of the person so disobeying,
31 and upon the production of the body of such person shall, in a summary way, inquire
32 into the cause of such disobedience, and if no sufficient cause be shown therefor
33 shall by a commitment issued under his hand, directed to the keeper of the com-
34 mon jail of said county, order the detention in such common jail or such per-
35 son for such period of time, not exceeding ninety days, as said judge in said

36 commitment shall designate, or until such person shall purge himself of such dis-
37 obedience. Any person who shall knowingly give false testimony before said com-
38 mission shall be guilty of a misdemeanor. No person shall be excused from testifying,
39 or from producing any books or papers, before said commission upon the ground that
40 the testimony or evidence, books or documents, required of him may tend to incrimi-
41 nate him, or subject him to a penalty or forfeiture; but no person shall be prose-
42 cuted, punished or subjected to any penalty or forfeiture for or on account of any
43 act, transaction, matter or thing concerning which he shall, under oath, have testified
44 or produced documentary evidence.

45 Fifth. To make an annual report to the Governor, showing its own actions, its
46 rules and regulations, and all the exceptions thereto in force, and the practical effects
47 thereof, and any suggestions it may approve for the more effectual accomplishment
48 of the purposes of this act.

1 9. The commission shall be provided, as soon as may be convenient, with
2 suitable office accommodations in the capitol building at Trenton, and it shall be the
3 duty of the officials having control of municipal buildings throughout the State to
4 furnish convenient offices and rooms for examination purposes, with the necessary
5 light, heat and furniture for the accommodation of local examiners and registrars,
6 upon requisition by the commission, when the same shall have been rendered neces-
7 sary by the adoption by any such municipality of the provisions of this act. The office
8 of said commission in the capitol building shall be open for business between nine
9 o'clock in the forenoon and five o'clock in the afternoon of each business day.

1 10. It shall be the duty of all of the officers of this State, or of any munici-
2 pality thereof that may adopt the provisions of this act, to conform to, comply with,
3 and to aid in all proper ways in carrying into effect the provisions of this act, and the
4 rules and regulations prescribed thereunder and any modification thereof. No officer
5 or officers having the power of appointment or employment to the civil service of this
6 State, or to that of any municipality thereof that may hereafter adopt the provisions
7 of this act, shall, after this act shall become effective in connection with the civil
8 service of the State or municipality, as the case may be, as prescribed in section

9 one hereof, select or appoint any person for appointment, employment, promo-
10 tion or reinstatement, except in accordance with the provisions of this act and the
11 rules and regulations prescribed thereunder. Any person employed or appointed
12 contrary to the provisions of this act, or of the rules and regulations established
13 thereunder, shall be paid by the officer or officers so employing or appointing, or at-
14 tempting to employ or appoint, the compensation agreed upon for any services per-
15 formed under such appointment or employment, or attempted appointment or em-
16 ployment, or in case no compensation is agreed upon, the actual value of such serv-
17 ices and any expenses incurred in connection therewith, and shall have an action of
18 debt againstt such officer or officers, or any of them, for such sum or sums and for
19 the costs of the action. No public officer shall be reimbursed by the State, or by any
20 municipality thereof, for any sums so paid or recovered in any such action.

1 II. The civil service of the State of New Jersey, and of the municipalities
2 thereof when and as they may adopt the provisions of this act, in the manner here-
3 inafter provided, shall be divided into the unclassified service and the classified ser-
4 vice. The unclassified service shall not be subject to any of the provisions of this act,
5 and shall include the following classes:

6 All officers elected by popular vote;

7 All officers appointed by the Governor, with or without the advice and consent
8 of either or both branches of the Legislature;

9 All officers and employes appointed by either or both branches of the Legisla-
10 ture;

11 All election officers.

12 All heads of departments of the State government, and members of commissions
13 and boards thereof, and all appointments of the mayor; and also the members of
14 commissions and boards elected by the board of aldermen, common council, or other
15 governing body of the municipalities that may adopt the provisions of this act;

16 All law officers of any municipality that may adopt the provisions of this act;

17 All officers and persons in the militia;

18 All superintendents of, teachers and instructors in the public schools and State

19 institutions, county superintendent and members of all boards of education, all police
20 magistrates appointed by the mayor or other head officer of any municipality that
21 may adopt the provisions of this act.

22 The classified service shall include all persons in the paid service of the State or
23 the municipalities thereof that may adopt the provisions of this act, not included in
24 the unclassified service.

1 12. The officers, positions and employments in the classified service of the State,
2 and of the municipalities thereof that may adopt the provisions of this act, shall be
3 arranged by the civil service commission in four classes, to be designated as the ex-
4 empt class, the competitive class, the non-competitive class and the labor class, which
5 classification may be changed from time to time as the commission shall deem
6 proper.

1 13. The following positions shall be included in the exempt class:

2 (1) The deputy or first assistant of principal executive officers authorized by
3 law to act generally for and in the place of his principal;

4 (2) The legal assistants of the law department of the State, and of the munici-
5 palities adopting the provisions of this act, and in the offices of prosecuting attor-
6 neys to the number actually engaged in trial or appeal work and appearing in the
7 courts;

8 (3) One secretary or clerk of each department board and commission author-
9 ized by law to appoint a secretary or clerk;

10 (4) One private secretary or clerk, or stenographer, of each principal executive
11 officer;

12 (5) All officials of State and county institutions who must of necessity be phy-
13 sicians;

14 (6) In addition to the above there may be included in the exempt class all other
15 offices or positions, except laborers, for the filling of which competitive or non-com-
16 petitive examinations shall be found by the civil service commission to be impracticable.

17 But no office or position shall be deemed to be in the exempt class unless it is specific-
18 ally named in such class in the rules, and the reasons for each such exemption shall

19 be stated separately in the annual reports of the said commission. Not more than one
20 appointment shall be made to or under the title of any such office or position unless a
21 different number is specifically mentioned in the rules. After six months from the
22 date of the approval of this act, or three months after the date of its adoption by any
23 municipality of this State, no office or position shall be classified by the commission
24 in the exempt class except after public hearing by the commission or any member
25 thereof. Suitable public notice of such hearings shall be given by the said commis-
26 sion. At any such hearing any citizen of this State shall have the right to be heard,
27 either in person or by counsel, either in opposition to or in favor of the proposed ex-
28 emption. Appointments in the exempt class may be made without examination.

1 14. The competitive class shall include all positions for which it is practicable
2 to determine the merit and fitness of applicants by competitive examinations, and shall
3 include all positions and employments now existing or hereafter created, of whatever
4 functions, designations or compensation, in each and every branch of the classified
5 service, except such positions as are in the exempt class, the non-competitive class or
6 the labor class. Appointments shall be made to or employment shall be given in
7 all positions in the competitive class that are not filled by promotion, reinstatement,
8 transfer or reduction under the provisions of this act and the rules made in pursuance
9 thereof, by appointment from among those certified to the appointing officer in accord-
10 ance with the provisions of section twenty-one of this act. The term of eligibility of
11 an applicant shall be fixed for each list by the civil service commission at not less than
12 one nor more than three years. Appointments shall be made from the eligible list
13 most nearly appropriate, and a new and separate list shall be created for a stated posi-
14 tion only when there is no appropriate list existing from which appointment may be
15 made. No person shall be appointed or employed under any title not appropriate to
16 the duties to be performed, and no person shall be assigned to perform the duties other
17 than those properly pertaining to the position which he legally holds.

1 15. The non-competitive class shall include such positions as are not in the ex-
2 empt class or the labor class and which it is impracticable to include in the competi-
3 tive class. Appointments for positions in the non-competitive class shall be made after

4 such non-competitive examination as shall be prescribed by the rules of the civil service
5 commission. And from among those eligible, preference in appointment shall be
6 given to soldiers, sailors or marines who have served in any war of the United States
7 and have been honorably discharged from the United States services. The said
8 commission shall state in its annual report the number of persons who come within
9 this class, and the character of their services.

1 16. The labor class shall include ordinary unskilled laborers. Vacancies in the
2 labor class shall be filled by appointment from lists of applicants registered in their
3 respective localities by the civil service commission. Preference in employment from
4 such lists shall be given according to the date of application. There shall be separate
5 lists of applicants for different kinds of labor or employments, and the said commis-
6 sion may establish separate labor lists for various localities, institutions and depart-
7 ments. The said commission shall require an applicant for registration for the labor
8 service before he can be registered to furnish evidence or to pass such examinations
9 as they may deem proper with respect to his age, residence, physical condition, abil-
10 ity to labor, sobriety, industry, capacity and experience in the trade or employment
11 for which he applies.

1 17. Within six months after the passage of this act and of the appointment of the
2 civil service commissioners as therein provided, the civil service commission shall put
3 into effect rules for the classification of the offices, places and employments in the
4 classified service of this State, and within three months after the adoption hereof shall
5 prepare and put into effect rules for the classification of the offices, places and em-
6 ployments in the classified service of any municipality of this State that may adopt
7 the provisions of this act, which rules shall provide for examinations for positions in
8 the classified service of the State, and of such municipalities thereof as may adopt
9 the provisions of this act, and for appointments to and promotions therein, and for
10 such other matters as are necessary to carry out the purposes of this act. Notice
11 of the contents of such rules and regulations and of any modifications thereof shall
12 be given by mail in due season to appointing officers and heads of departments affected
13 thereby, and said rules and regulations and modifications thereof shall also be printed

14 for public distribution. All appointments and promotions to positions in the com-
15 petitive, non-competitive and labor classes of the classified service shall be for a pro-
16 bationary period of three months. If, at the close of this probationary term, the
17 conduct or capacity of the probationer has not been satisfactory to the appointing
18 officer, the probationer shall be notified in writing that he will not receive absolute
19 appointment; otherwise his retention in the service shall be equivalent to his final and
20 absolute appointment.

1 18. All examinations required to be held by the provisions of this act both for
2 positions in the competitive class and the non-competitive class, or any other class
3 where examinations are required to be held, shall be free to all citizens of the State of
4 New Jersey with the limitations specified in the rules of the commission as to resi-
5 dence, age, sex, health, habits and moral character. Such examinations shall be practi-
6 cal in their character and shall relate to those matters which will fairly test the relative
7 capacity of the persons examined to discharge the duties of the position to which they
8 seek to be appointed, and may include tests of physical qualifications and health, and
9 when appropriate, of manual skill. No question in any examination shall relate to po-
10 litical or religious opinions or affiliations. The commission shall control all ex-
11 aminations, and may, whenever an examination is to take place, designate a suitable
12 person or persons either in or not in the official service of the State, to be examiners,
13 and it shall be the duty of such examiners, and if in the official service it shall be
14 part of their official duty, without extra compensation, to conduct such examinations
15 as the commission may direct, and to make return or report thereof to said commis-
16 sion; and the said commission may at any time substitute any other person, whether
17 or not in such service, in the place of anyone so selected; and the commission may
18 themselves at any time act as such examiners and without appointing examiners.
19 Such examinations shall be held in such locality or localities as will most readily pro-
20 vide equal opportunity for all citizens of the said State with reference to positions
21 in the service of the State, or to all citizens of any municipality that may hereafter
22 adopt the provisions of this act with reference to positions in the service of the said
23 municipality. Due and sufficient notice thereof being given in such manner that all
24 persons interested in the said examinations may have an opportunity of learning of

25 the time, place and conditions of the said examinations. Such notice of the time and
26 place and general scope of every examination shall be given by the commission, by
27 publication, for two weeks preceding such examination, in such newspapers of general
28 circulations throughout the State as the commission shall prescribe, and such notice
29 in printed form shall also be sent by the commissioners to the county clerks of each
30 county, and by them promptly posted in a conspicuous place in the clerk's office of
31 the said county.

1 19. The commission shall require persons applying for admission to any exami-
2 nation provided for under this act or under the rules and regulations of the said
3 commission, to file in its office within a reasonable time prior to the proposed exami-
4 nation a formal application, in which the applicant shall state under oath or affirma-
5 tion:

- 6 (1) Full name, residence and post-office address;
- 7 (2) Nationality, age and the place and date of birth;
- 8 (3) Health and physical capacity for public service;
- 9 (4) Business and employments and residences for the five previous years;
- 10 (5) Such other information as may reasonably be required touching the appli-
11 cant's merit and fitness for the public service; but no inquiry shall be made as to any
12 religious opinions and political affiliations of the applicant.

13 Blank forms for such applications shall be furnished by the said commission
14 without charge to all persons requesting the same. The said commission may require
15 in connection with such application such certificates of citizens, physicians or others
16 having knowledge of the applicant as the good of the service may require. The said
17 commission may refuse to examine an applicant or after examination to certify an
18 eligible, who is found to lack any of the established preliminary requirements for
19 the examination or position or employment for which he applies, or who is physically
20 so disabled as to be rendered unfit for the performance of the duties of the position
21 to which he seeks employment, or who is addicted to the habitual use of intoxicating
22 liquors to excess, or who has been guilty of any crime or of infamous or notoriously
23 disgraceful conduct, or who has been dismissed from the public service for delin-

24 quency or misconduct, or who has made false statement of any material fact, or
25 practiced or attempted to practice any deception or fraud in his application, in his
26 examination, or in securing his eligibility or appointment. Whenever the said com-
27 mission refuses to examine an applicant or after an examination to certify an eligible,
28 as provided in this section, then the said commission upon the request of such person
29 shall grant to him a hearing upon the cause of such refusal. When any position to
30 be filled involves fiduciary responsibility, the appointing officer may require the
31 appointee to furnish a bond, or other security, in lieu thereof, and shall notify the
32 commission of the amount of said bond required; *provided, however*, that any surety
33 company of this State, or any surety company of any other State of the United States
34 authorized to transact business in this State, shall be a sufficient surety on any such
35 bond.

1 20. From the returns or reports of examiners, or from the examinations made
2 by the commission, the commissioners shall prepare a register for each grade or class
3 of positions in the classified service of the State, or of any municipality that may here-
4 after adopt the provisions of this act, of the persons who shall attain such minimum
5 mark as may be fixed by the commission for any part of such examination and whose
6 general average standing upon examination for such grade or class is not less than the
7 minimum fixed by the rules of said commission, and who are otherwise eligible; and
8 such persons shall take rank upon the register as candidates in the order of their rela-
9 tive excellence as determined by examination; *provided, however*, that if any honor-
10 ably discharged soldier, sailor or marine having served in the War of the Rebellion,
11 shall be among those whose names are placed on such register, such soldier, sailor or
12 marine shall be considered as standing highest in rank thereon, and if two or more
13 names of such soldiers, sailors or marines shall be found on said register, they shall
14 rank as to each other according to their relative excellence as determined by said
15 examination.

1 21. The head of a department, office or institution in which a position classified
2 under this act is to be filled shall notify said commission of that fact, stating the title
3 or name of the position to be filled, the duties to be performed and compensation to

4 be paid, and said commission shall certify to the appointing officer the names and ad-
5 dresses of three candidates standing highest upon the register for the class or grade in
6 which the said position belongs, and the head of such department, office or institution
7 shall select one of the three so certified, and after a candidate has been certified three
8 times by the commission, and shall not be accepted by a head of department, office or
9 institution, his name shall not again be certified to the same head of department, office
10 or institution except at the request of such head of department, office or institution.
11 In making such certification sex shall be disregarded, except when some statute, the
12 rules of the said commission or the appointing power shall specify sex.

1 22. Vacancies in positions in the competitive class shall be filled, so far as prac-
2 ticable, by promotions from among persons holding positions in a lower grade in the
3 department, office or institution in which the vacancy exists. Promotions shall be
4 based upon merit, to be ascertained by examinations to be provided by the commis-
5 sion, and upon the superior qualifications of the person promoted as shown by his
6 previous service, due weight being given to seniority and experience. For the pur-
7 poses of this section an increase in the salary, or other compensation of any person
8 holding an office or position within the scope of the rules prescribed by the commis-
9 sion, beyond the limit fixed for the grade in which such office or position is classified
10 shall be deemed a promotion. No person shall be promoted to a position for original
11 entrance to which there is required by this act, or the rules adopted pursuant thereto,
12 an examination involving essential tests or qualifications different from or higher than
13 those required for original entrance to the position held by such person except as
14 provided above.

1 23. With the consent of the commission, a person holding an office or position in
2 the classified service may on his own request be transferred to a similar office or posi-
3 tion in another office, department or institution, but no transfer shall be made from
4 an office or position in one class to an office or position in another class, nor shall a
5 person be transferred to an office or position for original entrance to which there is re-
6 quired by this act, or the rules adopted pursuant thereto, an examination involving es-
7 sential tests or qualifications different from or higher than those required for original

8 entrance to an office or position held by such person. Any person holding an office or
9 position under the classified service who has been separated from the service without
10 any delinquency or misconduct on his part, but owing to reasons of economy or other-
11 wise, may be reinstated within two years from the date of such separation to the same
12 or similar office or position in the same department; and whenever any permanent
13 office or position in the classified service is abolished or made unnecessary, the per-
14 son or persons legally holding such office or position shall be deemed to be suspended
15 without pay, and the names of such persons shall, on due notification from the ap-
16 pointing officer, be placed by the commission on a special list, and for a period of two
17 years from the date of the abolishment of such office or position the person who held
18 the same shall be entitled to reinstatement in any office or position of the same or
19 similar kind as that previously abolished, and the names of all such persons, when an
20 office or position is to be filled of a character the same or similar to that previously
21 held by them, shall be certified by the commission to any appointing officer when
22 such appointing officer shall make known to such commission, in the manner desig-
23 nated in this act, the office or position to be filled.

1 24. No officer, clerk or employe in the classified civil service shall be removed,
2 discharged, reduced in pay or position or otherwise discriminated against because of
3 his religious or political opinions or affiliations. Further, no officer, clerk or em-
4 ploye holding a position in the competitive or non-competitive class of the classified
5 civil service shall be removed, discharged or reduced, except as provided in section
6 seventeen of this act as to probationers, until he shall have been furnished with a
7 written statement of the reasons for such action and been allowed a reasonable time
8 in which to make written answer thereto. In every case of such removal, discharge
9 or reduction a copy of the statement of reasons therefor and of the answer thereto
10 shall be furnished to the civil service commission, and entered upon the records of
11 said commission and upon the records of the department or office in which the dis-
12 charged, removed or reduced person was or is employed. Nothing in this act shall
13 limit the power of any officer to suspend a subordinate for a reasonable period, not

14 exceeding thirty days; *provided however*, that successive suspensions are not to be
15 allowed.

1 25. It shall be the duty of each appointing officer to report to the civil service
2 commission forthwith upon the appointment or employment the name of such ap-
3 pointee or employe, the title and character of his office or employment, the date of
4 commencement of service by virtue thereof, and the salary or compensation thereof,
5 and to report from time to time and upon the date of official action in or knowledge
6 of each case, any separation of a person from the service, or other change therein, and
7 such other information as the civil service commission may require, in order to keep
8 the roster hereinafter mentioned. The commission shall keep in its office an official
9 roster of the classified civil service of this State, and of such municipalities thereof as
10 may adopt the provisions of this act, and shall enter thereon the name of every
11 person who has been appointed to, employed, promoted, reduced or reinstated in
12 any position in such service. This roster shall be open to public inspection at
13 all reasonable hours. The roster shall show, in connection with each name, the
14 date of appointment, employment, promotion, reduction or reinstatement, and the
15 compensation of the position, the title of the position, and the nature of the duties
16 thereof, and the date and cause of any termination of such office or employment.

1 26. It shall be unlawful for the Comptroller or other fiscal officer of the State,
2 or of any municipality thereof that may adopt the provisions of this act, to draw,
3 sign or issue any warrant on the Treasurer or other disbursing officer of the State,
4 or of any municipality thereof that may have adopted the provisions of this act, for the
5 payment of any salary or compensation to any officer, clerk, employe, or other person
6 in the classified service, unless an estimate, payroll or account for such salary or com-
7 pensation, containing the names of every person to be paid, shall bear the certificate
8 of the civil service commission that the persons named in such estimate, payroll or
9 account have been appointed, employed, reinstated or promoted in pursuance of law
10 and of the rules made in accordance with this act. Any officer, clerk, employe or per-
11 son entitled to be certified by the said commission to the Comptroller, or other fiscal
12 officer or disbursing officer, as having been appointed or employed in pursuance of

13 law and of the rules made in accordance with this act, who shall be refused such cer-
14 tificate, may maintain a proceeding by mandamus to compel such commission to issue
15 such certificate. Any sums paid contrary to the provisions of this section may be re-
16 covered from any officer or officers making such appointment in contravention of the
17 provisions of law, or of the rules made in pursuance of law, or from any officer signing
18 or countersigning, or authorizing the signing or countersigning of any warrant for the
19 payment of the same, or from the sureties on the official bond of any of the said offi-
20 cers, in an action of debt in the Court of Common Pleas of any county within the State
21 by a citizen resident therein who is assessed for and liable to pay, or within one year
22 before the commencement of the action has paid, a State, city or county tax within
23 this State. All moneys recovered in any action brought under this section shall,
24 when collected, be paid into the treasury of the State, or of the proper municipality
25 thereof, as the case may be, except that the plaintiff in any such action shall be enti-
26 tled to receive, for his own use, the taxable costs of such action and five per centum
27 of the amount recovered as attorney's fees.

1 27. No recommendation of any persons who shall apply for office or place, or for
2 examination or registration under the provisions of this act or of rules established
3 pursuant thereto, except as to character, and in the case of former employers as to
4 ability, shall be given to or considered by any person concerned in making any exam-
5 ination, registration, appointment, promotion or reinstatement under this act and rules
6 made pursuant thereto. No recommendation whatsoever shall relate to the political or
7 religious opinions of any applicant. No recommendation for the promotion of any per-
8 son in the classified service shall be considered by any officer concerned in making
9 promotions except it be made by the officer or officers under whose supervision or con-
10 trol such employe is serving. Any recommendations made contrary to the provisions
11 of this section with the knowledge and consent of the applicant or employe, shall be
12 sufficient cause for refusing his application or appointment, or from disbaring him
13 from the promotion proposed.

1 28. Any commissioner, or examiner, or any person who shall willfully, by him-
2 self or in co-operation with one or more persons, defeat, deceive or obstruct any per-

3 son in respect of his or her right of examination, or registration, according to this
4 act or to any rules or regulations prescribed pursuant thereto, or who shall willfully or
5 corruptly, falsely mark, grade, estimate or report upon the examination or proper
6 standing of any person examined, registered or certified, pursuant to the provision of
7 this act, or aid in so doing, or who shall willfully or corruptly make any false repre-
8 sentations concerning the same, or concerning the person examined, or who shall will-
9 fully or corruptly furnish to any person any special or secret information for the pur-
10 pose of either improving or injuring the prospects or chances of any person so exam-
11 ined, registered or certified, or to be examined, registered or certified, or who shall per-
12 sonate any other person, or permit or aid in any manner any other person to personate
13 him, in connection with any examination or registration, or application or request to
14 be examined or registered, shall for each offense be deemed guilty of a misdemeanor.
15 Misdemeanors under the provisions of this act shall be punishable by a fine of not less
16 than ten dollars nor more than five hundred dollars, or by imprisonment for a term
17 not exceeding six months, or both, in the discretion of the court.

1 29. Any person who shall, directly or indirectly, solicit any assessment, sub-
2 scription or contribution for any political purpose whatever, from any officer, agent,
3 clerk or employe of the State or of any municipality thereof, that may adopt the
4 provisions of this act shall be guilty of a misdemeanor.

1 30. Nothing contained in this act shall be construed to prohibit the head of any
2 department, office or institution of this State or of any municipality thereof adopt-
3 ing the provisions of this act employing temporarily, subject to the subsequent
4 approval of the commission, in cases of emergency, a person or persons to carry out
5 the work of such department, office or institution, but the head of such department,
6 office or institution upon employing any such person or persons shall immediately give
7 notice thereof to the commission created by this act, and as soon thereafter as prac-
8 ticable a person shall be selected in accordance with the other provisions of this act,
9 whereupon the services of the person or persons so temporarily employed shall
10 cease. In no case shall such employment continue for a longer period than two

11 months, nor shall successive temporary appointments be made to the same position under this provision.

1 31. Any municipality of this State may adopt the provisions of this act by an
2 ordinance duly adopted by the governing body of such municipality, or by the
3 petition and vote of the qualified voters of such municipality as hereinafter
4 provided.

1 32. Whenever there shall be presented to the governing body of any municipality
2 of this State a petition signed, in counties and cities of the first and second class,
3 by at least 500 legal voters in said counties or cities respectively, and in counties and
4 cities of the third class by at least 250 legal voters of said counties or cities respectively,
5 and in all other municipalities by at least 5 per cent. of the legal voters
6 therein, requesting that the question of the adoption of the provisions of this Act be
7 submitted to the legal voters of said municipality, it shall be the duty of said governing
8 body to submit such question to the legal voters of said municipality at the
9 next regular election. Public notice thereof shall be given by said governing body
10 by publication in one or more newspapers published and circulated in the said municipality.
11 Or if there be no newspapers published in the said municipality, then in
12 one or more newspapers published in the county in which such municipality is located,
13 to be designated by said governing body, once a week for at least four weeks,
14 and by posting such notice in five of the most public places in said municipality for
15 at least four weeks before said election.

16 At any election at which the question of the adoption of the provisions of this
17 act shall be submitted to the voters of any municipality, there shall be printed upon
18 the official ballots for such municipality, the word "for" and the word "against"
19 above and immediately preceding the words "An act regulating the employment,
20 tenure and discharge of certain officers and employes of this State, and of the various
21 counties and municipalities thereof, and providing for a civil service commission
22 and defining its powers and duties."

23 If the word "for" be marked off or defaced upon the ballot it shall be
24 counted as a vote against the acceptance of this act; if the word "against"

25 be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the
26 acceptance of this act; and in case neither the word "for" nor the word "against"
27 be marked off or defaced upon the ballot, it shall not be counted as a vote either
28 for or against such acceptance. A canvass and return of the votes upon the ques-
29 tion of the acceptance of this act shall be made by the election officers in the same
30 way and manner as for officers voted at such election and if a majority of the votes
31 cast for and against the acceptance of this act shall be found to be in favor of its
32 acceptance it shall then, but not otherwise, become operative in such municipality.
33 The adoption of the ordinance provided for in section thirty-one of this act, or
34 the result of said election, if favorable to the adoption of this act, as the case may
35 be, shall be certified by the governing body of the municipality to the commission
36 created by this act. The question of the adoption of this act shall not be sub-
37 mitted to the voters of any municipality oftener than once in two years.

1 33. The words and terms used in the title and body of this act shall have the
2 following meaning:

3 "Appointing officer" signifies the officer, commission, board or body having the
4 power of appointment or election to, or removal from, subordinate positions in any
5 office, department, commission, board or institution;

6 "Civil service" includes all offices and positions of trust or employment in the
7 service of the State or any civil division thereof, except offices and positions in the
8 military or naval departments;

9 "Commission" signifies the Civil Service Commission of New Jersey;

10 "Municipality" signifies village, town, township, borough, city or county or other
11 such local civil government as is distinguished from the State government;

12 "He," "him," or "his" may be used interchangeably with "she" or "her."

13 "Ordinance" shall be construed to include resolution where the governing body
14 usually proceeds by resolution.

1 34. In case, for any reason, any section or any provision of this act shall be
2 questioned in any court and shall be held to be unconstitutional or invalid, the same
3 shall not be held to affect any other section or provision of this act.

1 35. All acts or parts of acts inconsistent with the provisions of this act be and
2 the same are hereby repealed.

1 36. This act shall take effect immediately.

COMMITTEE SUBSTITUTE FOR
SENATE, No. 61

STATE OF NEW JERSEY

ADOPTED MARCH 10, 1930

A SUPPLEMENT to an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties," approved April tenth, nineteen hundred and eight.

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

1 1. Purpose. The purpose of this act is to provide a modern personnel system
2 for positions included in the State classified service and for the application of correct
3 business principles in the creation and abolition of positions, the classification of
4 authorized positions on the basis of the duties and responsibilities of the incumbents,
5 the development, adoption, and administration of equitable compensation schedules
6 for each class of positions, and the selection, certification, appointment, regulation,
7 and tenure of persons holding such positions.

1 2. Meetings and Duties of Members of the Civil Service Commission. The
2 members of the Civil Service Commission shall hold regular meetings at the State
3 Capitol at least once each month, except August, at a time fixed by rule, and may
4 hold such additional meetings at the State Capitol or elsewhere in the State as may
5 be required in the proper discharge of their duties upon the call of the president or
6 the chief examiner and secretary. Notice in writing of the time and place of any
7 special or other meeting shall be given to each member of the commission and to
8 the chief examiner and secretary. Three members of the commission shall consti-
9 tute a quorum at any regular or special meeting.

10 It shall be the duty of members of the Civil Service Commission, as a body:

11 (1) After public hearing as defined herein to adopt and amend rules and regu-
12 lations for making effective the provisions of this act.

13 (2) After public hearing as defined herein to approve, modify or reject such
14 classification and compensation plans for the State classified service, or any part
15 thereof, together with rules for their administration, as may be presented by the
16 chief examiner and secretary after a thorough survey of the personnel and depart-
17 mental organization included in such plan or plans.

18 (3) To make investigations either on petition of a citizen or of its own motion
19 concerning any matter touching the enforcement and effect of this act, to require
20 observance of its provisions and the rules and regulations thereunder.

21 (4) To hear appeals, either sitting as a body or through one or more members
22 designated by a majority of the commission to hear such appeals, of persons in the
23 State classified service sought to be removed, demoted in pay or position, suspended,
23½ fined or otherwise discriminated against contrary to the provisions of this act, to ren-
24 der decisions thereon and require observance of such decisions as herein provided.

24½ (5) To hear and determine appeals respecting the administrative work of the
25 department including appeals from the allocation of positions, the rejection of an
26 applicant for admission to examination, and the refusal to certify the name of an
27 eligible, as referred to the commission by the chief examiner and secretary.

28 (6) To make such investigations as may be requested by the Governor or the
29 Legislature and to report thereon.

1 3. The Qualifications, Appointment, Compensation and Removal of the Chief
2 Examiner and Secretary. The chief examiner and secretary shall be in the classified
3 service and shall not be removed except in accordance with the procedure pre-
4 scribed in section thirty-three of this act. If so removed, he shall be entitled to a
5 summary review of the action of the commission making such removal on applica-
6 tion to any justice of the Supreme Court. In case a vacancy in the position occurs
7 or is anticipated, the Civil Service Commission, or a special board of examiners
8 designated by it, shall hold competitive tests and establish an employment list for the
9 position of chief examiner and secretary in accordance with the testing procedure
10 and principles prescribed in this act. Following the establishment of such a list,
11 the Civil Service Commission shall appoint a chief examiner and secretary in ac-
12 cordance with the procedure prescribed in sections twenty-three and twenty-four of
13 this act. Any person hereinafter appointed as chief examiner and secretary shall,

14 at the time of his appointment, be thoroughly familiar with the principles and
15 methods of personnel administration generally recognized by those in charge of
16 employment work for large public and private employers, and skilled in personnel
17 administration. He shall be of good repute in his business, profession, or occupa-
18 tion, and known to be in sympathy with the systematic application of merit and
19 good business principles in the handling of personnel matters in connection with
20 positions in the public service that are nonpolitical in character. He shall hold no
21 other public office or employment. His compensation shall be as provided in the
22 annual appropriation law.

1 4. Duties of the chief examiner and secretary. The chief examiner and sec-
2 retary shall be the chief executive officer of the Civil Service Commission, and,
3 except as otherwise provided in this act, shall direct and supervise its administra-
4 tive work. It shall be his duty:

5 (1) To attend the regular and special meetings of the Civil Service Commis-
6 sion, to act as its secretary and to record its official actions.

7 (2) To prepare and recommend rules and regulations for carrying out the
8 provisions of this act which shall become effective after approval by the commission;
9 to administer such rules and regulations; to propose amendments thereto upon ap-
10 proval by the commission; to appoint under the provisions of this act, with the
11 approval of the Civil Service Commission, such examiners, classifiers, investigators,
12 clerks and other employees as may be necessary to carry out the provisions of this
13 act, and as are authorized by law, and to supervise and direct their work.

14 (3) To establish and maintain a roster of the employees in the State classified
15 service, showing for each such employee the title of the position held, the rate of
16 compensation, and every change in his status, including increases and decreases in
17 pay, changes in title, transfers, sick or annual leave with pay and other facts which
18 he may consider desirable and pertinent.

19 (4) To ascertain and record the duties, responsibilities, and authority apper-
20 taining to all positions in the State classified service and to classify such positions
21 in the manner hereinafter provided.

22 (5) To make a study of the rates being paid for each class of positions in the
23 State classified service, for similar or comparable services elsewhere and of other

24 information and data pertaining to proper rates of compensation, and, after con-
25 sulting the appointing authorities and their principal assistants, to prepare a report
26 to the Civil Service Commission setting forth a schedule of compensations for each
27 class of positions with a minimum salary rate, a maximum salary rate and such
28 intermediate salary rates as he may consider necessary and equitable. Upon adop-
29 tion by the Civil Service Commission of any such schedule of compensation as
30 recommended or modified for any class in the State service, he shall, under rules
31 and regulations adopted and approved as herein provided, regulate the compensation
32 of employees in such service within the limits fixed by law and subject to the appro-
33 priation of funds. From time to time as he may consider necessary, and in any case
34 at intervals not to exceed three years, he shall make additional compensation studies
35 of the State classified service and recommendations to the Civil Service Commis-
36 sion as aforesaid.

37 (6) To investigate and certify to the Civil Service Commission as to the need
38 for existing positions in the State service and positions which may be created there-
39 in in the manner hereinafter provided.

40 (7) In the manner hereinafter provided, to test and pass upon the qualifications
41 of applicants for appointment to or promotion in the State classified service, and
42 to establish employment and re-employment lists for the various classes; upon re-
43 quests from appointing authorities or indication of the need for additional employees,
44 as evidenced by the presence of temporary employees or request for the authoriza-
45 tion for a temporary or provisional appointment in any class, to certify the names
46 of persons eligible for employment, promotion or re-employment; to devise, install
47 and administer service rating systems and training courses; to arrange for and pass
48 upon transfers; to regulate annual sick and special leaves of absence; hours of
49 work, attendance and payments for overtime in accordance with the provisions of
50 the rules and regulations established as aforesaid, and to see that lay-offs, demo-
51 tions, suspensions, removals, retirements and other separations are made in accord-
52 ance with this act.

53 (8) To check or cause to be checked payrolls, estimates, and accounts for pay-
54 ment of employees in the State classified service, and upon such evidence as he may
55 deem necessary to satisfy himself of the facts therein, and when such payrolls,

56 estimates or accounts for payment are not certified by members of the commission,
57 to certify or cause to be certified that the persons whose names appear thereon
58 have been legally employed in the performance of the duties indicated at the com-
59 pensation rates and for the periods for which pay is claimed or are on authorized
60 leave, before payment may be lawfully made to them.

61 (9) From time to time to investigate the effect of the administration of this
62 act and the rules made thereunder and to report his findings and recommendations
63 to the Civil Service Commission.

64 (10) On or before December first of each year to make an annual report to
65 the Civil Service Commission to be transmitted to the Governor concerning the
66 administrative work of the commission under his direction, including pertinent in-
67 formation and recommendations.

1 5. Facilities and Co-operation to be Furnished by the State. The Civil Service
2 Commission shall be provided with suitable quarters for itself and staff in Trenton.
3 All officers and employees of the State, during usual business hours, shall grant to
4 the members of the commission, the chief examiner and secretary and any employee
5 of the commission designated by it or him, free access to premises and records
6 under their control and shall furnish him or them such facilities, assistance and
7 information as he or they may require in carrying out his or their functions.
8 Reports of all appointments, separations and other facts regarding the service of
9 State employees that may be requested by the Civil Service Commission or the chief
10 examiner and secretary, shall be made by each appointing authority in such form as
11 may be prescribed.

1 6. Records to be Kept and Public Access Thereto. The chief examiner and
2 secretary shall cause to be kept for the State classified service, suitable records of
3 the rules and regulations adopted under this act, of the classification of positions
4 provided for thereunder, of standards for testing qualifications and measuring serv-
5 ices, of tests held and employment and re-employment lists established, of certifica-
6 tions of eligibles to appointing authorities, of provisional and temporary appoint-
7 ments, of hearings and investigations, and of other official acts of the Civil Service
8 Commission or the chief examiner and secretary. Such records are hereby declared
9 to be public records and as such shall be open to public inspection during office

10 hours under such reasonable regulations as may be prescribed. The chief examiner
11 and secretary shall take all due precautions to prevent the securing in advance by any
12 unauthorized person of questions or other material to be used in any test, unless
13 such questions or material are available for all competitors, and to prevent the
14 identification by any examiner or other person, where identity is concealed, of papers
15 or work of any competitor in a test before the papers or work of all competitors in
16 that test have been rated. Statements of the former employers of competitors in
17 tests may be considered confidential and not open to examination by any person.

1 7. The Preparation and Publication of a Classification Plan for the State
2 Service. The chief examiner and secretary shall, as soon as practicable after this
3 act takes effect, ascertain the duties and responsibilities of all positions in the State
4 classified service and after consultation with appointing authorities and their princi-
5 pal assistants, recommend to the Civil Service Commission a classification plan to-
6 gether with proposed rules for its administration. Such classification plan shall show
7 every class of positions in the State classified service and when approved by the Civil
8 Service Commission shall be published along with the rules for its administration.
9 The published statements shall show for each class of positions:

10 (1) The title given to the class.

11 (2) A statement of the duties performed and the responsibilities exercised by
12 those holding positions allocated to the class, illustrated where desirable by examples
13 of typical tasks.

14 (3) The minimum, and desirable, qualifications required of an incumbent for
15 the satisfactory performance of such duties and tasks and the exercising of such
16 responsibilities.

17 (4) As far as practicable the natural or probable lines of promotion to and
18 from the class.

1 8. The Allocation of Positions to Classes. The chief examiner and secretary
2 shall, as soon as practicable after the adoption of the classification plan for the
3 State classified service and after consultation with appointing authorities and their
4 principal assistants, allocate with the approval of the Civil Service Commission each
5 position to its proper class. Any employee whose position or title is affected by such
6 allocation shall be given a reasonable opportunity to be heard before final action is

7 taken. Whenever a position or a group of positions have been allocated to a class,
8 each employee whose position has been so allocated, shall assume the classification
9 title as established for his position.

1 9. Additions and Amendments to Classes. Subject to the approval of the Civil
2 Service Commission and as good administration may require, additional classes
3 may be established and new positions created or positions not included in any previ-
4 ously established class may be allocated thereto. Any existing class or classes may
5 be divided, combined, altered or abolished and positions allocated to such class or
6 classes may be re-allocated. If any such change in or amendment of the classifica-
7 tion plan requires the re-allocation of an existing position the employee holding the
8 same shall have reasonable right to be heard before final action is taken.

1 10. Reporting and Classification of New Positions. The appointing authorities
2 in the State service shall promptly report to the chief examiner and secretary inten-
3 tion to establish new positions in order that their need may be investigated and
4 certified, that they may be classified and allocated, and that certifications may be
5 made or appropriate tests arranged for and held for the purpose of establishing
6 requisite employment lists from which appointments may be made.

1 11. Use of Classification Titles. Following the approval by the Civil Service
2 Commission of the classification plan and the allocation of positions to classes, the
3 classification titles shall be used in all records and communications to the commis-
4 sion, the chief examiner and secretary, the State Comptroller, Treasurer or other
5 disbursing officer, in all estimates submitted to the Legislature, or budget officers,
6 requesting the appropriation of money to pay for personal service in appropriation
7 bills or other allotments and in all estimates or payrolls providing for the payment
8 of personal services.

1 12. The Preparation and Adoption of the Compensation Plan for the State
2 Service. The chief examiner and secretary after consultation with appointing
3 authorities and their principal assistants shall, not later than October fifteenth of
4 each year, report to the Civil Service Commission compensation schedules for each
5 class of positions in the State classified service together with his recommendations,
6 based upon experience in recruiting various positions and upon such data as he may
7 collect relating to rates of pay for comparable service in commercial and industrial

8 establishments, as to the need for changes in the compensation schedules for any class
9 or group of classes. He shall also report any other things that he deems pertinent
10 in developing and administering a compensation plan for the State service which
11 takes proper account of prevailing market rates, costs and standards of living, the
12 State's employment policies, finances and needs. These compensation schedules,
13 together with any amendments and modifications as may be made as provided in
14 this act, when they have been approved by the Civil Service Commission, shall for
15 the ensuing fiscal year period beginning July first, except as they may be modified
16 by legislative action, constitute the State's compensation plan for classes of positions
17 in the State classified service.

1 13. The Administration of the Compensation Plan for the State Service. The
2 payments for the services of persons holding positions in the State classified service
3 shall be made in accordance with the compensation schedules as hereunder estab-
4 lished and the rules for their administration as herein provided and as modified by
5 legislative action, but in no case shall a rate of compensation in excess of the
6 maximum rate established under this section be paid to any individual employee in
7 the classified service unless such specific sum shall be set out in an individual line
8 item in an annual or other law appropriating moneys for the payment of com-
9 pensation for the particular position or positions in question. The inclusion of a
10 sufficient sum to increase the compensation of a person or persons holding such
11 position or positions beyond the maximum established rate as herein provided in
12 any lump sum appropriation shall not be taken as the legislative intent to increase
13 the rate of compensation in question beyond the said maximum established rate.
14 It shall be the duty of the chief examiner and secretary to see that the compensation
15 schedules and the rules for their administration are observed.

1 14. Certification as to the Need for Existing and New Positions. As soon
2 as practicable after this act takes effect, the chief examiner and secretary shall make
3 an investigation as to the need for every existing position in the State classified
4 service, and shall report the findings of such investigation together with his recom-
5 mendations to the Civil Service Commission. There shall be included in such report
6 recommendations as to the most effective means of discontinuing positions which
7 are not needed in carrying on the work of the State and of the best methods for

8 providing for the incumbents of such positions by promotion, transfer, demotion,
9 retirement, removal or otherwise so as to prevent undue hardships. Upon the adop-
10 tion by the Civil Service Commission of any plan based upon a report of the chief
11 examiner and secretary aforesaid the same shall, in co-operation with departmental
12 authorities be put into effect. The Civil Service Commission, however, shall not
13 have authority to compel the abolition of any existing position against the decision
14 of the appointing authority if appropriated funds are available for the continuance
15 of such position. Hereafter no new position shall be created in the State classified
16 service until the chief examiner and secretary, with the approval of the Civil Service
17 Commission has certified to the appointing authority of the department, institution,
18 commission, board or other agency concerned that such position is necessary for
19 carrying on the work of the department, institution, commission, board or agency in
20 an efficient and business-like manner.

1 15. Establishment of Re-employment Lists. Whenever any employee in the
2 State classified service, who has been performing his duties in a satisfactory manner
3 as shown by the records of the department, commission, board, institution or other
4 agency in which he has been employed, is laid off because of lack of work or funds
5 or has been on authorized leave of absence and is ready to report for duty when a
6 position is open, or has resigned in good standing and with the consent of the Civil
7 Service Commission and the departmental authorities under whose jurisdiction he
8 was employed, has withdrawn his resignation without being restored to his position,
9 the chief examiner and secretary shall cause the name of such employee to be placed
10 on the re-employment list for the appropriate class for future re-employment when
11 vacancies in the class occur. The order in which names shall be placed on the
12 re-employment list for any class shall be established by rule. No resignation shall
13 be withdrawn, however, and no person shall be reinstated or have his name re-
14 stored to a re-employment list unless such resignation is withdrawn within one
15 year after it has been presented and accepted.

1 16. Establishment of Employment Lists. From time to time, as he may con-
2 sider necessary to meet the needs of the service, the chief examiner and secretary
3 shall hold tests for the purpose of establishing employment lists for the various
4 positions in the State classified service. Tests for the State service shall be open

5 to citizens who have resided in the State for at least twelve months prior to the
6 date of the test. When, however, by reason of the special or technical qualifica-
7 tions required in a given position, it appears, as indicated by the result of a com-
8 petitive test held during the last twelve months, that an employment list containing
9 sufficient names to provide a full certification to fill existing or anticipated vacancies
10 is not likely to be established from among qualified competitors resident in the
11 State, the chief examiner and secretary may at the request of the appointing author-
12 ity, and with the approval of the Civil Service Commission, admit to such tests
13 qualified citizens of the United States. Whenever an employee, in the State classi-
14 fied service renders service in and is paid out of the revenues of the office or
15 department or out of the public funds of any county, municipality, part or district
16 thereof, the acceptance of applications for admission to a test for such position may
17 be limited to citizens of such county, municipality, part or district thereof.

1 17. Tests. Tests as provided in this section may be written, oral, physical or
2 in the form of a demonstration of skill, or any combination of these, and shall be
3 of such character as fairly to test and determine the qualifications, fitness and
4 ability of the persons tested, actually to perform the duties of the class or position
5 to which they seek appointment. Any investigation of education and experience
6 and any tests of intelligence, capacity, technical knowledge, mental skill or physical
7 fitness or other qualifications which in the opinion of the chief examiner and secre-
8 tary serves to this end, may be employed. Such tests shall be competitive, free,
9 and except as otherwise provided in this section, open to all persons who may be
10 lawfully appointed to any position in the class for which they are held with such
11 limitations as to age, residence, health, habits, character, sex and other qualifica-
12 tions as may be considered desirable by the chief examiner and secretary and
13 specified in the public announcement of the test. For positions involving unskilled
14 and semiskilled laboring work, or involving domestic, attending, or other house-
15 keeping and custodial services at State institutions where the character of the work,
16 the relatively low rate of compensation, or the place of work, makes it imprac-
17 ticable to secure at stated times a sufficient number of applicants to supply the
18 needs of the service, the chief examiner and secretary, with the approval of the
19 Civil Service Commission, may provide by regulation for a procedure which permits

20 the testing of applicants singly or in groups at stated places for laboring work,
21 and at State institutions or elsewhere for domestic, attending, housekeeping or cus-
22 todial service at any time on due notice of such tests, but without public advertis-
23 ing as required in this section.

1 18. Employment of Noncitizens. Whenever the Civil Service Commission,
2 the chief examiner and secretary and State departmental authorities are unable, after
3 diligent effort to obtain a sufficient number of qualified citizens for positions involv-
4 ing domestic, attending, or other housekeeping and custodial work necessary for the
5 proper care of institutional patients or wards of the State, not including penal or
6 reformatory institutions, persons otherwise qualified, who are not citizens but who
7 have received their first citizenship papers may be admitted to tests as herein pro-
8 vided and employed in such positions. Whenever the Civil Service Commission, the
9 chief examiner and secretary and State departmental authorities are unable, after
10 diligent effort, to obtain a sufficient number of qualified citizens to do necessary un-
11 skilled or semiskilled laboring work that may be required in the public interest, per-
12 sons otherwise qualified who are not citizens but who have received their first citi-
13 zenship papers may be employed for periods not greater than six months at one
14 time. No such person shall be employed in any laboring position, however, when
15 there are qualified citizens available for such work.

1 19. Rejection of Applicants. The chief examiner and secretary may reject the
2 application of any person for admission to a test for establishing an employment
3 list for the State classified service or refuse to test any applicant or to certify the
4 name of an eligible for such service who is found to lack any of the established
5 qualification requirements for the position for which he applies or for which he has
6 been tested or who is physically unfit to effectively perform the duties of the posi-
7 tion in which he seeks employment or who is addicted to the habitual use of drugs
8 or intoxicating liquors or who has been guilty of any crime or infamous or notori-
9 ously disgraceful conduct or who has been dismissed from the public service for
10 delinquency or who has made false statement of any material fact or practiced or
11 attempted to practice any deception or fraud in his application, in his tests or in se-
12 curing his eligibility or appointment. Any such applicant or eligible may appeal to

13 the Civil Service Commission from the action of the chief examiner and secretary
14 in accordance with the rules established under this act.

1 20. Examiners. In giving tests for the State classified service, the chief ex-
2 aminer and secretary may obtain the assistance of other persons not on the regular
3 staff of the Civil Service Commission, either within or without the classified serv-
4 ice. When such persons are in the State classified service, it shall be deemed a part
5 of their official duty to act as examiners without extra compensation.

1 21. Public Notice of Tests. The chief examiner and secretary shall give public
2 notice of all tests for positions in the State classified service, at least three weeks in
3 advance, by posting, or causing to be posted, an appropriate notice on the bulletin
4 board maintained in or near the quarters of the Civil Service Commission at the State
5 Capitol and also by advertising each such test in at least three daily newspapers of
6 general circulation in the State. As far as it is consistent with the best interests of the
7 State, vacancies in the higher classes of positions shall be filled by promotion follow-
8 ing competitive tests open to those who have served a minimum time established by
9 regulation in such lower class or classes of positions as may be designated.

1 22. Employment Lists—Arrangement and Period of Eligibility. In establishing
2 any employment list following tests for entrance into the public service, the chief ex-
3 aminer and secretary shall place on the list in the order of their ratings the names of
4 persons who show they possess the qualifications which entitle them to be considered
5 eligible to appointment when a vacancy in any position allocated to the class for which
6 such test is held or for which such employment list is held to be appropriate, occurs.
7 The chief examiner and secretary shall provide by regulation, approved by the Civil
8 Service Commission, at the time any employment list is promulgated the period dur-
9 ing which such list shall remain in force. In no case shall the employment list be
10 promulgated for a period less than six months nor for a period greater than three
11 years. The chief examiner and secretary, with the approval of the Civil Service
12 Commission, may extend the period during which any employment list remains in
13 force by action taken before the expiration of such list and entered in the minutes of
14 the Civil Service Commission together with a statement of the chief examiner and sec-
15 retary as to the reasons therefor. The chief examiner and secretary shall provide by
16 rule, approved by the Civil Service Commission, for the consolidation, continuation

17 and cancellation of employment lists and for the removal of names for good cause
18 therefrom.

1 23. The Manner of Filling Vacant Positions; Certification. Whenever a vacancy
2 in any permanent position in the State classified service is to be filled, the appointing
3 authority shall notify the chief examiner and secretary of this fact. If such position
4 has been duly authorized and approved the chief examiner and secretary shall certify
5 the name of the person willing to accept employment, highest on the appropriate re-
6 employment list for the class to which the vacant position has been allocated. If there
7 is no appropriate re-employment list for the class, the chief examiner and secretary
8 shall certify the names of the three persons willing to accept employment highest on
9 the employment list for the class or from the employment list held appropriate. If
10 more than one vacancy is to be filled, an additional name shall be certified for each ad-
11 ditional vacancy. In case the re-employment list has been exhausted and the employ-
12 ment list does not contain a sufficient number of names of persons willing to accept
13 employment to make possible a certification of the number of names to which the ap-
14 pointing authority is entitled as herein provided to fill existing vacancies, the chief ex-
15 aminer and secretary shall forthwith proceed to hold tests for the purpose of estab-
16 lishing an employment list.

17 If necessary to prevent the stoppage of public business or inconvenience to the
18 public, but not otherwise, the chief examiner and secretary with the approval of the
19 Civil Service Commission, may authorize the filling of the position at once by pro-
20 visional appointment, pending the establishment of a re-employment or employment
21 list. No person who does not possess the minimum required qualifications for any
22 position, as determined by such preliminary test or inquiry prior to beginning work
23 as the chief examiner and secretary may prescribe, shall receive provisional appoint-
24 ment. Any such provisional appointment shall continue only pending the establish-
25 ment of a re-employment or employment list and in no case for a period exceeding a
26 total of four months. No person shall receive more than one provisional appoint-
27 ment or serve more than four months as a provisional appointee in any one fiscal year.

1 24. The Manner of Filling Vacant Positions, Provisional Appointment, Choice
2 of Selection. On the certification of eligibles for appointment to the State classified
3 service, the appointing authority shall, within a reasonable time to be fixed by the

4 Civil Service Commission and in no case to exceed fifteen days, make arrangements
5 for the appointment of the person whose name has been certified from the re-employ-
6 ment list, and when such re-employment list, if any, has been exhausted, from
7 among the persons whose names have been certified from the employment list, to
8 begin work and forthwith notify the chief examiner and secretary of such fact. If
9 the appointing authority cannot make arrangements with any person whose name has
10 been certified to begin work within what he considers a reasonable time, he shall
11 report that fact to the chief examiner and secretary, who may, in accordance with
12 rules and regulations established under this act, certify the name or names of an
13 additional eligible or additional eligibles to complete the certification of the proper
14 number of names as herein provided. In the selection of appointees from an em-
15 ployment list the appointing authority shall be entitled to a certification of the names
16 of three eligibles willing to accept appointment for each vacancy as hereinbefore
17 provided and he may select any one of the three eligibles whom he considers as best
18 qualified to fill the vacancy in question. No authorization for a provisional appoint-
19 ment as hereinbefore provided shall be given when the name of any person eligible
20 for appointment and willing to accept such appointment, remains on any re-employ-
21 ment or employment list.

1 25. Temporary Appointments to Extra Positions in the State Service. When-
2 ever by reason of pressure of work the appointing authority determines that an
3 extra position in the State classified service must be established for a period of not
4 more than six months such appointing authority shall notify the chief examiner and
5 secretary of that fact stating the cause therefor, the probable length of time the extra
6 position will be required and the duties the appointee is to perform. The chief ex-
7 aminer and secretary shall thereupon make such investigation as he deems necessary
8 to satisfy himself as to whether the extra position must, in fact, be established and
9 if so, with the approval of the Civil Service Commission, he shall issue the certifi-
10 cate provided by section fourteen of this act. He shall thereupon authorize the ap-
11 pointment with, or without competitive tests of a qualified person. As far as prac-
12 ticable temporary appointment to extra positions shall be made following certifica-
13 tion from re-employment and employment lists. No such appointment shall be

14 authorized for a period exceeding three months or renewed more than once within
15 any fiscal year.

1 26. Emergency Appointments in the State Service. Any appointing authority
2 or any subordinate authorized by him may, to prevent the stoppage of public busi-
3 ness, or loss or serious inconvenience to the public, when an emergency arises and
4 it will not permit of securing authorization and a certified eligible, appoint any
5 qualified person during such emergency for a period not exceeding ten days. A
6 person in a position of which the appointing authority has had reasonable notice or
7 employment conditions of which he or it had previous knowledge or of which by
8 the exercise of due diligence he or it might have had previous knowledge, shall not
9 be considered as constituting an emergency under this act. Persons thus appointed
10 shall be known as emergency employees. Appointing authorities shall forthwith re-
11 port to the chief examiner and secretary all emergency appointments made and such
12 appointments shall not be renewed.

1 27. Working Tests. In order that the appointing authority, by means of a
2 working test, may participate in the selective process involved in filling any posi-
3 tion in the State classified service, the chief examiner and secretary shall by rule
4 or regulation approved by the Civil Service Commission, establish appropriate
5 working test periods for the various classes of positions, in no case to be shorter
6 than one month nor longer than six months. Within ten days preceding the end of
7 the working test period and at such other times as may be required, the appointing
8 authority shall report to the chief examiner and secretary whether in his opinion
9 the test provided by observance of the employee's work shows such employee to be
10 able and willing to perform his duties in a satisfactory manner and that he is of
11 such reputation, habits and dependability to merit permanent appointment. The
12 requirement as to such reports for positions involving unskilled or semiskilled
13 laboring work or domestic, attending or other housekeeping and custodial service
14 at institutions may be waived. At any time during the working test period, after
15 fair trial, the appointing authority may remove any employee from the position
16 held by him if, in the opinion of such appointing authority, the working test indi-
17 cates that such employee is unable or unwilling to perform his duties satisfactorily
18 or is of such reputation, habits and dependability as not to merit continuance in

19 the service. In case of such removal, the appointing authority shall forthwith
20 report in writing to the chief examiner and secretary and to the employee so re-
21 moved, his action, together with the reason therefor. The name of any employee
22 removed during or at the end of the working test period, but who is considered
23 by the chief examiner and secretary suitable for employment in some other depart-
24 ment, commission, board, institution or agency, may, with the approval of the Civil
25 Service Commission, be restored to the employment list for future re-employment
26 when vacancies in the class occur.

1 28. Transfers in the State Service. The chief examiner and secretary shall
2 provide by rule, approved by the Civil Service Commission, for the transfer of
3 employees from a position in a given class to another position in the same or in
4 a different department, commission, board, institution or agency and for the
5 periodical or occasional transfer of employees for a period not to exceed six months
6 without regard to class or department, commission, board, institution or agency in
7 order to bring about the better distribution of persons in the service or to effect
8 economies or to make available from one or more central supply pools extra steno-
9 graphic, clerical, messenger or other service needed for short periods or to provide
10 training sought by employees or required by appointing authorities. No such
11 transfer shall be made without the approval and consent of the appointing
12 authorities from whose or to whose departmental working forces such transfer is
13 proposed.

1 29. Service Standards and Ratings. As soon as practicable after the passage
2 of this act the chief examiner and secretary shall establish, in co-operation with
3 departmental authorities for each class of positions or groups of classes in the
4 State classified service, standards of performance and output and a plan of service
5 ratings based upon such standards. Such service ratings shall be used in deter-
6 mining salary and wage increases and decreases within the limits provided by law
7 and within the limits of the schedules of compensation established in accordance
8 with this act; as a factor in promotion tests; in determining order of lay-off when
9 forces must be reduced because of lack of funds or work, and as a means of
10 discovering employees in the State classified service who, by reason of their unsatis-
11 factory service, ought to be demoted or removed. Reports of service ratings or

12 of information to be used as a basis for service ratings shall not be required for
13 any employee or group of employees from any appointing authority without his
14 consent oftener than once in three months. Any employee in the State classified
15 service shall have the right, at reasonable times during office hours, to inspect his
16 service ratings and the service ratings of other employees in the same class as
17 shown by the records of the Civil Service Commission or of the department, com-
18 mission, board, institution or agency in which he is employed. When service rat-
19 ings are used as a basis for determining the order of lay-off, seniority credits not
20 to exceed ten points may be added to the ratings of employees affected, based upon
21 their length of service in accordance with regulations prescribed by the chief exami-
22 ner and secretary and approved by the Civil Service Commission.

1 30. Holidays, Hours of Work, Attendance and Leave. The chief examiner
2 and secretary, after consulting with the heads of departments and their principal
3 assistants, shall prepare, and after approval by the Civil Service Commission, ad-
4 minister regulations regarding holidays, hours of work, attendance and annual, sick
5 and special leaves of absence with or without pay or with reduced pay for employees
6 in the State classified service. The total number of days' absence from duty on ac-
7 count of annual leave for vacation purpose with pay shall not exceed fifteen work-
8 ing days in any calendar year except in the case of executive and administrative offi-
9 cers. Annual vacation leaves for such officers, may be extended to a maximum pe-
10 riod of twenty-six working days or one calendar month in any one year. Any em-
11 ployee who is a member of the National Guard or Naval Militia or of the military
12 or naval forces of the United States and is required to undergo field training there-
13 in shall be entitled to additional leave of absence with pay for the period of such
14 field training.

1 31. Sick Leave. In addition to the annual vacation leave with pay as herein
2 provided, any employee in the State classified service may be granted sick leave with
3 pay not in excess of fifteen working days in any calendar year. If any employee
4 fails in any calendar year to take the full amount of sick leave with pay allowed,
5 such leave not taken may be accumulated and used, if needed, up to a total of thirty-
6 six working days when he or she has been in the service less than five years, up to a
7 total of seventy-five working days when he or she has been in the service more

8 than five years but less than ten years, up to a total of one hundred and twenty work-
9 ing days when he or she has been in the service more than ten years but less than
10 fifteen years and up to a total of one hundred and sixty working days when he or
11 she has been in the service more than fifteen years. The Civil Service Commission
12 may establish regulations extending leaves of absence with pay or with part pay for
13 longer periods to employees who may be disabled either through injury or illness
14 as a result of, or arising from their respective employment.

15 Sick leave is hereby defined to mean the absence from his or her post of duty
16 of an employee because of illness, exposure to contagious disease, attendance upon
17 a member of his or her immediate family seriously ill and requiring the care of
18 attendance of such employee, or death in the immediate family of the said employee.

1 32. Payment for Travel, Overtime Allowance, Etc., in the State Service. After
2 consultation with the appointing authorities and their principal assistants, the chief
3 examiner and secretary, with the approval of the Civil Service Commission, shall
4 establish for the State classified service the method of computing the pay of em-
5 ployees, who are employed less than full time or who serve for only a part of a pay-
6 roll period; for regulating travel, living and sustenance allowance when an em-
7 ployee is on duty away from his regular place of duty or when a new assignment
8 is made; for allowances of employees in attendance upon courts and administrative
9 investigations; for regulating overtime and additional pay therefor and for determin-
10 ing the cash value of meals, quarters, uniforms and other allowances to employees.

1 33. Suspension, Fine and Demotion in the State Service. The Civil Service
2 Commission shall provide by rule for the suspension without pay or with reduced
3 pay, fine or demotion of employees in the State classified service for disciplinary pur-
4 poses for an aggregate period not to exceed sixty days in any calendar year. When
5 such suspensions, fines or demotions are made by appointing authorities in accord-
6 ance with the rules established under this act the employee so suspended, fined or de-
7 moted shall not have a right of appeal to the Civil Service Commission. When such
8 suspension, fine or demotion is for a period greater than thirty days at any one
9 time and greater than sixty days in any calendar year, the employee so suspended,
10 fined or demoted shall have the same right of appeal and the Civil Service Commis-
11 sion shall have the same power of revoking or modifying the action of the appoint-

12 ing authority as is provided in the case of removals in section thirty-four of this act.

1 34. Removals in the State Service. The Civil Service Commission shall
2 enumerate in its rules the reasons which shall be considered just cause for the
3 removal of a permanent employee holding a position in the classified service after
4 the completion of the working test period. It shall also prescribe by rule a pro-
5 cedure based upon this section and in accordance therewith for handling such re-
6 movals from the State classified service. It shall cause to be prepared and dis-
7 tributed among appointing authorities a form on which any appointing authority
8 removing any employee shall enumerate the cause or causes as set forth in the
9 rules or other cause or causes which constitute the ground for removal and the act
10 or acts of the employee which constitute such cause or causes. This completed
11 form shall be delivered to the removed employee and a copy of it forthwith de-
12 livered to the Civil Service Commission. Within thirty days after the receipt of
13 such notice of removal from an appointing authority the Civil Service Com-
14 mission may, upon its own initiative, make such investigation as it may deem advis-
15 able, and upon the appeal of the removed employee, if such appeal is received within
16 ten days from the date of such removal, it shall publicly inquire into and hear such
17 person sought to be removed either sitting as a body or through one or more of
18 its members as herein provided. The investigation, inquiry or hearing provided
19 for herein is declared to be for the purpose of fairly determining whether or not
20 the employee involved, by reason of his act or acts as charged and his record of
21 service merits continuance therein or should be removed therefrom or otherwise
22 disciplined for the good of the service. In such investigations, inquiries or hear-
23 ings, the Civil Service Commission shall seek diligently all of the information and
24 evidence bearing on the merits of the case. All such investigations, inquiries or
25 hearings shall be open to the public and the employee sought to be removed shall have
26 opportunity to be heard personally or through counsel in his own defense. Within
27 fifteen days after the completion of such investigation, inquiry or hearing, and
28 sooner if practicable, the Civil Service Commission shall render its decision which
29 shall be forthwith certified to the appointing authority and it shall forthwith be en-
30 forced by him or it. The Civil Service Commission shall have authority, when in
31 its judgment the facts warrant, to modify or amend the penalty imposed by the

32 appointing authority or substitute some other penalty than that imposed except re-
33 moval from the service shall not be substituted for some lesser penalty. Its de-
34 cision shall state whether the removal of such employee is approved or whether he
35 is to be restored to his position without loss of pay, transferred to another position
36 in the same class, fined, demoted, suspended without pay or with reduced pay
37 for a period not exceeding six months or to be reprimanded or otherwise dealt with.

1 35. Checking and Certification of Payrolls. The State Treasurer, Comptroller
2 or any paymaster, warrant officer or other State disbursing or auditing officer shall
3 not pay or approve or be concerned with the paying or approving of any salary or
4 compensation for service to any person holding a permanent or temporary position
5 in the State classified service unless the payroll or account for such salary or com-
6 pensation shall bear the certificate of the Civil Service Commission affixed thereto
7 by a member of the commission, or the chief examiner and secretary, or his
8 authorized agent, that the persons named therein have been appointed or employed
9 and have been or are performing service in accordance with the provisions of this
10 act and with the rules and regulations made thereunder. Any salary or other com-
11 pensation paid contrary to the provisions of this act and the rules and regulations
12 made thereunder may be recovered from any person making or authorizing such
13 payment or any officer signing or countersigning or authorizing the signing or
14 countersigning of a voucher, payroll, check or warrant for such payment or from
15 sureties of his official bond in an action maintained by any taxpayer who is a
16 citizen. All moneys recovered in any action brought under this section shall be paid
17 into the treasury of the State except that the plaintiff in any such action shall be
18 entitled to receive for his own use the taxable costs of such action and five per
19 centum of the amount recovered as attorney's fees. Any person employed or ap-
20 pointed contrary to the provisions of this act and the rules thereunder whose pay-
21 roll or account is refused certification shall have an action of debt against such
22 officer or officers employing or appointing or attempting to employ or appoint him
23 for the amount due by reason of such employment or purported employment and the
24 costs of such action. No public officer or officers, during the time of his or their
25 official service or thereafter shall be reimbursed by the State for any sum so paid
26 or recovered in any such action.

27 If the Civil Service Commission or the chief examiner and secretary or his
28 authorized agent withholds certification of the payroll or account of any State em-
29 ployee entitled to have his pay certified as having been appointed or employed in
30 pursuance of this act and of the rules and regulations made thereunder such em-
31 ployee may maintain a proceeding by mandamus to compel the certification of the
32 payroll or account presented in his favor.

1 36. Oaths, Testimony, and the Production of Papers. Each member of the
2 Civil Service Commission and the chief examiner and secretary shall have the
3 power to administer oaths and in the manner herein prescribed to compel the attend-
4 ance in this State of witnesses and the production of books and papers pertinent
5 to investigations, inquiries or hearings relating to the State classified service as
6 authorized under the law. Any person who shall knowingly give false testimony
7 before said commission or any of its members or the chief examiner and secretary
8 shall be guilty of a misdemeanor.

1 37. Certain Acts Prohibited. No person shall willfully, by himself or in co-
2 operation with one or more other persons, defeat, deceive or obstruct any person
3 in respect to his right of taking any test or tests for or receiving appointment to
4 any position in the State classified service according to this act or according to
5 any rules made thereunder or shall willfully or corruptly or falsely mark, rate,
6 grade, estimate or report upon the test or tests or proper standing of any person
7 tested whose name has been placed upon any employment or re-employment list or
8 certified pursuant to the provisions of this act, or aid in so doing, or shall will-
9 fully make any false representation concerning the same or concerning the person
10 tested or shall willfully or corruptly furnish to any person any special or secret
11 information for the purpose of either improving or injuring the prospects or chances
12 of any person so tested or certified, or being tested or certified, or shall impersonate
13 any other person or permit or aid in any manner any other person to impersonate
14 him in any test or appointment or request to be tested, certified or appointed, or
15 shall use or promise to use his influence or official or political authority to secure
16 for any person any appointment or prospect of appointment to any position in
17 the State classified service. Any such person who does willfully any of the things

18 hereinabove stated for the purpose of defeating, deceiving or obstructing the pro-
19 visions and purpose of this act shall be deemed guilty of a misdemeanor.

1 38. Political and Religious Discrimination Prohibited. No person in the State
2 classified service or seeking admission thereto shall be appointed, demoted or re-
3 moved or be in any way favored or discriminated against because of his political
4 or religious opinions or affiliations. No question in any test or contained on any
5 form used in connection with the carrying out of the provisions of this act shall
6 relate to the political or religious opinions or affiliations of any competitor, pros-
7 pective competitor or eligible on any employment or re-employment list established
8 and maintained by the Civil Service Commission and the chief examiner and secretary.

1 39. Political Activity. No person holding a position in the State classified
2 service shall directly or indirectly use or seek to use his authority or official in-
3 fluence to control or modify the political action of any other person or during the
4 hours of duty engage in any form of political activity nor at any other time take
5 such part in political activities or political campaigns as to impair his usefulness in
6 the position in which he is employed.

1 40. False Statements Made Under Oath Constitute Perjury. Any willfully
2 false statement made under oath in any application or other statement filed with
3 or in any proceeding before the Civil Service Commission or the chief examiner
4 and secretary or in any investigation conducted by it or him or under the direction
5 of either of them in any proceeding arising under this act shall be perjury and pun-
6 ishable as such.

1 41. Failure to Respond to Subpoena. The Civil Service Commission shall have
2 power to subpoena and require the attendance in this State of witnesses, and the
3 production thereby of books and papers pertinent to any investigation, inquiry or
4 hearing made or held by or before it or any of its members under any of the pro-
5 visions of this act. No person who shall be served with a subpoena issued by the
6 Civil Service Commission to appear and testify or to produce such books and
7 papers, shall refuse or neglect to appear or testify or to produce books and papers
8 relevant to such investigation, inquiry or hearing as commanded in such subpoena.
9 Any disobedience to or neglect of any subpoena issued by the Civil Service Com-
10 mission as provided in this act, or any refusal to testify or to produce books and

11 papers relevant to such investigation, inquiry or hearing shall be certified in writing
12 by the president of the Civil Service Commission to the judge of the Court of
13 Common Pleas of the county in which the disobedience or neglect occurs, who shall
14 thereupon by a warrant issued to the sheriff of the county direct the production of
15 the body of the person so disobeying or refusing and upon the production of the
16 body of such person shall, in a summary way, inquire into the cause of such dis-
17 obedience and if no sufficient cause be shown therefor shall by commitment issued
18 under his hand directed to the keeper of the common jail of said county order the
19 detention in such common jail of such person for such period of time not exceeding
20 thirty days as said judge in said commitment shall designate or until such person
21 shall purge himself of such disobedience.

1 42. Compliance with Orders. All officers of the State shall conform to, comply
2 with and aid in all proper ways in carrying into effect the provisions of this act
3 and the rules prescribed thereunder.

4 Whenever the Civil Service Commission shall make any order under the pro-
5 visions of this act and in accordance with the rules thereunder the officer, person or
6 persons to whom said order is directed shall forthwith proceed to comply with the
7 terms and provisions thereof and any failure or neglect on the part of said officer,
8 person or persons to properly satisfy or meet the requirements of such order shall
9 be subject to all the remedies and penalties now provided by law for refusal or
10 failure of public officers and employees to do an act required of them by law. The
11 Civil Service Commission may bring such action at law or in equity as may be
12 necessary or appropriate in requiring compliance with its orders and in the enforce-
13 ment of the provisions of this act.

1 43. Violation of Act. Any person who shall willfully or through culpable
2 negligence violate or who shall conspire to violate any of the provisions of this act
3 shall be guilty of a misdemeanor. Prosecutions therefor may be instituted in the
4 name of the Civil Service Commission either by the Attorney-General or by the
5 prosecutor of the pleas in and for the county in which the offense is alleged to have
6 been committed when so directed by the Attorney-General.

1 44. Definition of Terms. The following terms, when used in this act, shall
2 have the following meanings unless the context clearly requires otherwise:

3 (1) "Position" means any office or place of employment in the State classified
4 service, such that the duties and responsibilities appertaining thereto are exercised
5 by one person.

6 (2) "Class" or "Class of Positions" means a group of positions in the State
7 classified service, established under this act, sufficiently similar in respect to the duties,
8 responsibilities and authority thereof, that the same title may be used to designate
9 each position allocated to the class, that the same requirements as to education, ex-
10 perience, capacity, knowledge, proficiency, ability and other qualifications should be
11 required of the incumbents, that the same tests of fitness may be used to choose
12 qualified employees, and that the same schedule of compensation can be made to
13 apply with equity.

14 (3) "Appointing authority" means the commission, board, person or group of
15 persons having the power by virtue of a statute or by reason of a lawfully delegated
16 authority to make appointments.

17 (4) "Permanent position" means any position in the State classified service
18 which has required or which is likely to require the services of an incumbent without
19 interruption for a period of more than six months.

20 (5) "Seasonal position" means any position in the State classified service
21 which requires or is likely to require the services of an incumbent during recurring
22 annual or other periods of each year.

23 (6) "Extra position" means a position in the State classified service arising out
24 of the temporary pressure of extra work and likely to be needed continually for a
25 period not in excess of six months.

26 (7) "Department or institution" means a division of the executive branch of
27 the State government, charged with definite responsibility and authority and which
28 is not a part of any other division or branch of the government.

29 (8) "Re-employment list" means a list of names of persons arranged in the
30 order provided by rules established under this act, who have occupied positions allo-
31 cated to any class in the State classified service, who have been separated from the
32 service and who are entitled to have their names certified to appointing authorities,
33 when vacancies in the class are to be filled, ahead of those whose names are on the
34 employment list for the class.

35 (9) "Employment list" means a list of the names of persons arranged in the
36 order of merit as provided in the rules established under this act, who have been
37 found qualified through suitable tests for employment in positions allocated to a
38 specified class.

39 (10) "Eligible" means any person whose name is on a re-employment or em-
40 ployment list for a given class.

41 (11) "Entrance test" means a test or battery of tests held to determine the
42 relative fitness of applicants for positions allocated to a class and open not only to
43 persons employed in the State classified service, but also to other persons who are not
44 or have not been so employed.

45 (12) "Promotion test" means a test or battery of tests held to determine the
46 relative fitness of applicants for positions allocated to a specified class and open only
47 to employees in the State classified service, who have previously served in specified
48 classes for such period as may be prescribed in the rules adopted under this act.

49 (13) "Working test" means a trial working period made a part of the selective
50 process, during which the work and conduct of the employee shall be noted by the
51 appointing authority or his authorized agent and reported upon to determine
52 whether such employee merits permanent appointment.

53 (14) "Public notice" means publication by posting in a prominent place in or
54 near the office of the Civil Service Commission and accessible to the public during
55 business hours.

56 (15) "Public hearing" means an opportunity given, after public notice of at
57 least five days, for any citizen or party in interest to appear and be heard at reason-
58 able length on the matter involved.

59 (16) The masculine noun or pronoun as used in this act shall be held to include
60 the feminine, the singular shall be held to include the plural and the plural the singu-
61 lar.

62 (17) "Classified service" means, unless otherwise provided in this act, all posi-
63 tions in the State service, whether paid or unpaid, whether full time or part time,
64 whether existing or hereafter created, except those which are held by:

65 (a) Officers elected by popular vote.

66 (b) Department heads, members of boards and commissions and other officers
67 appointed by the Governor with or without the consent of one or both branches of
68 the Legislature.

69 (c) Employees of the Governor including domestic employees in the Govern-
70 or's household and paid by the State.

71 (d) Officers and employees of both branches of the State Legislature.

72 (e) Officers, noncommissioned officers, enlisted men, and other persons em-
73 ployed in the military or naval service of the State and under military or naval dis-
74 cipline and control.

75 (f) Election officers.

76 (g) Judges, jurors, masters in chancery, referees, arbiters, and persons em-
77 ployed by any court to conduct any kind of judicial investigation or inquiry, or to
78 exercise judicial functions, except deputy commissioners of compensation, referees,
79 and adjusters employed by the Department of Labor, the Workmen's Compensation
80 Commission and the Rehabilitation Commission.

81 (h) Assistant Attorneys-General, legal assistants and special counsel to State
82 departments by or with the authorization of the Attorney-General.

83 (i) Members of advisory boards for State institutions who serve without pay.

84 (j) Superintendents, teachers and instructors in the public schools, the Agricul-
85 tural Experiment Station, Normal Schools, State institutions, when certified teach-
86 ers are employed under the supervision of and qualified by the State Department of
87 Education, and other institutions maintained wholly or in part by the State.

88 (k) Students in educational institutions who are employed less than half time.

89 (l) The deputy or deputies to each department head in the State government
90 when the law provides for such deputy or deputies authorized to act generally for
91 and in place of the department head during his absence or disability.

92 (m) One clerk or secretary and one confidential employee or agent to each jus-
93 tice of the Supreme Court, Chancellor, Vice-Chancellor, judge, principal executive
94 officer and each State department, board or commission when the said justice, Chan-
95 cellor, Vice-Chancellor, judge, principal executive officer, department head, board or
96 commission certifies to the Civil Service Commission that such clerk or secretary
97 and such additional confidential employee or agent is essential to the work of the

98 court, department, board or commission. Each such certification and appointment
99 hereunder shall be recorded in the minutes of the Civil Service Commission.

100 (n) Persons engaged in public work for the State but employed by contractors
101 when the performance of such contract is authorized by the Legislature or other
102 competent authority.

103 (o) Persons temporarily employed or designated by the Legislature or by a
104 Legislative committee or commission or other competent authority to make or con-
105 duct a special inquiry, investigation, examination or installation.

106 (p) Superintendents or directors of State institutions.

107 (q) All superintendents, directors or other employees in the State government,
108 who of necessity must be licensed physicians, surgeons or dentists.

109 (r) Persons engaged in public work undertaken by the State, jointly or in co-
110 operation with other States, or counties or municipalities of other States or the
111 federal government.

112 (s) Agents, investigators or special officers in the office of the prosecutors of
113 the pleas not in excess of twelve (12) in counties having a population of more than
114 three hundred thousand (300,000), six (6) in counties having a population in excess
115 of one hundred and sixty thousand (160,000), and not more than three hundred
116 thousand (300,000), and two (2) in other counties.

1 45. How and When Applicable. All persons appointed or employed in offices or
2 positions in any part of the State classified service as heretofore provided by law,
3 shall continue to hold their offices or positions and have the same rights of tenure and
4 appeal as they have heretofore had, but on the retirement, resignation or removal of
5 any person holding any such office or position in such classified service and which
6 said office or position is placed in the unclassified service by this act, such vacancy
7 shall be filled in the manner herein provided.

8 This act shall not be held to reduce or affect in any way salaries of any
9 employees in the State classified service which are now specifically fixed by statute
10 nor shall it be held to affect, repeal or modify the provisions of "An act to
11 amend an act entitled 'An act regulating the employment, tenure and discharge of
12 certain officers and employees of this State, and of the various counties and munic-
13 palities, and providing for a Civil Service Commission and defining its powers and

14 duties,' approved April tenth, one thousand nine hundred and eight," approved April
 15 twenty-one, one thousand nine hundred and twenty; "An act respecting the employ-
 16 ment of disabled soldiers, sailors, marines and nurses in the service of the State or
 17 municipality thereof and providing a penalty for violation thereof," approved
 18 March seventh, one thousand nine hundred and twenty-two; "An act to further
 19 amend an act entitled 'An act regulating the employment, tenure and discharge of
 20 certain officers and employees of this State, and of the various counties and
 21 municipalities, and providing for a Civil Service Commission and defining its powers
 22 and duties,' approved April tenth, one thousand nine hundred and eight," approved
 23 March twenty-first, one thousand nine hundred and twenty-eight; and "An act to
 24 amend an act entitled 'An act respecting the employment of disabled soldiers, sailors,
 25 marines and nurses in the service of the State or municipality thereof, and provid-
 26 ing a penalty for violation thereof,' approved March seventh, one thousand nine
 27 hundred and twenty-two," approved May sixth, one thousand nine hundred and
 28 twenty-nine, all relating to service credits and preference in appointment to veterans.

1 46. Constitutionality. The provisions of this act shall be severable and if any
 2 of the provisions shall be held to be unconstitutional, the decision of the court
 3 respecting such provision or provisions shall not affect the validity of any other
 4 provisions which can be given effect without such invalid provisions. It is hereby
 5 declared as the legislative intent that this act would have been adopted by the
 6 Senate and General Assembly had such unconstitutional or invalid provisions not
 7 been included herein.

1 47. acts or parts of acts inconsistent with the provisions of this act be and
 2 the same are hereby repealed. This act shall take effect immediately.

STATEMENT

This committee substitute for Senate 61 is a supplement to the civil service law and applies to the State classified service only. It does not affect in any way any county or municipal office or position in the unclassified or the classified service. The civil service administration in counties and municipalities will continue exactly as heretofore under existing law.

This act is intended to establish a logical and clear procedure in the handling of personnel matters relating to the State service. Some additions are made to the unclassified service but adequate protection is given to each person appointed under existing laws in any part of the classified service which under this act is placed in the unclassified service.

Since the provisions of the veteran preference laws apply equally to the State and municipal services the provision respecting veteran preference as provided in Senate 61 is not included in this act. The same preference as to service credits and appointment as is assured veterans under previous laws is specifically provided for in section 45 of this supplement.

No changes in title or make-up of the Commission is involved.

STATE OF NEW JERSEY

INTRODUCED JANUARY 27, 1930

By Mr. McALLISTER

Referred to Committee on Revision and Amendment of the Laws

AN ACT to establish a personnel system for regulating and controlling personnel matters including employment, tenure, promotion, removal and other measures affecting certain officers and employees of the State and of the counties, cities, school districts and other political subdivisions thereof; to create a State personnel board with a State personnel director to serve as its chief executive officer and to define the powers and duties of the State personnel board and the State personnel director.

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

1 1. Purposes of the Act. For the purpose of providing a modern personnel sys-
2 tem for positions included in the classified service of the State and the counties and
3 municipalities thereof, and for applying business principles in the creation and aboli-
4 tion of positions, the classification of authorized positions on the basis of the duties
5 and responsibilities of the incumbents, the development, adoption, and administra-
6 tion of equitable compensation schedules for each class of positions, and the selection,
7 certification, appointment, regulation, and tenure of persons holding such authorized
8 positions, there is hereby established a State Personnel Board consisting of five mem-
9 bers, a State Personnel Director, and such examiners, classifiers, investigators, clerks
10 and other employees as are needed for the proper administration of this act and as
11 are authorized or provided by law.

1 2a. Term, Appointment and Qualifications. The State Personnel Board shall
2 be composed of five members. For the period for which they have been severally
3 appointed as members of the Civil Service Commission, the present members of the

4 Civil Service Commission shall constitute the State Personnel Board. Hereafter, the
5 members of the State Personnel Board shall be nominated by the Governor and ap-
6 pointed by him, with the advice and consent of the Senate. Said members shall hold
7 their office for five years and until their successors shall be qualified into office, but
8 when appointed to fill vacancies they shall hold for the unexpired term only.

9 When this act becomes effective the Governor shall designate one of the members
10 of the State Personnel Board to be chairman thereof. The member so designated
11 shall serve as chairman during his term of office unless the Governor shall revoke his
12 appointment as chairman of the said board and shall designate one of the other
13 members of the board to act as chairman. Any person hereafter appointed as a
14 member of the State Personnel Board shall be a citizen and resident of this State at
15 the time of appointment, a person of good repute in his business, occupation, or
16 profession and of known sympathy with the systematic application of merit and
17 good business principles to the handling of personnel matters in the public service.

1 2b. Compensation and Removal of Members of the State Personnel Board.

2 The chairman of the State Personnel Board shall receive a salary of four thousand
3 dollars (\$4,000.00) per annum, and each of the other members shall receive a salary
4 of three thousand five hundred dollars (\$3,500.00) per annum. Each member of
5 the State Personnel Board shall be reimbursed for necessary traveling and other
6 expenses incurred in the performance of his duties. No member of the State Per-
7 sonnel Board shall hold any other salaried office under the United States, this State,
8 or any division thereof.

9 The Governor may remove any member of the State Personnel Board for incom-
10 petence, inefficiency, neglect of duty, malfeasance, nofeasance, or misfeasance in
11 office, by given such member a statement in writing of the charges against him and
12 affording him, after notice of not less than five days, an opportunity of being publicly
13 heard in person or by counsel. A copy of the Governor's charges and of his findings
14 and the reasons therefor shall be filed with the Secretary of State and the State
15 Personnel Board.

1 3. Meetings and Duties of Members of the State Personnel Board. The mem-
2 bers of the State Personnel Board shall hold regular meetings at the State Capitol at
3 least once each month, except August, at a time fixed by rule, and may hold such

4 additional meetings at the State Capitol or elsewhere as may be required in the
5 proper discharge of their duties upon the call of the chairman or the State Personnel
6 Director. Notice in writing of the time and place of any special or other meeting
7 shall be given to each member of the board and to the State Personnel Director.
8 Three members of the board shall constitute a quorum at any regular or special
9 meeting.

10 It shall be the duty of members of the State Personnel Board, as a body:

11 1. After public hearing as defined herein to adopt and amend rules and
12 regulations for making effective the provisions of this act.

13 2. After public hearing as defined herein to approve, modify or reject
14 such classification and compensation plans for the classified service of the State
15 or of any county or municipality, or any part thereof, together with rules for
16 their administration, as may be presented by the State Personnel Director after
17 a thorough survey of the personnel and departmental organization included in
18 such plan or plans.

19 3. To make investigations either on petition of a citizen or of its own mo-
20 tion concerning any matter touching the enforcement and effect of the pro-
21 visions of this act and to require observance of the provisions of the merit sys-
22 tem laws and the rules and regulations thereunder.

23 4. To hear appeals, either sitting as a body or through one or more mem-
24 bers designated by a majority of the board to hear such appeals, of persons in
25 the classified service sought to be removed, demoted in pay or position, sus-
26 pended, fined or otherwise discriminated against contrary to the provisions of
27 this act, to render decisions thereof and require observance of such decisions
28 as herein provided.

29 5. To hear and determine appeals respecting the administrative work of the
30 department, including appeals from the allocation of positions, the rejection of
31 an applicant for admission to examination, and the refusal to certify the name
32 of an eligible, as referred to the board by the State Personnel Director.

33 6. To make such investigations as may be requested by the Governor or the
34 Legislature and to report thereon.

1 4. The Qualifications, Appointment, Compensation and Removal of the State
2 Personnel Director. The Chief Examiner and Secretary of the State Civil Service
3 Commission at the time this act takes effect shall automatically become the State Per-
4 sonnel Director. In case a vacancy in the position occurs or is anticipated, the State
5 Personnel Board, or a special board of examiners designated by it, shall hold com-
6 petitive tests and establish an employment list for State Personnel Director in ac-
7 cordance with the testing procedure and principles prescribed in section seventeen of
8 this act. Following the establishment of such a list, the State Personnel Board
9 shall appoint a State Personnel Director in accordance with the procedure prescribed
10 in section eighteen of this act. Any person hereinafter appointed as State Personnel
11 Director shall, at the time of his appointment, be thoroughly familiar with the prin-
12 ciples and methods of personnel administration generally recognized by those in
13 charge of employment work for large public and private employers, and skilled in
14 personnel administration. He shall be of good repute in his business, profession, or
15 occupation, and known to be in sympathy with the systematic application of merit
16 and good business principles in the handling of personnel matters in connection with
17 positions in the public service that are nonpolitical in character. He shall hold no
18 other public office or employment. His compensation shall be as provided in the an-
19 nual appropriation law. The State Personnel Director shall be in the classified serv-
20 ice and shall not be removed except in accordance with the procedure prescribed in
21 section twenty-seven of this act. If removed by the State Personnel Board, he shall
22 have the right of appeal to the Supreme Court.

1 5. Duties of the State Personnel Director. The State Personnel Director shall
2 be the chief executive officer of the State Personnel Board, and, except as otherwise
3 provided in this act, shall direct and supervise its administrative work. It shall be
4 his duty

5 1. To attend the regular and special meetings of the State Personnel
6 Board, to act as its secretary and to record its official actions.

7 2. To prepare and recommend rules for carrying out the provisions of this
8 act which shall become effective after approval by the board; to administer
9 such rules; to propose amendments thereto upon approval by the board; to
10 appoint under the provisions of this act, with the approval of the State Person-

11 nel Board, such examiners, classifiers, investigators, clerks and other em-
12 ployees as may be necessary to carry out the provisions of this act, and as are
13 authorized by law, and to supervise and direct their work.

14 3. To establish and maintain a roster of the employees of the State and
15 of the counties and municipalities thereof, subject to this act, showing for each
16 such person the title of the position held, the rate of compensation and every
17 change in his status, including increases and decreases in pay, changes in title,
18 transfers, sick or annual leave with pay and other facts which he may consider
19 desirable and pertinent.

20 4. To ascertain and record the duties, responsibilities, and authority ap-
21 pertaining to all positions in the classified service of the State and of the coun-
22 ties and municipalities subject to this act and to classify such positions in the
23 manner hereinafter provided.

24 5. To make a study of the rates being paid for each class of positions in
25 the classified service, for similar or comparable services elsewhere and of other
26 information and data pertaining to proper rates of compensation, and, after
27 consulting the appointing authorities and their principal assistants, to prepare
28 a report to the State Personnel Board setting forth a schedule of compensations
29 for each class of positions with a minimum salary rate, a maximum salary
30 rate and such intermediate salary rates as he may consider necessary and equit-
31 able. Upon adoption by the State Personnel Board of any such schedule of
32 compensation as recommended or modified for any class in the State service,
33 and by the governing body and the State Personnel Board for any county or
34 municipal service as hereinafter provided, he shall, under rules and regulations
35 adopted and approved as herein provided, regulate the compensation of em-
36 ployees in the classified service within the limits fixed by law and subject to the
37 appropriation of funds. From time to time as he may consider necessary, and
38 in any case at intervals not to exceed three years, to make additional compen-
39 sation studies and recommendations to be submitted to the State Personnel
40 Board as aforesaid.

41 6. To investigate and certify to the State Personnel Board as to the need
42 for existing positions in the State service and in the county and municipal serv-

43 ices subject to this act and positions which are created therein in the manner
44 hereinafter provided.

45 7. In the manner hereinafter provided, to test and pass upon the qualifica-
46 tions of applicants for appointment to or promotion in the classified service, and
47 to establish employment and re-employment lists for the various classes; upon
48 requests from appointing authorities or indication of the necessity for appoint-
49 ment in order to comply with the provisions of this act, as evidenced by the
50 presence of temporary employees or request for the authorization for a tempo-
51 rary or provisional appointment in any class to certify the names of persons
52 eligible for employment, promotion or re-employment; to devise, install and
53 administer service rating systems and training courses; to arrange for and pass
54 upon transfers; to regulate annual sick and special leaves of absence; hours of
55 work, attendance and payments for overtime in accordance with the provisions
56 of the rules and regulations established as aforesaid, and to see that lay-offs,
57 demotions, suspensions, removals, retirements and other separations are made
58 in accordance with this act.

59 8. To check or cause to be checked payrolls, estimates, and accounts for
60 payment of employees in the classified service of the State and of the counties
61 and municipalities subject to this act, and upon such evidence as he may deem
62 necessary to satisfy himself of the facts therein, when such payrolls, estimates
63 or accounts for payment are not certified by members of the board, to certify
64 or cause to be certified that the persons whose names appear thereon have
65 been legally employed in the performance of the duties indicated at the compen-
66 sation rates and for the periods for which pay is claimed or are on authorized
67 leave, before payment may be lawfully made to them.

68 9. From time to time to investigate the effect of the administration of this
69 act and the rules made thereunder and to report his findings and recommenda-
70 tions to the State Personnel Board.

71 10. On or before December first of each year to make an annual report to
72 the State Personnel Board to be transmitted to the Governor concerning the
73 administrative work of the board under his direction including pertinent in-
74 formation and recommendations.

1 6. Facilities and Co-operation to be Furnished by State, County and Muni-
2 pal Officers. The State Personnel Board shall be provided with suitable quarters for
3 itself and staff in Trenton. The officers of the various counties and municipalities
4 subject to this act shall provide in the respective county seats or municipalities suit-
5 able quarters for carrying on those parts of the board's and director's work relating
6 to such municipalities as the board and the director may direct to be done therein. All
7 officers and employees of the State and of the counties and municipalities under this
8 act shall, during usual business hours, grant to the members of the board, the director
9 and any employee of the board designated by it or him, free access to premises and
10 records under their control and shall furnish him or them such facilities, assistance
11 and information as he or they may require in carrying out his or their functions.
12 Reports of all appointments, separations and other facts regarding the service of em-
13 ployees that may be requested by the State Personnel Board or the State Personnel
14 Director shall be made by each appointing authority in such form as may be
15 prescribed.

1 7. Records to be Kept and Public Access Thereto. The State Personnel Director
2 shall cause to be kept suitable records of the rules and regulations adopted under this
3 act, of the classification of positions provided for thereunder, of standards for test-
4 ing qualifications and measuring service, of tests held and employment and re-employ-
5 ment lists established, of certifications of eligibles to appointing authorities, of pro-
6 visional and temporary appointments, of hearings and investigations, and of other
7 official acts of the State Personnel Board or the director. Such records are hereby
8 declared to be public records and as such shall be open to public inspection during
9 office hours under such reasonable regulations as may be prescribed. The State Per-
10 sonnel Director shall take all due precautions to prevent the securing in advance by
11 any unauthorized person of questions or other material to be used in any test, unless
12 such questions or material are available for all competitors, and to prevent the iden-
13 tification by any examiner or other person, where identity is concealed, of papers
14 or work of any competitor in a test before the papers or work of all competitors in
15 that test have been rated. Statements of the former employers of competitors in
16 tests may be considered confidential and not open to examination by any person.

1 8. The Preparation and Publication of Classification Plans. The State Person-
2 nel Director shall, as soon as practicable after this act takes effect, ascertain the duties
3 and responsibilities of all positions in the classified service of the State, and of the
4 counties and municipalities subject to this act and after public hearing recommend
5 to the State Personnel Board a classification plan together with proposed rules for its
6 administration for the State service and for each county and municipal service. Such
7 classification plan shall show the various classes of positions in the respective serv-
8 ices and when approved by the State Personnel Board be published along with the
9 rules for their administration. The published statements shall be known as "The
10 Classification Plan of the State (County or Municipality) of _____"

11 and shall show for each class of positions:

12 1. The title given to the class.

13 2. A statement of the duties performed and the responsibilities exercised
14 by those holding positions allocated to the class, illustrated where desirable by
15 examples of typical tasks.

16 3. The minimum, and desirable, qualifications required of an incumbent
17 for the satisfactory performance of such duties and tasks and the exercising of
18 such responsibilities.

19 4. As far as practicable the natural or probable lines of promotion to and
20 from the class.

1 9. The Allocation of Positions to Classes. The State Personnel Director shall,
2 as soon as practicable after the adoption of the classification plan and after consulta-
3 tion with appointing authorities and their principal assistants, allocate with the ap-
4 proval of the State Personnel Board each position in the respective services to its
5 proper class. Any employee whose position or title is affected by such allocation
6 shall be given a reasonable opportunity to be heard before final action is taken.
7 Whenever a position or a group of positions have been allocated to a class, each em-
8 ployee whose position has been so allocated, shall assume the classification title as
9 established for his position.

1 10. Additions and Amendments to Classes. Subject to the approval of the State
2 Personnel Board the State Personnel Director shall, from time to time as he deems
3 necessary in the interests of good administration, establish additional classes and allo-

4 cate thereto new positions created or positions not included in any previously estab-
5 lished class and may divide, combine, alter or abolish existing classes and re-allocate
6 positions. If any such amendment of the classification plan requires the re-allocat-
7 ion of an existing position the employee holding the same shall have reasonable
8 right to be heard before final action is taken.

1 11. Reporting and Classification of New Positions. The appointing authorities
2 in the State service shall promptly report to the State Personnel Director intention
3 to establish new positions in order that their need may be investigated and certified
4 and that they may be classified and allocated. The appointing authorities in county
5 and municipal services shall promptly report to the State Personnel Director inten-
6 tion to establish new positions in order that such positions may be classified and allo-
7 cated and that certifications may be made or appropriate tests arranged for and
8 held for the purpose of establishing requisite employment lists from which appoint-
9 ments may be made.

1 12. Use of Classification Titles. The classification titles, following the approval
2 by the State Personnel Board of the classification plans and the allocation of posi-
3 tions to classes, shall be used in all records and communications to the board, the
4 director, the State, county and municipal auditor, comptroller, and budget officers,
5 the State, county and municipal treasurer or other disbursing officer, and shall also be
6 used in all estimates submitted to the Legislature, the board of chosen freeholders,
7 municipal council or other governing body or budget officers, requesting the appro-
8 priation of money to pay for personal service in appropriation bills or other allot-
9 ments and in all reports and payrolls providing for the payment of personal
10 services.

1 13a. The Preparation and Adoption of the Compensation Plan for the State
2 Service. The State Personnel Director after consultation with appointing authori-
3 ties and their principal assistants shall, not later than October fifteenth of each year,
4 report to the State Personnel Board compensation schedules for each class of posi-
5 tions in the State service together with his recommendations, based upon experience
6 in recruiting various positions and upon such data as he may collect relating to rates
7 of pay for comparable service in commercial and industrial establishments, as to the
8 need for changes in the compensation schedules for any class or group of classes.

9 He shall also report any other things that he deems pertinent in developing and
10 administering a compensation plan for the State service which takes proper account
11 of prevailing market rates, costs and standards of living, the State's employment
12 policies and the State's financial resources and needs. These compensation schedules,
13 together with any amendments and modifications as may be made as provided in this
14 act, when they have been approved by the State Personnel Board, shall for the en-
15 suing fiscal year period beginning July first, except as they may be modified by
16 legislative action, constitute the State's compensation plan for classes of positions in
17 the State classified service.

1 13b. The Administration of the Compensation Plan for the State Service. The
2 payments for the services of persons holding positions in the classified service of the
3 State shall be made in accordance with the compensation schedules as herein estab-
4 lished and the rules for their administration as herein provided and as modified by
5 legislative action, but in no case shall a rate of compensation in excess of the maxi-
6 mum rate established under this section be paid to any individual employee in the
7 classified service unless such specific sum shall be set out in an individual line item
8 in an annual or other law appropriating moneys for the payment of compensation for
9 the particular position or positions in question. The inclusion of a sufficient sum to
10 increase the compensation of a person or persons holding such position or positions
11 beyond the maximum established rate as herein provided in any lump sum appro-
12 priation shall not be taken as the legislative intent to increase the rate of compensa-
13 tion in question beyond the said maximum established rate. It shall be the duty of
14 the State Personnel Director to see that the compensation schedules and the rules for
15 their administration are observed.

1 14a. The Preparation of Advisory Compensation Plans for the County and
2 Municipal Services. Following the establishment of the various classes of positions
3 for the county and municipal services as provided under sections eight, nine, ten, and
4 eleven, of this act, and after consultation with appointing authorities in the respec-
5 tive counties and municipalities, and the consideration of information and data col-
6 lected as to rates of pay for comparable service in commercial and industrial estab-
7 lishments as well as other matters that seem pertinent in developing and administer-
8 ing a compensation plan for the respective services which takes proper account of

9 prevailing market rates, costs and standards of living, ^{establishe}d employment poli-
10 cies and the financial resources and needs of the various counties and municipalities,
11 the State Personnel Director shall, not later than October fifteenth in each year, re-
12 port to the State Personnel Board an advisory compensation schedule showing for
13 each class of positions in the several county and municipal services subject to this
14 act the minimum rate, the maximum rate and such intermediate rates as he considers
15 necessary and proper together with advisory rules for the administration of such
16 compensation schedules. Within fifteen days thereafter, the advisory compensation
17 schedule for each county or municipality shall be presented to the board of chosen
18 freeholders or the mayor and municipal council or commission, as the case may be,
19 of such county or municipality.

1 14b. The Adoption and Administration of Compensation Plans for County and
2 Municipal Services. On or before December first of each year the respective boards
3 of freeholders, mayors and municipal councils or commissions shall consider the
4 advisory compensation schedules submitted as hereinbefore provided and advise the
5 State Personnel Board the respects, if any, in which they consider the advisory com-
6 pensation schedules should be modified or changed, together with their reasons there-
7 for. Not later than December thirty-first of each year the respective boards of free-
8 holders, mayors and municipal councils or commissions shall adopt compensation
9 schedules and rules for their administration for the several classes of positions in the
10 classified service of the respective counties and municipalities as aforesaid. The
11 compensation schedules for the various classes of positions in the county and munici-
12 pal services as are adopted, shall constitute the compensation plan for the respective
13 counties and municipalities for the ensuing fiscal year. The payments for the serv-
14 ices of persons holding positions in the classified service of the various municipalities
15 and counties shall be made in accordance with the compensation schedules thus
16 established.

1 15. Certification as to the Need for Existing and New Positions. As soon as
2 practicable after this act takes effect, the State Personnel Director shall make an in-
3 vestigation as to the need for every existing position in the State service and in the
4 service of the counties and municipalities subject to this act, except those held by
5 elective officers, and shall report the findings of such investigation together with his

6 recommendation¹s to the State Personnel Board. There shall be included in such re-
7 port recommendation¹¹s as to the most effective means of discontinuing positions
8 which are not^a needed in carrying on the work of the State and of the respective
9 counties and municipalities and of the best methods for providing for the incumbents
10 of such positions by promotion, transfer, demotion, retirement, removal or otherwise
11 so as⁴ to prevent undue hardships. Within ninety days after a report covering the
12 classified service of the State has been presented the State Personnel Board shall
13 adopt the proposed plan together with such modifications or amendments as may be
14 determined upon and shall proceed to put such plan into effect. Any report presented
15 for the county or municipality and approved by the State Personnel Board shall be
16 made a part of the public records of the board and shall be presented to the govern-
17 ing body of such county or municipality for its consideration. Hereafter no new
18 position shall be created in the classified service of the State until the State Person-
19 nel Director, with the approval of the State Personnel Board has certified to the
20 appointing authority of the department, institution, commission, board or other
21 agency concerned that such position is necessary for carrying on the work of the
22 department, institution, commission, board or agency in an efficient and business-
23 like manner. No position in the classified service in any department, institution,
24 commission, board or other agency in any county or municipality subject to this act
25 shall be created until the governing body has considered the request of the appoint-
26 ing authority for the creation of such position and the same has been authorized by
27 majority vote of said governing body.

1 16. Establishment of Re-employment Lists. Whenever any employee in the
2 classified service of the State or of the counties and municipalities subject to this
3 act who has been performing his duties in a satisfactory manner as shown by the
4 records of the department, commission, board, institution or other agency in which
5 he has been employed, is laid off because of lack of work or funds or has been on
6 authorized leave of absence and is ready to report for duty when a position is open,
7 or has resigned in good standing and with the consent of the State Personnel Board
8 has withdrawn his resignation without being restored to his position, provided that
9 no resignation can be withdrawn or any person who has resigned be reinstated or
10 have his name restored to a re-employment list unless such resignation is withdrawn

11 within one year after it has been presented and accepted, the State Personnel Director
12 shall cause the name of such employee to be placed on the re-employment list for the
13 appropriate class for future re-employment when vacancies in the class occur. The
14 order in which names shall be placed on the re-employment list for any class shall be
15 established by rule.

1 17a. Establishment of Employment Lists—Eligibility. From time to time, as
2 he may consider necessary to meet the needs of the service, the State Personnel
3 Director shall hold tests for the purpose of establishing employment lists for the
4 various positions in the State, county and municipal services subject to this act.
5 Tests for the State service shall be open to citizens who have resided in the State
6 for at least twelve months prior to the date of the test, and tests for the county
7 and municipal services shall be open to citizens who have resided in the State for a
8 period of at least twelve months and in the county or municipality for at least six
9 months prior to the date of the test. When, however, by reason of the special or
10 technical qualifications required in a given position, it appears as indicated by the re-
11 sult of a competitive test held during the last twelve months that an employment list
12 containing sufficient names to provide a full certification to fill existing or antici-
13 pated vacancies is not likely to be established from among qualified competitors
14 resident in the State or in the county or municipality, as the case may be, the State
15 Personnel Director may at the request of the appointing authority, and with the ap-
16 proval of the State Personnel Board, admit to such tests qualified citizens of the
17 United States for the State service and qualified citizens of the State for the respec-
18 tive county and municipal services. If it further appears that an employment list
19 containing sufficient names to provide for a full certification to fill existing or antici-
20 pated vacancies as provided in this section cannot be established for any county or
21 municipal service by admitting qualified citizens of the State as indicated by a test
22 held within the past twelve months, then the State Personnel Director at the request
23 of the appointing authority and with the approval of the State Personnel Board, as
24 in the case of the State service, may admit to tests for such county or municipal
25 services qualified citizens of the United States. Whenever an employee, whether he
26 be under this law a State, county or municipal employee, renders service in and is
27 paid out of the revenues of the office or department or out of the public funds of

28 any county, municipality, part or district thereof, the State Personnel Director may
29 limit the acceptance of applications for admission to a test for such position to citi-
30 zens of such county, municipality, part or district thereof.

1 17b. Employment Lists; Tests. Tests as provided in this section may be writ-
2 ten, oral, physical or in the form of a demonstration of skill, or any combination of
3 these, and shall be of such character as fairly to test and determine the qualifica-
4 tions, fitness and ability of the persons tested, actually to perform the duties of the
5 class or position to which they seek appointment. Any investigation of education
6 and experience and any tests of intelligence, capacity, technical knowledge, mental
7 skill or physical fitness or other qualifications which in the opinion of the State
8 Personnel Director serves to this end, may be employed. Such tests shall be com-
9 petitive, free, and except as otherwise provided in this section, open to all persons
10 who may be lawfully appointed to any position in the class for which they are held
11 with such limitations as to age, residence, health, habits, character, sex and other
12 qualifications as may be considered desirable by the State Personnel Director and
13 specified in the public announcement of the test. For positions involving unskilled
14 and semiskilled laboring work, or involving domestic, attending, or other housekeeping
15 and custodial services at institutions where the character of the work, the relatively
16 low rate of compensation, or the place of work, makes it impracticable to secure at
17 stated times a sufficient number of applicants to supply the needs of the service, the
18 State Personnel Director, with the approval of the State Personnel Board, may pro-
19 vide by regulation for a procedure which permits the testing of applicants singly
20 or in groups at stated places in counties or municipalities for laboring work and at
21 institutions or elsewhere for domestic, attending, housekeeping or custodial service
22 at any time on due notice of such tests but without public advertising as required in
23 this section.

1 17c. Employment Lists; Noncitizens. Whenever the State Personnel Board,
2 the State Personnel Director and State, county or institutional authorities, as the case
3 may be, are unable after diligent effort to obtain a sufficient number of qualified
4 citizens for positions involving domestic, attending, or other housekeeping and
5 custodial work necessary for the proper care of institutional patients or wards of
6 the State, county or municipality as the case may be, not including penal or reforma-

7 tory institutions, who have received their first citizenship papers may be admitted
8 to tests as herein provided and employed in such positions. Whenever the State
9 Personnel Board, the State Personnel Director and departmental authorities are un-
10 able after diligent effort to obtain a sufficient number of qualified citizens to do neces-
11 sary unskilled or semiunskilled laboring work that may be required in the public inter-
12 est in State, county or municipal departments persons who have received their first citi-
13 zenship papers may be employed for periods not greater than six months; *provided*,
14 that no such person shall be employed in any laboring position when there are quali-
15 fied citizens available for such work.

1 17d. Employment Lists; Rejection of Applicants. The State Personnel Director
2 may reject the application of any person or refuse to test any applicant or to certify
3 the name of an eligible who is found to lack any of the established qualification
4 requirements for the position for which he applies or for which he has been ex-
5 amined or who is physically unfit to effectively perform the duties of the position
6 in which he seeks employment or who is addicted to the habitual use of drugs or
7 intoxicating liquors or who has been guilty of any crime or infamous or notoriously
8 disgraceful conduct or who has been dismissed from the public service for delin-
9 quency or who has made false statement of any material fact or practiced or at-
10 tempted to practice any deception or fraud in his application, in his tests or in secur-
11 ing his eligibility or appointment; *provided*, that such person may have the right of
12 appeal to the State Personnel Board in accordance with the rules established under
13 this act.

1 17e. Employment Lists; Examiners. In giving tests the State Personnel
2 Director may call on other persons not on the regular staff of the State Personnel
3 Board, either within or without the classified service for assistance. When such per-
4 sons are in the classified service of the State or of any county or municipality subject
5 to this act it shall be deemed a part of their official duty to act as examiners with-
6 out extra compensation.

1 17f. Employment Lists; Public Notice. The State Personnel Director shall give
2 public notice of all tests for positions in the State service at least three weeks in ad-
3 vance by posting, or causing to be posted, an appropriate notice on the bulletin board
4 maintained in or near the quarters of the State Personnel Board at the State Capi-

5 tol and also by advertising each such test in at least three daily newspapers of gen-
6 eral circulation in the State. Public notice of all tests for each county and munici-
7 pal service shall be given by posting or causing to be posted an appropriate notice
8 at least three weeks in advance in the county or municipal building of the county or
9 municipality for which each such test is to be held in a place easily accessible to
10 the public during business hours and also by advertising in at least one newspaper
11 of general circulation in the county or municipality for which such test is to be held.
12 As far as it is consistent with the best interests of the State and the various coun-
13 ties and municipalities subject to this act, vacancies in the higher classes of positions
14 shall be filled by promotion following competitive tests open to those who have
15 served a minimum time established by regulation in such lower class or classes of
16 positions as may be designated.

1 17g. Employment Lists; Arrangement and Period of Eligibility. In establish-
2 ing any employment list following tests for entrance into the public service the State
3 Personnel Director shall place on the list in the order of the earned ratings of the
4 completed tests, except as provided in section twenty-nine of this act relating to
5 veterans, the names of persons who show they possess the qualifications which en-
6 title them to be considered eligible to appointment when a vacancy in any position
7 allocated to the class occurs. The State Personnel Director shall provide by regu-
8 lation, approved by the State Personnel Board, at the time any employment list is
9 promulgated the period during which such list shall remain in force; *provided*, that
10 such period shall be not less than six months nor more than three years. The State
11 Personnel Director, with the approval of the State Personnel Board, may extend the
12 period during which any employment list remains in force by action taken before
13 the expiration of such list and entered in the minutes of the State Personnel Board
14 together with a statement of the State Personnel Director as to the reasons therefor.
15 The State Personnel Director shall provide by rule, approved by the State Personnel
16 Board, for the consolidation, continuation and cancellation of employment lists and
17 for the removal of names for good cause therefrom.

1 18a. The Manner of Filling Vacant Positions; Certification. Whenever a va-
2 cancy in any permanent position in the classified service of the State or of any county
3 or municipality subject to this act is to be filled, the appointing authority shall notify

4 the State Personnel Director of this fact. If such position has been duly authorized
5 and approved the State Personnel Director shall certify the name of the person
6 highest on the appropriate re-employment list for the class to which the vacant posi-
7 tion has been allocated and who is willing to accept employment. If there is no ap-
8 propriate re-employment list for the class the State Personnel Director shall certify the
9 names of the three persons highest on the employment list for the class or from the
10 employment list held appropriate for the class willing to accept employment. If
11 more than one vacancy is to be filled an additional name shall be certified for each
12 additional vacancy. In case the re-employment list has been exhausted and the em-
13 ployment list does not contain a sufficient number of names of persons willing to
14 accept employment to make possible a certification of the number of names to which
15 the appointing authority is entitled as herein provided to fill existing vacancies the
16 State Personnel Director shall forthwith proceed to hold tests for the purpose of
17 establishing an employment list.

18 If necessary to prevent the stoppage of public business or inconvenience to the
19 public, but not otherwise, the State Personnel Director with the approval of the
20 State Personnel Board, may authorize the filling of the position at once by pro-
21 visional appointment; *provided*, that in all such cases no person who does not possess
22 the minimum required qualifications for any position as determined by such pre-
23 liminary test or inquiry prior to beginning work as the State Personnel Director
24 may prescribe shall receive provisional appointment; *and provided, further*, that such
25 provisional appointment shall continue only pending the establishment of a re-employ-
26 ment or employment list and in no case for a period exceeding a total of four
27 months. No person shall receive more than one provisional appointment or serve
28 more than four months as a provisional appointee in any one fiscal year.

1 18b. The Manner of Filling Vacant Positions, Provisional Appointment, Choice
2 of Selections. The appointing authority shall, within a reasonable time to be fixed
3 by the State Personnel Board and in no case to exceed fifteen days, make arrange-
4 ments for the appointment of the person whose name has been certified from the re-
5 employment list, and when such re-employment list, if any, has been exhausted, from
6 among the persons whose names have been certified from the employment list to
7 begin work and forthwith notify the State Personnel Director of such fact;

8 *provided*, that a date on which the new appointee is to begin work may be later than
9 fifteen days following the date of certification. If the appointing authority cannot
10 make arrangements with any person whose name has been certified to begin work
11 within what he considers a reasonable time he shall report that fact to the State Per-
12 sonnel Director who may, in accordance with rules and regulations established
13 under this act, certify the name or names of an additional eligible or additional
14 eligibles to complete the certification of the proper number of names as herein pro-
15 vided. In the selection of appointees from an employment list the appointing
16 authority shall be entitled to a certification of the names of three eligibles willing to
17 accept appointment for each vacancy as hereinbefore provided and he may select any
18 one of the three eligibles except as provided in section twenty-nine relating to vete-
19 rans, whom he considers as best qualified to fill the vacancy in question. No author-
20 ization for a provisional appointment as hereinbefore provided shall be given when
21 the name of any person eligible for appointment and willing to accept such appoint-
22 ment, remains on any re-employment or employment list.

1 19a. Temporary Appointments to Extra Positions, State Service. Whenever
2 by reason of pressure of work the appointing authority determines that an extra
3 position in the classified service of the State must be established for a period of not
4 more than six months such appointing authority shall notify the State Personnel
5 Director of that fact stating the cause therefor, the probable length of time the
6 extra position will be required and the duties the appointee is to perform. The State
7 Personnel Director shall thereupon make such investigation as he deems necessary
8 to satisfy himself as to whether the extra position must, in fact, be established
9 and if so, with the approval of the State Personnel Board, he shall issue the certifi-
10 cate provided by section fifteen of this act. He shall, thereupon authorize the
11 appointment with or without competitive tests of a qualified person; *provided*, that
12 as far as practicable temporary appointment to extra positions shall be made follow-
13 ing certification from re-employment and employment lists. No such appointment
14 shall be authorized for a period exceeding three months or renewed more than once
15 within any fiscal year.

1 19b. Temporary Appointments to Extra Positions, County and Municipal
2 Service. Whenever by reason of pressure of work the appointing authority deter-

3 mines that an extra position in the classified service of any county or municipality
4 must be established for a period of not more than six months, such appointing
5 authority shall notify the governing body of such county or municipality of that fact
6 stating the cause therefor, the probable length of time the extra position will be
7 needed and the duties the appointee is to perform. If the governing body author-
8 izes the extra position then the appointing authority may appoint thereto a qualified
9 person with or without competitive tests, in accordance with the rules of the State
10 Personnel Board; *provided*, that as far as practicable temporary appointments to
11 extra positions shall be made following certification from re-employment and employ-
12 ment lists. No such appointment shall be authorized for a period exceeding three
13 months or renewed more than once within any calendar or fiscal year.

1 20. Emergency Appointments. Any appointing authority or any subordinate
2 authorized by him may, to prevent the stoppage of public business, or loss or serious
3 inconvenience to the public, when an emergency arises and it will not permit of se-
4 curing authorization and a certified eligible, appoint any qualified person during such
5 emergency for a period not exceeding ten days; *provided*, that a vacancy in a posi-
6 tion of which the appointing authority has had reasonable notice or employment con-
7 ditions of which he or it had previous knowledge or of which by the exercise of due
8 diligence he or it might have had previous knowledge, shall not be considered as con-
9 stituting an emergency under this act. Persons thus appointed shall be known as
10 emergency employees. Appointing authorities shall forthwith report to the State
11 Personnel Director all emergency appointments made and such appointments shall not
12 be renewed.

1 21. Working Tests. In order that the appointing authority, by means of a work-
2 ing test, may participate in the selective process involved in filling any position in the
3 classified service of the State or of the counties and municipalities subject to this act,
4 the State Personnel Director shall by rule or regulation approved by the State Per-
5 sonnel Board establish appropriate working test periods for the various classes of
6 positions, in no case to be shorter than one month nor longer than six months. With-
7 in ten days preceding the end of the working test period and at such other times as
8 may be required, the appointing authority shall report to the State Personnel Director
9 whether in his opinion the test provided by observance of the employee's work

10 shows such employee to be able and willing to perform his duties in a satisfactory
11 manner and that he is of such reputation, habits and dependability to merit perma-
12 nent appointment. The State Personnel Director may waive the requirement as to
13 such reports for positions involving unskilled or semiunskilled laboring work or domes-
14 tic, attending or other housekeeping and custodial service at institutions. At any time
15 during the working test period, after fair trial, the appointing authority may remove
16 any employee from the position held by him if, in the opinion of such appointing
17 authority, the working test indicates that such employee is unable or unwilling to
18 perform his duties satisfactorily or is of such reputation, habits and dependability
19 as not to merit continuance in the service. In case of such removal, the appointing
20 authority shall forthwith report in writing to the State Personnel Director and to the
21 employee so removed, his action, together with the reasons therefor. The name of
22 any employee removed during or at the end of the working test period but who is
23 considered by the State Personnel Director suitable for employment in some other
24 department, commission, board, institution or agency, may be restored to the em-
25 ployment list for future re-employment when vacancies in the class occur.

1 22. Transfers. The State Personnel Director shall provide by rule, approved
2 by the State Personnel Board, for the transfer of employees from a position in a
3 given class to another position in the same or in a different department, commission,
4 board, institution or agency and for the periodical or occasional transfer of employees
5 for a period not to exceed six months without regard to class or department, com-
6 mission, board, institution or agency in order to bring about the better distribution
7 of persons in the service or to effect economies or to make available from one or
8 more central supply pools extra stenographic, clerical, messenger or other service
9 needed for short periods or to provide training sought by employees or required by
10 appointing authorities.

1 23. Service Standards and Ratings. As soon as practicable after the passage of
2 this act the State Personnel Director shall establish, in co-operation with departmental
3 authorities for each class of positions or groups of classes, standards of perform-
4 ance and output and a plan of service ratings based upon such standards which may
5 be modified from time to time. Such service ratings shall be used in determining
6 salary and wage increases and decreases within the limits provided by law and with-

7 in the limits of the schedules of compensation established in accordance with this
8 act; as a factor in promotion tests; in determining order of lay-off when forces must
9 be reduced because of lack of funds or work, and as a means of discovering em-
10 ployees in the classified service who, by reason of their unsatisfactory service, ought
11 to be demoted or removed. Reports of service ratings or of information to be
12 used as a basis for service ratings shall not be required by the State Personnel Di-
13 rector for any employee or group of employees from any appointing authority with-
14 out his consent oftener than once in three months. Any employee in the classified
15 service shall have the right, at reasonable times during office hours, to inspect his
16 service ratings and the service ratings of other employees in the same class as shown
17 by the records of the State Personnel Board or of the department, commission,
18 board, institution or agency in which he is employed. When service ratings are
19 used as a basis for determining the order of lay off, seniority credits not to exceed
20 ten points may be added to the ratings of employees affected, based upon their length
21 of service in accordance with regulations prescribed by the State Personnel Director
22 and approved by the State Personnel Board.

1 24a. Holidays, Hours of Work, Attendance and Leave. The State Personnel
2 Director, after consulting with the heads of departments and their principal assist-
3 ants, shall prepare, and after approval by the State Personnel Board for the State
4 service and the State Personnel Board and the board of chosen freeholders for the
5 county service and the State Personnel Board and the mayor and the city council or
6 commission for each municipal service, administer regulations regarding holidays,
7 hours of work, attendance and annual, sick and special leaves of absence with or
8 without pay or with reduced pay for employees in the classified service. The total
9 number of days' absence from duty on account of annual leave for vacation purpose
10 with pay shall not exceed thirteen working days in any calendar year provided that
11 annual leaves of absence for vacation purposes for executive and administrative
12 officers may be established by regulation as hereinabove provided for a period not
13 in excess of twenty-five working days in any calendar year. Any employee who is a
14 member of the National Guard or Naval Militia or of the military or naval forces
15 of the United States and is required to undergo field training therein shall be entitled
16 to additional leave of absence with pay for the period of such field training.

1 24b. Sick Leave. The total number of days absent from duty on account of
2 sick leave with pay allowed any employee in any calendar year shall not exceed one-
3 twentieth of the number of days he is required to be on duty in that year; *provided*,
4 that if any employee fails in any calendar year to take the full amount of sick leave
5 with pay allowed, such leave not taken may be accumulated and used, if needed, up
6 to a total of thirty days when he or she has been in the service less than five years,
7 up to a total of sixty days when he or she has been in the service more than five
8 years but less than ten years, up to a total of ninety days when he or she has been
9 in the service more than ten years but less than fifteen years and up to a total of
10 one hundred and twenty days when he or she has been in the service more than fif-
11 teen years; *provided*, that on the approval of the State Personnel Board for the State
12 service, the State Personnel Board and the board of chosen freeholders for the
13 county service and the State Personnel Board and the mayor and city council or
14 commission for the municipal service regulations may be established extending leaves
15 of absence with pay or with part pay for longer periods to those who may have been
16 injured or otherwise disabled in line of duty.

17 Sick leave is hereby defined to mean the absence from his or her post of duty
18 of an employee because of illness, exposure to contagious disease, attendance upon
19 a member of his or her immediate family seriously ill and requiring the care or at-
20 tendance of such employee, or death in the immediate family of the said employee.

1 25a. Payment for Travel, Overtime Allowance, Etc., in the State Service.
2 After consultation with the appointing authorities and their principal assistants the
3 State Personnel Director, with the approval of the State Personnel Board, shall estab-
4 lish for the State service the method of computing the pay of employees in the
5 classified service of the State, who are employed less than full time or who serve for
6 only a part of a payroll period; for regulating travel, living and sustenance allow-
7 ance when an employee is on duty away from his regular place of duty or when a new
8 assignment is made; for allowances of employees in the classified service in attend-
9 ance upon courts and administrative investigations; for regulating overtime and ad-
10 ditional pay therefor and for determining the cash value of meals, quarters, uniforms
11 and other allowances to employees.

1 25. Payment for Travel, Overtime Allowance, Etc., in the County and Munici-
2 pal Services. Within six months after this act becomes effective the governing body
3 of each county and municipality subject to its provisions shall establish the method
4 which shall be used by appointing authorities, auditors and disbursing officers of com-
5 puting the pay of employees in the classified service of such counties and municipali-
6 ties who are employed less than full time or who serve for only a part of a payroll
7 period; for regulating the travel, living and sustenance allowance when an employee
8 is on duty away from his regular place of duty or when a new assignment is made;
9 for allowances of employees in attendance upon courts and administrative investiga-
10 tions; for regulating overtime and additional pay therefor and for determining the
11 cash value of meals, quarters, uniforms and other allowances. A copy of such plan or
12 method shall be filed with the State Personnel Board, and the auditor and treasurer
13 or other disbursing officer of such county or municipality. Any amendments to
14 such plan or method as may be adopted from time to time shall likewise be filed with
15 the State Personnel Board and the auditor and treasurer or other disbursing officer
16 of such county or municipality. No payments shall be authorized or paid by the
17 treasurer or other disbursing officer for such part time personal service or for any
18 other purposes or allowance provided for in this section except in accordance with the
19 provisions of such plan or method herein referred to as adopted and amended by the
20 governing body of the county or municipality concerned.

1 26. Suspension, Fine and Demotion. The State Personnel Board shall provide
2 by rule for the suspension without pay or with reduced pay, fine or demotion of em-
3 ployees in the classified service for disciplinary purposes for an aggregate period not
4 to exceed sixty days in any calendar year. When such suspensions, fines or demo-
5 tions are made by appointing authorities in accordance with the rules established
6 under this act the employee so suspended, fined or demoted shall not have a right of
7 appeal to the State Personnel Board or to any other body. When such suspension,
8 fine or demotion is for a period greater than thirty days at any one time and sixty
9 days in any calendar year, the employee so suspended, fined or demoted shall have
10 the same right of appeal and the State Personnel Board shall have the same power of
11 revoking or modifying the action of the appointing authority as is provided in the case
12 of removals in section twenty-seven of this act.

1 27. Removals. The State Personnel Board shall enumerate in its rules the rea-
2 sons which shall be considered just cause for the removal of a permanent employee
3 holding a position in the classified service after the completion of the working test
4 period. It shall also prescribe by rule a procedure based upon this section and in ac-
5 cordance therewith for handling such removals from the classified service. It shall
6 cause to be prepared and distributed among appointing authorities a form on which
7 any appointing authority removing any employee shall enumerate the cause or causes
8 as set forth in the rules or other cause or causes which constitute the ground for re-
9 moval and the act or acts of the employee which constitute such cause or causes.
10 This completed form shall be delivered to the removed employee and a copy of it
11 forthwith delivered to the State Personnel Board. Within thirty days after the re-
12 ceipt of such notice of removal from an appointing authority the State Personnel
13 Board may, upon its own initiative, make such investigation as it may deem advis-
14 able, and upon the appeal of the removed employee, if such appeal is received within
15 ten days from the date of such removal, it shall publicly inquire into and hear such
16 person sought to be removed either sitting as a body or through one or more of its
17 members as herein provided. The investigation, inquiry or hearing provided for
18 herein is declared to be for the purpose of fairly determining whether or not the em-
19 ployee involved, by reason of his act or acts as charged and his record of service
20 merits continuance therein or should be removed therefrom or otherwise disciplined
21 for the good of the service as further provided herein. In such investigations, in-
22 quiries or hearings, the State Personnel Board shall not be required to follow estab-
23 lished rules of evidence or court procedure but shall seek diligently all of the infor-
24 mation and evidence bearing on the merits of the case. All such investigations, in-
25 quiries or hearings shall be open to the public and the employee sought to be removed
26 shall have opportunity to be heard personally or through counsel in his own de-
27 fense. Within ten days after the completion of such investigation, inquiry or hear-
28 ing, and sooner if practicable, the State Personnel Board shall render its decision
29 which shall be forthwith certified to the appointing authority and it shall forthwith
30 be enforced by him or it. The State Personnel Board shall have authority, when in
31 its judgment the facts warrant, to modify or amend the penalty imposed by the ap-
32 pointing authority or substitute some other penalty than that imposed except removal

33 from the service shall not be substituted for some lesser penalty. Its decision shall
34 state whether the removal of such employee is approved or whether he is to be re-
35 stored to his position without loss of pay, transferred to another position in the
36 same class, fined, demoted, suspended without pay or with reduced pay for a period
37 not exceeding six months or to be reprimanded or otherwise dealt with. Charges
38 against any employee in the classified service asking for his removal for a violation
39 of law or for any cause enumerated in the rules may be filed by any citizen or tax-
40 payer and when so filed shall at the discretion of the State Personnel Board be in-
41 vestigated and determined in the same manner as provided in this section.

1 28. Checking and Certification of Payrolls. No treasurer, comptroller, paymas-
2 ter, warrant officer or other public disbursing or auditing officer shall pay or ap-
3 prove or be concerned with the paying or approving of any salary or compensation
4 for service to any person holding a permanent or temporary position in the classified
5 service of the State or of any county or municipality subject to this act unless the
6 payroll or account for such salary or compensation shall bear the certificate of the
7 State Personnel Board affixed thereto by a member of the board, or the director, or
8 his authorized agent, that the persons named therein have been appointed or em-
9 ployed and have been or are performing service in accordance with the provisions of
10 this act and with the rules and regulations made thereunder. Any salary or other
11 compensation paid contrary to the provisions of this act and the rules and regulations
12 made thereunder may be recovered from any person making or authorizing such
13 payment or any officer signing or countersigning or authorizing the signing or coun-
14 tersigning of a voucher, payroll, check or warrant for such payment or from sureties
15 of his official bond in an action maintained by any taxpayer who is a citizen. All
16 moneys recovered in any action brought under this section shall be paid into the
17 treasury of the State or of the proper county or municipality thereof except that the
18 plaintiff in any such action shall be entitled to receive for his own use the taxable
19 costs of such action and five per centum of the amount recovered as attorney's fees.
20 Any person employed or appointed contrary to the provisions of this act and the rules
21 thereunder whose payroll or account is refused certification shall have an action of
22 debt against such officer or officers employing or appointing or attempting to em-
23 ploy or appoint him for the amount due by reason of such employment or purported

24 employment and the costs of such action. No public officer or officers, during the
25 time of his or their official service or thereafter shall be reimbursed by the State or
26 by any county or municipality for any sum so paid or recovered in any such action.

27 Any taxpayer who is a citizen may maintain a court action to enjoin any mem-
28 ber of the State Personnel Board, the State Personnel Director, or his authorized
29 agent, from attaching his certification to a payroll for services rendered in violation
30 of the provisions of this act or of the rules made thereunder and any employee en-
31 titled to have his pay certified as having been appointed or employed in pursuance of
32 this act and of the rules and regulations made thereunder who shall be refused such
33 certificate may maintain a proceeding by mandamus to compel the certification of
34 payroll or account presented in his favor.

1 29a. Veteran Preference, Service Credits. Whenever any veteran is an appli-
2 cant in any competitive test for entrance into the public service held under the pro-
3 visions of this act and obtains in each part of the test the minimum ratings required,
4 and in the complete test at least the minimum earned average rating required, he shall
5 receive for fifteen or more months of war service, in addition to such earned rating,
6 service credits of not less than three and not more than ten points as may be deter-
7 mined by the State Personnel Director under regulations approved by the State Per-
8 sonnel Board, taking into consideration the probable value of such war service as
9 tending to fit applicants for the position in question. Veterans who have served less
10 than fifteen months shall receive pro rata credits for such shorter period of war
11 service. Veterans who have been wounded, gassed or otherwise injured but who
12 have completely recovered and are not held to have a record of disability as herein
13 defined, and veterans with a record of disability incurred in line of duty shall be
14 given the maximum service credits as fixed for the test or tests in which they may
15 be competitors regardless of the length or character of such war service. The names
16 of veterans with a record of disability incurred in line of duty as herein defined and
17 who receive a passing rating in competitive tests as hereinabove provided for en-
18 trance into the public service shall be placed at the top of the employment list in the
19 order of their respective final ratings.

1 29b. Veterans' Preference; Appointment. Whenever the name or names of a
2 veteran or veterans accepted and designated as having a record of disability incurred

3 in line of duty shall be certified to an appointing authority such appointing authority
4 in filling a vacancy in any existing position or making appointment to a newly
5 created position shall appoint the veteran with a record of disability incurred in line
6 of duty whose name is certified as first in line for appointment. The fact that such
7 veteran with a record of disability has successfully passed the prescribed test and
8 that his name has been placed upon an employment list and certified as eligible for
9 appointment shall be regarded as evidence that he possesses the business capacity and
10 is qualified to perform the duties of the position and as entitling him to appointment
11 if and when the vacancy is filled. Whenever a certification of an employment list as
12 a result of a competitive test for entrance into the public service has been made and
13 such certification does not contain the name or names of a veteran or veterans with
14 a record of disability incurred in line of duty but does contain the name or names
15 of a veteran or veterans without a record of disability the choice of the appointing
16 authority shall be limited to the veteran or veterans whose name or names are in-
17 cluded in the certification.

18 The preference in appointment and service credits as herein provided shall apply
19 to all appointments for entrance into the public service but not to appointments in-
20 volving promotion in the service.

1 29c. Veterans' Preference; Definitions. The term "veteran" as used in this
2 section is hereby declared to mean any honorably discharged soldier, sailor, marine,
3 nurse, army field clerk or person in the public health service assigned to war duty
4 and under military or naval discipline, who has served in the military or naval service
5 of the United States in any war, uprising, insurrection or expedition in which this
6 country has been engaged; that is to say, in Indian wars and uprisings during any
7 of the periods recognized by the War Department of the United States as periods of
8 active hostility; the Spanish-American War between April 20, 1898, and April 11,
9 1899; the Philippine Insurrections and Expeditions during the periods recognized by
10 the War Department of the United States as of active hostility from February 4,
11 1899, to the end of 1913; the Peking Relief Expedition between June 20, 1900, and
12 May 27, 1902; in the Army of Cuban Occupation between July 18, 1898, and May 20,
13 1902; in the Army of Cuban Pacification between October 6, 1906, and April 1,
14 1909; the Vera Cruz Expedition between April 24, 1914, and November 26, 1914;

15 the Mexican Punitive Expedition between March 14, 1916, and February 7, 1917;
16 in the Mexican Border Patrol having actually participated in engagements against
17 Mexicans between April 12, 1911, and June 16, 1919; and the World War between
18 April 6, 1917, and November 11, 1918; and the Nicaraguan Expedition between
19 January 1, 1919, and January 1, 1930.

20 The term "veteran with a record of disability incurred in line of duty" as used
21 in this section is hereby declared to mean any honorably discharged soldier, sailor,
22 marine, nurse, army field clerk, or person in the public health service assigned to
23 war duty and under military or naval discipline, who has served in the military or
24 naval service of the United States in any war, uprising, insurrection or expedition
25 in which this country has been engaged during any of the periods as hereinabove set
26 forth and who has been wounded, injured, gassed or whose physical condition has
27 been impaired by disease, exposure, or other cause that can be traced to such war
28 service so that at the time of discharge or subsequent thereto such soldier, sailor,
29 marine, nurse, army field clerk, or person in the public health service assigned to war
30 duty and under military or naval discipline, has been designated and accepted by the
31 United States Veterans' Bureau or other federal department or agency authorized to
32 make such determination as having same degree of disability whether compensable
33 or not, resulting from such war service.

1 30. Oaths, Testimony, and the Production of Papers. Each member of the
2 State Personnel Board and the State Personnel Director shall have the power to
3 administer oaths and in the manner herein prescribed to compel the attendance in this
4 State of witnesses and the production of books and papers pertinent to investigations,
5 inquiries or hearings authorized under the law. Any person who shall knowingly
6 give false testimony before said board or any of its members or the State Personnel
7 Director shall be guilty of a misdemeanor.

1 31. Certain Acts Prohibited. No person shall willfully, by himself or in co-
2 operation with one or more other persons, defeat, deceive or obstruct any person in
3 respect to his right of taking any test or tests or receiving appointment according
4 to this act or according to any rules made thereunder or shall willfully or corruptly
5 or falsely mark, rate, grade, estimate or report upon the test or tests or proper
6 standing of any person tested whose name has been placed upon any employment or

7 re-employment list or certified pursuant to the provisions of this act, or aid in so
8 doing, or shall willfully make any false representation concerning the same or con-
9 cerning the person tested or shall willfully or corruptly furnish to any person any
10 special or secret information for the purpose of either improving or injuring the
11 prospects or chances of any person so tested or certified, or being tested or certified,
12 or shall impersonate any other person or permit or aid in any manner any other per-
13 son to impersonate him in any test or appointment or request to be tested, certified or
14 appointed, or shall use or promise to use his influence or official or political author-
15 ity to secure for any person any appointment or prospect of appointment to any posi-
16 tion in the classified service. Any such person who does willfully any of the things
17 hereinabove stated for the purpose of defeating, deceiving or obstructing the pro-
18 visions and purposes of this act shall be deemed guilty of a misdemeanor.

1 32. Political and Religious Discrimination Prohibited. No person in the classi-
2 fied service or seeking admission thereto shall be appointed, demoted or removed or
3 be in any way favored or discriminated against because of his political or religious
4 opinions or affiliations. No question in any test or contained on any form used in
5 connection with the carrying out of the provisions of this act shall relate to the po-
6 litical or religious opinions or affiliations of any competitor, prospective competitor
7 or eligible on any employment or re-employment list established and maintained by
8 the State Personnel Board and State Personnel Director.

1 33. Political Activity. No person holding a position in the classified service
2 of the State or of any county or municipality subject to this act shall directly or in-
3 directly use or seek to use his authority or official influence to control or modify the
4 political action of any other person or during the hours of duty engage in any form
5 of political activity nor at any other time take such part in political activities or po-
6 litical campaigns as to affect or impair his usefulness in the position in which he is
7 employed.

1 34. False Statements Made Under Oath Constitute Perjury. Any willfully false
2 statement made under oath in any application or other statement filed with or in any
3 proceeding before the State Personnel Board or the State Personnel Director or in
4 any investigation conducted by it or him or under the direction of either of them
5 in any proceeding arising under this act shall be perjury and punishable as such.

1 35. Failure to Respond to Subpoena. The State Personnel Board and the State
2 Personnel Director shall have power to subpoena and require the attendance in this
3 State of witnesses, and the production thereby of books and papers pertinent to any
4 investigation, inquiry or hearing made or held by or before them or any of them
5 under any of the provisions of this act. No person who shall be served with a sub-
6 poena issued by the State Personnel Board or the State Personnel Director to appear
7 and testify or to produce such books and papers, shall refuse or neglect to appear or
8 testify or to produce books and papers relevant to such investigation, inquiry or hear-
9 ing as commanded in such subpoena. Any disobedience to or neglect of any subpoena
10 issued by the State Personnel Board, the State Personnel Director or any of them as
11 provided in this act, or any refusal to testify or to produce books and papers relevant
12 to such investigation, inquiry or hearing shall be certified in writing by the chair-
13 man of the State Personnel Board or the State Personnel Director to the judge of
14 the Court of Common Pleas of the county in which the disobedience or neglect
15 occurs, who shall thereupon by a warrant issued to the sheriff of the county direct
16 the production of the body of the person so disobeying or refusing and upon the pro-
17 duction of the body of such person shall, in a summary way, inquire into the cause
18 of such disobedience and if no sufficient cause be shown therefor shall by commit-
19 ment issued under his hand directed to the keeper of the common jail of said county
20 order the detention in such common jail of such person for such period of time not
21 exceeding thirty days as said judge in said commitment shall designate or until such
22 person shall purge himself of such disobedience.

1 36. Compliance with Orders. All officers of the State and of the several counties
2 and municipalities which have or may hereafter adopt the provisions of this act, shall
3 conform to, comply with and aid in all proper ways in carrying into effect the pro-
4 visions of this act and the rules prescribed thereunder.

5 Whenever the State Personnel Board shall make any order under the provisions
6 of this act and in accordance with the rules thereunder the person or persons or pub-
7 lic body to whom said order is directed shall forthwith proceed to comply with the
8 terms and provisions thereof and any failure or neglect on the part of said person or
9 persons or public body to properly satisfy or meet the requirements of such order
10 shall be subject to all the remedies and penalties now provided by law for refusal or

11 failure of public officers and employees or public bodies to do an act required of them
12 by law. The State Personnel Board may bring such action at law or in equity as
13 may be necessary or appropriate in requiring compliance with its orders and in the
14 enforcement of the provisions of this act.

1 37. Violation of Act or Rules. Any person who shall willfully or through cul-
2 pable negligence violate or who shall conspire to violate any of the provisions of this
3 act or of the rules made thereunder shall be guilty of a misdemeanor. Prosecutions
4 therefor may be instituted in the name of the State Personnel Board either by the
5 Attorney-General or by the prosecutor of the pleas in and for the county in which
6 the offense is alleged to have been committed when so directed by the Attorney-
7 General.

1 38. Definition of Terms. The following terms, when used in this act, shall have
2 the following meanings unless the context clearly requires otherwise:

3 1. "Board" means State Personnel Board.

4 2. "Director" means State Personnel Director.

5 3. "Municipality" means the following and any other cities, villages, town-
6 ships, school districts, and other political subdivisions of the State other than
7 counties which may hereafter by referendum vote adopt the merit system as pro-
8 vided in this act: Newark, East Orange, Newark School District, South
9 Orange, Jersey City, Paterson, Elizabeth, Trenton, Camden, Township of
10 Union.

11 4. "County" means the following counties and any other county which may
12 hereafter by referendum vote adopt the merit system as provided in this act:
13 Bergen county, Essex county, Hudson county, Mercer county, Middlesex
14 county, Passaic county, Union county.

15 5. "Position" means any office or place of employment in the classified
16 service, such that the duties and responsibilities appertaining thereto are ex-
17 exercised by one person.

18 6. "Class" or "Class of Positions" means a group of positions established
19 under this act sufficiently similar in respect to the duties, responsibilities and
20 authority thereof, that the same title may be used to designate each position
21 allocated to the class, that the same requirements as to education, experience,

22 capacity, knowledge, proficiency, ability and other qualifications should be re-
23 quired of the incumbents, that the same tests of fitness may be used to choose
24 qualified employees, and that the same schedule of compensation can be made
25 to apply with equity.

26 7. "Appointing authority" means the commission, board, person or group
27 of persons having the power by virtue of a statute or by reason of a lawfully
28-29 delegated authority to make appointments.

30 8. "Permanent position" means any position in the classified service which
31 has required or which is likely to require the services of an incumbent without
32 interruption for a period of more than six months.

33 9. "Seasonal position" means any position in the classified service which
34 requires or is likely to require the services of an incumbent during recurring
35 annual or other periods of each year.

36 10. "Extra position" means a position in the classified service arising out
37 of the temporary pressure of extra work and likely to be needed continually
38 for a period not in excess of six (6) months.

39 11. "Department or institution" means a division of the executive branch
40 of the government, of the State, county or municipality, charged with definite
40½ responsibility and authority and which is not a part of any other division or
41 branch of the government.

41½ 12. "Re-employment list" means a list of names of persons arranged in the
42 order provided by rules established under this act, who have occupied positions
43 allocated to any class in the classified service, who have been separated from
44 the service and who are entitled to have their names certified to appointing
45 authorities, when vacancies in the class are to be filled, ahead of those whose
46 names are on the employment list for the class.

47 13. "Employment list" means a list of the names of persons arranged in
48 the order of merit as provided in the rules established under this act, who have
48½ been found qualified through suitable tests for employment in positions allo-
49 cated to a specified class.

50 14. "Eligible" means any person whose name is on a re-employment or
51 employment list for a given class.

52 15. "Entrance test" means a test or battery of tests held to determine the
53 relative fitness of applicants for positions allocated to a class and open not only
54 to persons employed in the classified service, but also to other persons who are
55 not or have not been so employed.

56 16. "Promotion test" means a test or battery of tests held to determine the
57 relative fitness of applicants for positions allocated to a specified class and open
58 only to employees in the classified service, who have previously served in speci-
59 fied classes for such period as may be prescribed in the rules adopted under
60 this act.

61 17. "Working test" means a trial working period made a part of the selec-
62 tive process, during which the work and conduct of the employee shall be noted
63 by the appointing authority or his authorized agent and reported upon to deter-
64 mine whether such employee merits permanent appointment.

65 18. "Public notice" means publication by posting in a prominent place in
66 or near the office of the State Personnel Board and accessible to the public dur-
67 ing business hours.

68 19. "Public hearing" means an opportunity given, after public notice of at
69 least five days, for any citizen or party in interest to appear and be heard at
70 reasonable length on the matter involved.

71 20. The masculine noun or pronoun as used in this act shall be held to in-
72 clude the feminine.

73 21. "Classified service" means all positions in the service of the State and
74 of the counties and municipalities as herein defined, which have or may here-
75 after adopt by referendum vote the provisions of this act, whether paid or un-
76 paid, whether full time or part time, whether existing or hereafter created, ex-
77 cept those which are held by:

78 (a) Officers elected by popular vote.

79 (b) Department heads, members of boards and commissions and other
80 officers appointed by the Governor with or without the consent of one or both
81 branches of the Legislature.

82 (c) Employees of the Governor including domestic employees in the Gov-
83 ernor's household and paid by the State.

84 (d) Officers and employees of both branches of the State Legislature.

85 (e) Officers, noncommissioned officers, enlisted men, and other persons
86 employed in the military or naval service of the State and under military
87 or naval discipline and control.

88 (f) Election officers.

89 (g) Judges, jurors, masters in chancery, referees, arbiters, and persons
90 employed by any court to conduct any kind of judicial investigation or in-
91 quiry, or to exercise judicial functions, except deputy commissioners of com-
92 pensation, referees, and adjustors employed by the Department of Labor, the
93 Workman's Compensation Commission and the Rehabilitation Commission.

94 (h) Assistant Attorneys-General, legal assistants and special counsel to
95 State departments by or with the authorization of the Attorney-General.

96 (i) Members of advisory boards for State institutions who serve without
97 pay.

98 (j) Superintendents, teachers and instructors in the public schools, the
99 Agricultural Experiment Station, Normal Schools, State, county and municipi-
100 pal institutions, when certified teachers are employed under the supervision of
101 and qualified by the State Department of Education, and other institutions
102 maintained wholly or in part by the State.

103 (k) Students in educational institutions who are employed less than half
104 time.

105 (l) The deputy or deputies to each department head in the State, county
106 or municipal government when the law provides for such deputy or deputies
107 authorized to act generally for and in place of the department head during his
108 absence or disability.

109 (m) One clerk or secretary and one confidential employee or agent to each
110 justice of the Supreme Court, Chancellor, Vice-Chancellor, judge, principal
111 executive officer and each State, county and municipal department, board or
112 commission when the said justice, Chancellor, Vice-Chancellor, judge, principal
113 executive officer, department head, board or commission certifies to the State
114 Personnel Board that such clerk or secretary and such additional confidential
115 employee or agent is essential to the work of the court, department, board or

116 commission. Each such certification and appointment hereunder shall be re-
117 corded in the minutes of the State Personnel Board.

118 (n) Persons engaged in public work but employed by contractors when
119 the performance of such contract is authorized by the Legislature or other
120 competent authority.

121 (o) Persons temporarily employed or designated by the Legislature or by
122 a legislative committee or commission or other competent authority to make or
123 conduct a special inquiry, investigation, examination or installation.

124 (p) Agents, investigators or special officers in the office of the prosecutors
125 of the pleas not in excess of eight (8) in counties having a population of
126 more than 250,000, three (3) in counties having a population in excess of
127 160,000 and not more than 250,000, and two (2) in other counties.

128 (q) Such undersheriff or undersheriffs in the several counties of the State
129 as are now provided by law.

130 (r) Appointments made by the mayor of municipalities, acting in his ca-
131 pacity of mayor and not as director of a department, without the concurrence
132 of the board of aldermen, common council or other governing body.

133 (s) Heads of departments, members of commissions and boards, paid or
134 unpaid, elected or appointed as authorized by law, by boards of aldermen, com-
135 mon council or other governing bodies of municipalities, and by boards of chosen
136 freeholders in counties. The term "heads of departments" shall be held to in-
137 clude the offices of warden of penitentiaries, workhouses and jails, purchasing
138 agent, supervisor of roads, engineer, superintendent of soldiers' burials, and
139 superintendent of weights and measures, in counties; and the offices of city
140 clerk, city engineer, chief engineer of docks, chief engineer of the water
141 department, chief engineer, department of city transit, overseer of the poor,
142 collector of taxes, treasurer, comptroller, assessor, receiver of taxes, purchas-
143 ing agent, chief accountant, port director, superintendent of airport, librarian
144 of the free public library and museum director, in municipalities; and the offices
145 of secretary and business manager in boards of education.

146 (t) Law officers and their legal assistants of municipalities and counties.

147 (u) Superintendents or directors of State, city and county institutions.

148 (v) Employees of county park systems.

149 (w) All superintendents, directors or other employees in the State, coun-
150 ties and municipalities who of necessity must be licensed physicians, surgeons
151 or dentists.

152 (x) Persons engaged in public work undertaken jointly or in co-opera-
153 tion with other States, or counties or municipalities of other States or the
154 federal government.

1 39a. Adoption by Counties and Municipalities; Procedure. Any county or mu-
2 nicipality of this State may adopt the provisions of this act in the following manner:
3 Whenever there shall be presented on or before September fifteenth in any year to
4 the clerk of the governing body of any county or municipality of this State a petition
5 signed, by at least five per centum of the legal voters therein, requesting that the
6 question of the adoption of this act be submitted to the legal voters of such county
7 or municipality, it shall be the duty of the said clerk within fifteen days thereafter,
8 to give public notice that the question of the adoption of the merit system as pro-
9 vided in this act will be duly submitted to the legal voters of the said county or
10 municipality at the next regular election by inserting or causing to be inserted notice
11 thereof in one or more newspapers published or of general circulation in the said
12 county or municipality once a week for at least four weeks, and by posting
13 such notice in five of the most public places in said county or municipality for at
14 least four weeks, before said election. It shall also be the duty of the said clerk of
15 the governing body of such county or municipality to do all things required to have
16 said question submitted to the legal voters thereof by the proper printing of the
17 same upon the ballots to be used at the regular election in the same form as is re-
18 quired under the election laws in the submission of other questions to the electorate
19 for adoption or rejection by referendum vote.

1 39b. Adoption by Counties and Municipalities; Procedure. In the event of any
2 clerk of the governing body of any county or municipality as aforesaid refusing or
3 neglecting to take the required action as herein provided within the prescribed time,
4 or of such governing body or any member thereof refusing or neglecting to authorize
5 and direct such required action, then any citizen and taxpayer of the said county or
6 municipality or any member of the State Personnel Board may make application to a

7 judge of the Court of Common Pleas holding court in the county or in the county in
8 which said municipality is located for which the petition has been presented, for an
9 order directing the submission of the question involved in said petition as required by
10 law, and the said judge shall summarily hear such application and shall have full au-
11 thority to properly determine whether or not the petition so filed is in accordance with
12 law. If he shall so find and determine, he shall forthwith make an order to be filed in
13 the office of the clerk of the county and served on the clerk of the board of chosen
14 freeholders, or on the clerk of the municipality, as the case may be, whereupon said
15 clerk shall make all necessary arrangements for the submission of said question to the
16 electorate, as provided by law. Any clerk, public official, officer, agent or employee
17 refusing to comply with the provisions of this section or interfering with or prevent-
18 ing the said clerk or other person from complying with the provisions of this section,
19 or satisfying the order, if one shall be made by the judge of the Court of Common
20 Pleas, shall be guilty of a misdemeanor.

1 39c. Adoption by Counties and Municipalities; Procedure. When the question
2 of the adoption of the merit system as provided herein shall have been presented to
3 the voters of a county or municipality, the election officers shall make a canvass and
4 return of the votes upon the question of the adoption of this act in the same way as
5 canvass and return is made for the officers voted upon at such election, and if a ma-
6 jority of the votes cast for and against the adoption of this act shall be found to be
7 in favor of its acceptance, it shall then, but not otherwise, become operative in such
8 municipality. The result of said election, if favorable to the adoption of this act,
9 shall be certified by the governing body of the county or municipality, to the State
10 Personnel Board, as hereinbefore provided.

1 40. Relief from Proceeding Under Law, Counties and Municipalities. When-
2 ever the voters of any county or municipality which has adopted the provisions of
3 this act or of prior acts providing for the appointment, regulation, tenure and re-
4 moval of the public employees of such county or municipality as provided in such act
5 or acts desire to be relieved from further proceeding under the provisions of this act
6 and subsequent acts supplementary thereto and amendatory thereof the question of
7 the relief of such county or municipality from proceeding under such act or acts may
8 be submitted to the voters thereof in the following manner; *provided*, that such

9 question shall not be submitted to the voters of such county or municipality within
10 five years of the date of the adoption of this act or prior acts as aforesaid; *and pro-*
11 *vided further*, that the said question shall not be submitted more often than once in
12 five years: Upon the presentation of a petition signed by at least ten per centum of
13 the legal voters of any county or municipality to the clerk of the governing body of
14 such county or municipality on or before September fifteenth in any year requesting
15 that the question of the relief of the said county or municipality from further pro-
16 ceeding under this act and acts amendatory hereof and supplementary hereto be sub-
17 mitted to the legal voters thereof, it shall be the duty of the said clerk, within fifteen
18 days thereafter, to give public notice that the question of the relief of the said county
19 or municipality from further proceeding under the provisions of this act or other
20 acts as aforesaid will be duly submitted to the legal voters at the next regular elec-
21 tion, by inserting or causing to be inserted notice thereof in one or more newspapers
22 published or of general circulation in the said county or municipality once a week for
23 at least four weeks and by posting such notice in five of the most public places in
24 said county or municipality four weeks before said election; and it shall be the
25 duty of the governing body of such county or municipality to provide by resolution
26 for the submission of such question to the voters thereof. On the adoption of such
27 resolution the clerk of the said governing body shall do all things required to have
28-29 the said question submitted to the legal voters of such county or municipality by
30 proper printing of the same upon the ballots to be used at the regular election in the
31 same form as is required under the election laws in the submission of other questions to
32 the electorate for adoption or rejection by referendum vote. When the question of the
33 relief of a county or municipality from further proceeding under the provisions of
34 this or other acts as provided herein shall have been presented to the voters of such
35 county or municipality the election officers shall make a canvass and return of the votes
36 upon the said question in the same way as canvass and return is made for the officers
37 voted upon at such election and shall certify the results of such election to the county
38 clerk who shall, in turn, certify the same to the State Personnel Board. If a ma-
39 jority of the votes cast for and against the relief of such county or municipality from
40 further proceeding under the provisions of this or other acts as hereinbefore pro-
41 vided shall be found to be in favor of such relief from further proceeding there-

42 under then all of the provisions of this act and acts amendatory hereof and supple-
43 mentary hereto shall cease and determine, and be no longer operative, in such county
44 or municipality as of the date of the certification of the results of the vote at such
45 election to the State Personnel Board.

1 41. How and When Applicable. At the time that this act takes effect it shall be
2 in full force and effect in every county and municipality as herein defined which has
3 heretofore adopted in the manner provided; therein the provisions of an act entitled
4 "An act regulating the employment, tenure and discharge of certain officers and em-
5 ployees of this State, and of the various counties and municipalities thereof, and
6 providing for a civil service commission and defining its powers and duties," ap-
7 proved April tenth, one thousand nine hundred and eight, and the acts supplementary
8 thereto and amendatory thereof. All persons appointed or employed in offices or
9 positions in any part of the classified service as heretofore provided under the law
10 shall continue to hold their offices or positions and have the same rights of tenure
11 and appeal as they have heretofore had but on the retirement, resignation or removal
12 of any person holding any such office or position in such classified service and which
13 said office or position is placed in the unclassified service by this act, such vacancy
14 shall be filled in the manner herein provided.

15 This act shall not be held to reduce or affect in any way salaries of any em-
16 ployees in the classified service of the State, counties or municipalities which are now
17 specifically fixed by statute.

1 42. Constitutionality. The provisions of this act shall be severable and if any of
2 the provisions shall be held to be unconstitutional, the decision of the court respect-
3 ing such provision or provisions shall not affect the validity of any other provisions
4 which can be given effect without such invalid provisions. It is hereby declared as
5 the legislative intent that this act would have been adopted by the Senate and Gen-
6 eral Assembly had such unconstitutional or invalid provisions not been included
7 herein.

1 43. All acts or parts of acts inconsistent with the provisions of this act be and
2 the same are hereby repealed.

1 44. The short title of this act shall be "The Personnel Act." This act shall
2 take effect immediately.

STATEMENT

The original Civil Service law is based upon the earliest notions of civil service reform in this county. It was formulated when governmental processes were comparatively simple, departmental organization limited, and before the science and art of personnel administration as it is recognized today, were developed. There are 75 to 100 amendments and supplements to the original act or to other acts involving personnel matters now on the statute books. Most of these are designed to remedy some particular situation in which individuals or groups were interested. As a result, the personnel laws are extremely complicated and contradictory in many of their parts. Under the present laws, the functions of the Civil Service Commission are negative rather than positive.

The cost for personal service in government has grown so large, and is still growing, that there can be no question about the necessity of a central agency with definite authority and responsibility. Proper regulation of public employment is no longer a matter of reform; it is a vital part of good administration. This act preserves the principles of merit, tenure and stability in the public service, and at the same time provides the machinery through which the personnel agency may render effective service in handling the difficult and seriously important problem of personnel in government.

The law provides for a State Personnel Board with a personnel director, who shall act as its administrative officer; a modern classification of the service; the preparation, adoption and administration of adequate compensation plans; limitations on the creation of new positions in the State service; control of temporary and emergency employment; the regulation of hours of work, leaves of absence, attendance, and the like, in the State service; standards of performance and service ratings; working tests in which the appointing authority is required to share in the selective process, and the exercise of general control of employment and compensation through the checking and certification of payrolls. Present employees are adequately and fully protected, it is believed, and a plan of discipline and removal is provided, with the right of appeal under a clear and definite procedure. The present veteran preference laws have been re-written in Section 29, in accordance with what appears to be the purpose and intention of laws dealing with this subject. The exempt

class, under the present law, is eliminated, but persons appointed under existing laws in any part of the classified service which under this act is placed in the unclassified service, so long as they remain in service are given the same protection that they have heretofore had. Existing statutory salaries are not affected. Some additions are made to the unclassified service by including therein some of the positions heretofore contained in the exempt class, and a procedure under which a county or municipality can vote on the recall of its previous adoption of the Civil Service laws, is provided.

[FOURTH OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4, 11:22-2 and 11:22-4 and repealing sections 11:22-25, 11:22-26, 11:22-27 and 11:22-28 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

26 h. Assistant attorneys-general, legal assistants and special counsel to
27 State departments by or with the authorization of the Attorney-General;

27A i. Members of advisory boards for State institutions who serve without
28 pay;

29 j. Superintendents, teachers and instructors in the public schools, the
30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

34 k. Students in educational institutions employed less than half time;

35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

51 o. Persons temporarily employed or designated by the Legislature or
52 by a legislative committee or commission or other competent authority to
53 make or conduct a special inquiry, investigation, examination or installa-
54 tion;

55 p. Superintendents or directors of State institutions;

56 q. All superintendents, directors or other employees in the State Gov-
57 ernment, who of necessity must be licensed physicians, surgeons or dentists;

58 r. Persons engaged in public work undertaken by the State, jointly or
59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

61 s. Agents, investigators or special officers in the office of the prosecutors
62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
65 and two in other counties;

66 t. The engineering, professional and other employees and assistants of
67 the South Jersey Port District and the South Jersey Port Commission;

68 u. Such other offices and positions not now included in the unclassified
69 service by this section or by any other statute, as the Civil Service Commis-
70 sion shall, from time to time, determine, according to law, to be in the un-
71 classified service.

1 2. The Civil Service Commission may determine, from time to time,
2 whether positions in the State service, not assigned to the unclassified serv-
3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
6 whether or not it is practicable to determine merit and fitness for employ-
7 ment or promotion in each such position on the basis of—

8 First, competitive examination, or

9 Second, examination which is not competitive, or

10 Third, minimum qualification requirements therefor.

11 In any case in which it is so found to be practicable to determine merit
12 and fitness for employment or promotion to any such position in any such
13 manner, the same shall be classified in the classified service of the State serv-
14 ice, and merit and fitness for appointment or promotion thereto shall be
15 ascertained in accordance with said determination of the Civil Service Com-
16 mission.

1 3. In any case in which it is so found not to be practicable to de-
2 termine merit and fitness for appointment or promotion to any such position
3 in any such manner, the same shall be classified in the unclassified service of
4 the State service.

1 4. In any case in which any position, now in existence or hereafter
2 created, has been or shall be classified in the classified service of the State
3 service and the Civil Service Commission shall desire to re-examine the
4 classification thereof, the Civil Service Commission shall, before determin-
5 ing that any such position shall be in the unclassified service of the State
6 service, hold a public hearing to determine whether or not it is practicable
7 to determine merit and fitness for appointment or promotion to such posi-
8 tion by means of competitive or other examination or on the basis of mini-
9 mum qualification requirements thereof and if it shall be determined that it
10 is not practicable so to do, it shall record and publish its findings in which it
11 shall state the basis upon which such determination is made and, thereafter,
12 such position shall be in the unclassified service of the State service.

1 5. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

5 a. Officers elected by popular vote;

6a b. Members of district boards of elections; employees in voting machine
6b departments, the chief deputy, clerk, secretary, clerical and other assistants
6c or employees appointed by the superintendents of elections and commissioners
6d of registration in counties having such superintendents of elections, and by
6e the county boards of elections in all other counties;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
14 and county superintendents and members and business managers of boards
15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Munici-
20 palities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
22 communicable diseases appointed under the provisions of sections 30:9-31
23 and 30:9-69 of the Revised Statutes; and

24 j. The deputy or first assistant of principal executive officers authorized
25 by law to act generally for and in place of his principal;

26 k. The legal assistants of the law department of the counties, munici-
27 palities or school districts operating under this subtitle except as herein
28 otherwise provided;

29 l. One secretary, clerk or executive director of each department,
30 appointed board or commission authorized by law to appoint a secretary,
31 clerk or executive director;

32 m. One private secretary or clerk or stenographer of each judge or prin-
33 cipal executive officer;

34 n. All officials of county institutions who must of necessity be physicians;
35 and

36 o. Such other offices and positions not now included in the unclassified
37 service by this section or by any other statute, as the Civil Service Com-
38 mission shall, from time to time determine, according to law, to be in the
39 unclassified service.

1 6. The Civil Service Commission may determine, from time to time,
2 whether positions in the service of each political subdivision of the State,
3 not assigned to the unclassified service of the Civil Service by law, shall be
4 in the classified or the unclassified service of the Civil Service for purposes
5 of appointment or promotion thereto and in so doing, the Civil Service Com-
6 mission shall determine whether or not it is practicable to determine merit
7 and fitness for employment or promotion in each such position on the basis
8 of—

9 First, competitive examination, or

10 Second, examination which is not competitive, or

11 Third, minimum qualification requirements therefor.

12 In any case in which it is so found to be practicable to determine merit
13 and fitness for employment or promotion to any such position in any such
14 manner, the same shall be classified in the classified service of any political
15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
17 Civil Service Commission.

1 7. In any case in which it is so found not to be practicable to determine
2 merit and fitness for appointment or promotion to any such position in any
3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of

3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munici-
4 pality or school district on the date when this act takes effect.

1 10. Section 11:22-4 of the Revised Statutes is amended to read as follows:

2 11:22-4. The offices, positions and employments in the classified service
3 of a county, municipality or school district operating under this subtitle shall
4 be arranged by the commission in three classes, to be designated as the com-
5 petitive class, the noncompetitive class, and the labor class, which classifica-
6 tion may be changed from time to time as the commission may deem proper.

7 All persons heretofore appointed or employed in any office or position in
8 any part of the classified service of a county, municipality or school district
9 which has been classified in the exempt class either under the provisions of
10 this section or of any other statute or by action of the Civil Service Com-
11 mission shall continue to hold their offices or positions, and have the same
12 rights of tenure and appeal, as they have had heretofore as officers or em-
13 ployees in the exempt class, but on retirement, resignation or removal of any
14 person holding any such office or position, appointment to fill the occurring
15 vacancy shall be made as provided for appointments in the unclassified serv-

16 ice, if such office or position is then included in the unclassified service under
17 the provisions of this section or of any other statute but, if such office or
18 position is not then included in the unclassified service under the provisions
19 of this section or of any other statute, it shall be filled in the manner pre-
20 scribed for filling vacancies in the classified service.

1 11. Sections 11:22-25, 11:22-26, 11:22-27 and 11:22-28 of the Revised
2 Statutes are repealed.

1 12. This act shall take effect immediately.

SENATE, No. 126

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1948

By Mr. FARLEY

Referred to Committee on Judiciary

AN ACT concerning civil service, and amending sections 11:4-4 and 11:22-2 of
the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the
10 Governor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons em-
13 ployed in the military or naval service of the State and under military or
14 naval discipline and control;

15 f. Election officers;

16 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
17 employed by a court to conduct a judicial investigation or inquiry, or to ex-

18 ercise judicial functions, except deputy commissioners of compensation,
19 referees, and adjusters employed by the department of labor, the work-
20 men's compensation commission and the rehabilitation commission;

21 h. Assistant Attorneys-General, legal assistants and special counsel to
22 State departments by or with the authorization of the Attorney-General;

23 i. Members of advisory boards for State institutions who serve without
24 pay;

25 j. Superintendents, teachers and instructors in the public schools, the
26 agricultural experiment station, normal schools, State institutions, when
27 certified teachers are employed under the supervision of and qualified by the
28 State Department of Education, and other institutions maintained wholly
29 or in part by the State;

30 k. Students in educational institutions employed less than half time;

31 l. The deputy or deputies to each department head in the State Gov-
32 ernment when the law provides for such deputy or deputies, authorized to
33 act generally for and in place of the department head during his absence
34 or disability;

35 m. One clerk or secretary and one confidential employee or agent to each
36 Justice of the Supreme Court, the Chancellor, each Vice-Chancellor, judge,
37 principal executive officer and each State department, board or commission,
38 when such Justice, Chancellor, Vice-Chancellor, judge, principal executive
39 officer, department head, board or commission certifies to the commission
40 that such clerk or secretary and such additional confidential employee or
41 agent is essential to the work of the court, department, board or commis-
42 sion. Each certification and appointment hereunder shall be recorded in the
43 minutes of the commission;

44 n. Persons engaged in public work for the State but employed by con-
45 tractors when the performance of the contract is authorized by the Legis-
46 lature or other competent authority;

47 o. Persons temporarily employed or designated by the Legislature or by
48 a legislative committee or commission or other competent authority to make
49 or conduct a special inquiry, investigation, examination or installation;

50 p. Superintendents or directors of State institutions;

51 q. All superintendents, directors or other employees in the State Gov-
52 ernment, who of necessity must be licensed physicians, surgeons or dentists;

53 r. Persons engaged in public work undertaken by the State, jointly or
54 in co-operation with other States, or counties or municipalities of other
55 States or the Federal Government;

56 s. Agents, investigators or special officers in the office of the prose-
57 cutors of the pleas not in excess of twelve in counties having a population
58 of more than three hundred thousand, six in counties having a population
59 in excess of one hundred and sixty thousand and not more than three hun-
60 dred thousand, and two in other counties;

61 t. The engineering, professional and other employees and assistants of
62 the South Jersey Port District and the South Jersey Port Commission [.] ;

63 u. Such other offices and positions not now included in the unclassified
64 service by this section or by any other statute and which are now included
65 in the classified service for which the Civil Service Commission shall de-
66 termine after public hearing that it is impracticable to fill each such office
67 or position by means of competitive or other examination. In each such
68 instance when the said Civil Service Commission shall make such deter-
69 mination it shall record and publish its findings in which it shall state the
70 bases upon which such determination is made and fix the minimum qualifi-
71 cation requirements for each such office or position. No person may be
72 appointed to any such office or position so placed in the unclassified service
73 who does not meet the qualification requirements so fixed and no appoint-
74 ment shall take effect until the qualifications of the proposed appointee are
75 certified in the form required by the Civil Service Commission and ap-
76 proved by its president.

1 2. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

- 5 a. Officers elected by popular vote;
- 6 b. Election officers;
- 7 c. Appointments of the mayor;
- 8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 or any county, municipality or school district operating under this subtitle;
- 11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;
- 12½ f. Superintendents of, teachers and instructors in the public schools and
13 county superintendents and members and business managers of boards of
14 education;
- 15 g. Police magistrates appointed by the mayor or other head officer of
16 the municipality operating under this subtitle;
- 17 h. Officers and employees of county park commissioners appointed under
18 the provisions of sections 40:37-96 to 40:37-174 of the Title Municipali-
19 ties and Counties; [and]
- 20 i. The superintendent of a county hospital for persons suffering from
21 communicable diseases appointed under the provisions of sections 30:9-61
22 to 30:9-69 of the Revised Statutes [.] and
- 23 j. Such other offices and positions not now included in the unclassified
24 service by this section or by any other statute and which are now included
25 in the classified service for which the Civil Service Commission shall de-
26 termine after public hearing that it is impracticable to fill each such office
27 or position by means of competitive or other examination. In each such
28 instance when the said Civil Service Commission shall make such deter-
29 mination it shall record and publish its findings in which it shall state the
30 bases upon which such determination is made and fix the minimum quali-
31 fication requirements for each such office or position. No person may be ap-
32 pointed to any such office or position so placed in the unclassified service

33 who does not meet the qualification requirements so fixed and no appoint-
34 ment shall take effect until the qualifications of the proposed appointee are
35 certified in the form required by the Civil Service Commission and approved
36 by its president.

1 3. This act shall take effect immediately.

STATEMENT

This bill adds paragraph "u" to Section 11:4-4, applying to the State service, and paragraph "j" to Section 11:22-2, applying to counties, municipalities and school districts.

Article 7, Section 1, paragraph 2 of the Constitution prescribes that appointments and promotions "shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive;". To carry out this provision of the Constitution it is necessary to give to some State officer or official agency the authority to determine when an examination is not practicable. The Civil Service Commission is the logical and proper agency to make such determination. The proposed amendment prescribes that such determination shall be made only after public hearing, the publishing of the ruling, the bases upon which the ruling is made, the establishment of the minimum qualifications for the position in question and the approval of the qualifications of the proposed appointee by the President of the Commission before appointment may be made to any such position for which it is ruled an examination is impracticable.

[OFFICIAL COPY REPRINT]

SENATE, No. 126

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1948

By Mr. FARLEY

Referred to Committee on Judiciary

AN ACT concerning civil service, and amending sections 11:4-4 and 11:22-2 of
the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the
10 Governor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons em-
13 ployed in the military or naval service of the State and under military or
14 naval discipline and control;

15 f. Election officers;

16 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
17 employed by a court to conduct a judicial investigation or inquiry, or to ex-

18 exercise judicial functions, except deputy commissioners of compensation,
19 referees, and adjusters employed by the department of labor, the work-
20 men's compensation commission and the rehabilitation commission;

21 h. Assistant Attorneys-General, legal assistants and special counsel to
22 State departments by or with the authorization of the Attorney-General;

23 i. Members of advisory boards for State institutions who serve without
24 pay;

25 j. Superintendents, teachers and instructors in the public schools, the
26 agricultural experiment station, normal schools, State institutions, when
27 certified teachers are employed under the supervision of and qualified by the
28 State Department of Education, and other institutions maintained wholly
29 or in part by the State;

30 k. Students in educational institutions employed less than half time;

31 l. The deputy or deputies to each department head in the State Gov-
32 ernment when the law provides for such deputy or deputies authorized to
33 act generally for and in place of the department head during his absence
34 or disability;

35 m. One clerk or secretary and one confidential employee or agent to each
36 Justice of the Supreme Court, the Chancellor, each Vice-Chancellor, judge,
37 principal executive officer and each State department, board or commission,
38 when such Justice, Chancellor, Vice-Chancellor, judge, principal executive
39 officer, department head, board or commission certifies to the commission
40 that such clerk or secretary and such additional confidential employee or
41 agent is essential to the work of the court, department, board or commis-
42 sion. Each certification and appointment hereunder shall be recorded in the
43 minutes of the commission;

44 n. Persons engaged in public work for the State but employed by con-
45 tractors when the performance of the contract is authorized by the Legis-
46 lature or other competent authority;

47 o. Persons temporarily employed or designated by the Legislature or by
48 a legislative committee or commission or other competent authority to make
49 or conduct a special inquiry, investigation, examination or installation;

50 p. Superintendents or directors of State institutions;

51 q. All superintendents, directors or other employees in the State Gov-
52 ernment, who of necessity must be licensed physicians, surgeons or dentists;

53 r. Persons engaged in public work undertaken by the State, jointly or
54 in co-operation with other States, or counties or municipalities of other
55 States or the Federal Government;

56 s. Agents, investigators or special officers in the office of the prose-
57 cutors of the pleas not in excess of twelve in counties having a population
58 of more than three hundred thousand, six in counties having a population
59 in excess of one hundred and sixty thousand and not more than three hun-
60 dred thousand, and two in other counties;

61 t. The engineering, professional and other employees and assistants of
62 the South Jersey Port District and the South Jersey Port Commission;

63 u. Such other offices and positions not now included in the unclassified
64 service by this section or by any other statute and which are now included
65 in the classified service for which the Civil Service Commission shall de-
66 termine after public hearing that it is impracticable to fill each such office
67 or position by means of competitive or other examination. In each such
68 instance when the said Civil Service Commission shall make such deter-
69 mination it shall record and publish its findings in which it shall state the
70 bases upon which such determination is made and fix the minimum qualifi-
71 cation requirements for each such office or position. No person may be
72 appointed to any such office or position so placed in the unclassified service
73 who does not meet the qualification requirements so fixed and no appoint-
74 ment shall take effect until the qualifications of the proposed appointee are
75 certified in the form required by the Civil Service Commission and ap-
76 proved by its president.

1 2. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

- 5 a. Officers elected by popular vote;
- 6 b. Election officers;
- 7 c. Appointments of the mayor;
- 8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 or any county, municipality or school district operating under this subtitle;
- 11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;
- 12½ f. Superintendents of, teachers and instructors in the public schools and
13 county superintendents and members and business managers of boards of
14 education;
- 15 g. Police magistrates appointed by the mayor or other head officer of
16 the municipality operating under this subtitle;
- 17 h. Officers and employees of county park commissioners appointed under
18 the provisions of sections 40:37-96 to 40:37-174 of the Title Municipali-
19 ties and Counties;
- 20 i. The superintendent of a county hospital for persons suffering from
21 communicable diseases appointed under the provisions of sections 30:9-61
22 to 30:9-69 of the Revised Statutes; and
- 23 j. Such other offices and positions not now included in the unclassified
24 service by this section or by any other statute and which are now included
25 in the classified service for which the Civil Service Commission shall de-
26 termine after public hearing that it is impracticable to fill each such office
27 or position by means of competitive or other examination. In each such
28 instance when the said Civil Service Commission shall make such deter-
29 mination it shall record and publish its findings in which it shall state the
30 bases upon which such determination is made and fix the minimum qualifi-
31 cation requirements for each such office or position. No person may be ap-
32 pointed to any such office or position so placed in the unclassified service

33 who does not meet the qualification requirements so fixed and no appoint-
34 ment shall take effect until the qualifications of the proposed appointee are
35 certified in the form required by the Civil Service Commission and approved
36 by its president.

1 3. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]
COMMITTEE SUBSTITUTE FOR
SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4 and 11:22-2 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

26 h. Assistant attorneys-general, legal assistants and special counsel to
27 State departments by or with the authorization of the Attorney-General;

27A i. Members of advisory boards for State institutions who serve without
28 pay;

29 j. Superintendents, teachers and instructors in the public schools, the
30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

34 k. Students in educational institutions employed less than half time;

35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

51 o. Persons temporarily employed or designated by the Legislature or
52 by a legislative committee or commission or other competent authority to
53 make or conduct a special inquiry, investigation, examination or installa-
54 tion;

55 p. Superintendents or directors of State institutions;

56 q. All superintendents, directors or other employees in the State Gov-
57 ernment, who of necessity must be licensed physicians, surgeons or dentists;

58 r. Persons engaged in public work undertaken by the State, jointly or
59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

61 s. Agents, investigators or special officers in the office of the prosecutors
62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
65 and two in other counties;

66 t. The engineering, professional and other employees and assistants of
67 the South Jersey Port District and the South Jersey Port Commission;

68 u. Such other offices and positions not now included in the unclassified
69 service by this section or by any other statute, as the Civil Service Commis-
70 sion shall, from time to time, determine, according to law, to be in the un-
71 classified service.

1 2. The Civil Service Commission may determine, from time to time,
2 whether positions in the State service, not assigned to the unclassified serv-
3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
6 whether or not it is practicable to determine merit and fitness for employ-
7 ment or promotion in each such position on the basis of—

- 8 First, competitive examination, or
- 9 Second, examination which is not competitive, or
- 10 Third, minimum qualification requirements therefor.

11 In any case in which it is so found to be practicable to determine merit
 12 and fitness for employment or promotion to any such position in any such
 13 manner, the same shall be classified in the classified service of the State serv-
 14 ice, and merit and fitness for appointment or promotion thereto shall be
 15 ascertained in accordance with said determination of the Civil Service Com-
 16 mission.

1 3. In any case in which it is so found not to be practicable to de-
 2 termine merit and fitness for appointment or promotion to any such position
 3 in any such manner, the same shall be classified in the unclassified service of
 4 the State service.

1 4. In any case in which any position, now in existence or hereafter
 2 created, has been or shall be classified in the classified service of the State
 3 service and the Civil Service Commission shall desire to re-examine the
 4 classification thereof, the Civil Service Commission shall, before determin-
 5 ing that any such position shall be in the unclassified service of the State
 6 service, hold a public hearing to determine whether or not it is practicable
 7 to determine merit and fitness for appointment or promotion to such posi-
 8 tion by means of competitive or other examination or on the basis of mini-
 9 mum qualification requirements thereof and if it shall be determined that it
 10 is not practicable so to do, it shall record and publish its findings in which it
 11 shall state the basis upon which such determination is made and, thereafter,
 12 such position shall be in the unclassified service of the State service.

1 5. Section 11:22-2 of the Revised Statutes is amended to read as fol-
 2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
 4 of this subtitle and shall include the following:

- 5 a. Officers elected by popular vote;

6 b. Election officers;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
14 and county superintendents and members and business managers of boards
15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Munici-
20 palities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
22 communicable diseases appointed under the provisions of sections 30:9-61
23 and 30:9-69 of the Revised Statutes; and

24 j. Such other offices and positions not now included in the unclassified
25 service by this section or by any other statute, as the Civil Service Com-
26 mission shall, from time to time, determine, according to law, to be in the
27 unclassified service.

1 6. The Civil Service Commission may determine, from time to time,
2 whether positions in the service of each political subdivision of the State,
3 not assigned to the unclassified service of the Civil Service by law, shall be
4 in the classified or the unclassified service of the Civil Service for purposes
5 of appointment or promotion thereto and in so doing, the Civil Service Com-
6 mission shall determine whether or not it is practicable to determine merit
7 and fitness for employment or promotion in each such position on the basis
8 of—

- 9 First, competitive examination, or
10 Second, examination which is not competitive, or
11 Third, minimum qualification requirements therefor.

12 In any case in which it is so found to be practicable to determine merit
13 and fitness for employment or promotion to any such position in any such
14 manner, the same shall be classified in the classified service of any political
15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
17 Civil Service Commission.

1 7. In any case in which it is so found not to be practicable to determine
2 merit and fitness for appointment or promotion to any such position in any
3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of
3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munic-
4 ipality or school district on the date when this act takes effect.

1 10. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4 and 11:22-2 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

26 h. Assistant attorneys-general, legal assistants and special counsel to
27 State departments by or with the authorization of the Attorney-General;

27A i. Members of advisory boards for State institutions who serve without
28 pay;

29 j. Superintendents, teachers and instructors in the public schools, the
30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

34 k. Students in educational institutions employed less than half time;

35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

51 o. Persons temporarily employed or designated by the Legislature or
52 by a legislative committee or commission or other competent authority to
53 make or conduct a special inquiry, investigation, examination or installa-
54 tion;

55 p. Superintendents or directors of State institutions;

56 q. All superintendents, directors or other employees in the State Gov-
57 ernment, who of necessity must be licensed physicians, surgeons or dentists;

58 r. Persons engaged in public work undertaken by the State, jointly or
59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

61 s. Agents, investigators or special officers in the office of the prosecutors
62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
65 and two in other counties;

66 t. The engineering, professional and other employees and assistants of
67 the South Jersey Port District and the South Jersey Port Commission;

68 u. Such other offices and positions not now included in the unclassified
69 service by this section or by any other statute, as the Civil Service Commis-
70 sion shall, from time to time, determine, according to law, to be in the un-
71 classified service.

1 2. The Civil Service Commission may determine, from time to time,
2 whether positions in the State service, not assigned to the unclassified serv-
3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
6 whether or not it is practicable to determine merit and fitness for employ-
7 ment or promotion in each such position on the basis of—

8 First, competitive examination, or

9 Second, examination which is not competitive, or

10 Third, minimum qualification requirements therefor.

11 In any case in which it is so found to be practicable to determine merit
12 and fitness for employment or promotion to any such position in any such
13 manner, the same shall be classified in the classified service of the State serv-
14 ice, and merit and fitness for appointment or promotion thereto shall be
15 ascertained in accordance with said determination of the Civil Service Com-
16 mission.

1 3. In any case in which it is so found not to be practicable to de-
2 termine merit and fitness for appointment or promotion to any such position
3 in any such manner, the same shall be classified in the unclassified service of
4 the State service.

1 4. In any case in which any position, now in existence or hereafter
2 created, has been or shall be classified in the classified service of the State
3 service and the Civil Service Commission shall desire to re-examine the
4 classification thereof, the Civil Service Commission shall, before determin-
5 ing that any such position shall be in the unclassified service of the State
6 service, hold a public hearing to determine whether or not it is practicable
7 to determine merit and fitness for appointment or promotion to such posi-
8 tion by means of competitive or other examination or on the basis of mini-
9 mum qualification requirements thereof and if it shall be determined that it
10 is not practicable so to do, it shall record and publish its findings in which it
11 shall state the basis upon which such determination is made and, thereafter,
12 such position shall be in the unclassified service of the State service.

1 5. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

5 a. Officers elected by popular vote;

6A b. Members of district boards of elections; employees in voting machine
 6B departments, chief deputy, clerk, secretary, clerical and other assistants or
 6C employees appointed by the superintendent of elections and commissioners
 6D of registration in counties having such superintendents of elections, and by
 6E the county boards of elections in all other counties;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
 9 elected by the board of aldermen, common council or other governing body
 10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
 12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
 14 and county superintendents and members and business managers of boards
 15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
 17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
 19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Munic-
 20 palities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
 22 communicable diseases appointed under the provisions of sections 30:9-61
 23 and 30:9-69 of the Revised Statutes; and

24 j. Such other offices and positions not now included in the unclassified
 25 service by this section or by any other statute, as the Civil Service Com-
 26 mission shall, from time to time, determine, according to law, to be in the
 27 unclassified service.

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7 and fitness for employment or promotion in each such position on the basis
8 of—

9 First, competitive examination, or

10 Second, examination which is not competitive, or

11 Third, minimum qualification requirements therefor.

12 In any case in which it is so found to be practicable to determine merit
13 and fitness for employment or promotion to any such position in any such
14 manner, the same shall be classified in the classified service of any political
15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
17 Civil Service Commission.

1 7. In any case in which it is so found not to be practicable to determine
2 merit and fitness for appointment or promotion to any such position in any
3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of
3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munic-
4 pality or school district on the date when this act takes effect.

1 10. This act shall take effect immediately.

[THIRD OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4, 11:22-2 and 11:22-4 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
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4 not be within the classified service:

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7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

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27 State departments by or with the authorization of the Attorney-General;

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28 pay;

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30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

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35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

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52 by a legislative committee or commission or other competent authority to
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54 tion;

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59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

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62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
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3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
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- 8 First, competitive examination, or
 - 9 Second, examination which is not competitive, or
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11 In any case in which it is so found to be practicable to determine merit
12 and fitness for employment or promotion to any such position in any such
13 manner, the same shall be classified in the classified service of the State serv-
14 ice, and merit and fitness for appointment or promotion thereto shall be
15 ascertained in accordance with said determination of the Civil Service Com-
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3 service and the Civil Service Commission shall desire to re-examine the
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5 ing that any such position shall be in the unclassified service of the State
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6B departments, the chief deputy, clerk, secretary, clerical and other assistants
6C or employees appointed by the superintendents of elections and commissioners
6D of registration in counties having such superintendents of elections, and by
6E the county boards of elections in all other counties;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
14 and county superintendents and members and business managers of boards
15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Muni-
20 cipalities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
22 communicable diseases appointed under the provisions of sections 30:9-61
23 and 30:9-69 of the Revised Statutes; and

24 j. Such other offices and positions not now included in the unclassified
25 service by this section or by any other statute, as the Civil Service Com-
26 mission shall, from time to time, determine, according to law, to be in the
27 unclassified service.

1 6. The Civil Service Commission may determine, from time to time,
2 whether positions in the service of each political subdivision of the State,
3 not assigned to the unclassified service of the Civil Service by law, shall be
4 in the classified or the unclassified service of the Civil Service for purposes
5 of appointment or promotion thereto and in so doing, the Civil Service Com-

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7 and fitness for employment or promotion in each such position on the basis
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13 and fitness for employment or promotion to any such position in any such
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15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
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3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of
3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munic-
4 pality or school district on the date when this act takes effect.

1 10. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 674

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1952

By Mrs. PILGER

Referred to Committee on Civil Service

AN ACT concerning civil service, and amending section 11:4-4 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature.

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military or
14 naval discipline and control;

15 f. Members of district boards of elections; employees in voting machine
16 departments and the chief deputy, chief clerk, secretary, clerical and
17 other assistants or employees appointed by the superintendents of elections

18 and commissioners of registration in counties of the first class having less
 19 than eight hundred thousand inhabitants, and by the county boards of elec-
 20 tions in all other counties and such of said officers, assistants and employees
 21 as are appointed by superintendents of elections in counties of the first class
 22 having more than eight hundred thousand inhabitants to serve for terms of
 23-24 six months or less in any one year;

25 g. Judges, jurors, masters in Chancery, referees, arbiters, and persons
 26 employed by a court to conduct a judicial investigation or inquiry, or to
 27 exercise judicial functions, except deputy commissioners of compensation,
 28 referees, and adjusters employed by the Department of Labor, the Work-
 29 men's Compensation Commission and the Rehabilitation Commission;

30 h. Assistant Attorneys-General, legal assistants and special counsel to
 31 State departments by or with the authorization of the Attorney-General;

32 i. Members of the advisory boards for State institutions who serve
 33 without pay;

34 j. Superintendents, teachers and instructors in the public schools, the
 35 agricultural experiment station, normal schools, State institutions, when cer-
 36 tified teachers are employed under the supervision of and qualified by the
 37 State Department of Education, and other institutions maintained wholly
 38 or in part by the State;

39 k. Students in educational institutions employed less than half time;

40 l. The deputy or deputies of each department head in the State
 41 Government when the law provides for such deputy or deputies authorized
 42 to act generally for and in place of the department head during his absence
 43 or disability;

44 m. One clerk or secretary and one confidential employee or agent to
 45 each Justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
 46 judge, principal executive officer and each State department, board or com-
 47 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
 48 executive officer, department head, board or commission certifies to the com-
 49 mission that such clerk or secretary and such additional confidential em-

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50 ployee or agent is essential to the work of the court, department, board or
51 commission. Each certification and appointment hereunder shall be re-
52 corded in the minutes of the commission;

53 n. Persons engaged in public work for the State but employed by con-
54 tractors when the performance of the contract is authorized by the Legisla-
55 ture or other competent authority.

56 o. Persons temporarily employed or designated by the Legislature or
57 by a legislative committee or commission or other competent authority to
58 make or conduct a special inquiry, investigation, examination or installa-
59 tion;

60 p. Superintendents or directors of State institutions;

61 q. All superintendents, directors or other employees in the State Gov-
62 ernment, who of necessity must be licensed physicians, surgeons or den-
63 tists;

64 r. Persons engaged in public work undertaken by the State, jointly or
65 in co-operation with other States, or counties or municipalities of other
66 States or the Federal Government;

67 s. Agents, investigators or special officers in the office of the prosecu-
68 tors of the pleas not in excess of twelve in counties having a population
69 of more than three hundred thousand, six in counties having a population
70 in excess of one hundred sixty thousand and not more than three hundred
71 thousand, and two in other counties;

72 t. The engineering, professional and other employees and assistants of
73 the South Jersey Port District and the South Jersey Port Commission;

74 u. Such other offices and positions not now included in the unclassified
75 service by this section or by any other statute, as the Civil Service Com-
76 mission shall, from time to time, determine, according to law, to be in the
77 unclassified service.

1 2. This act shall take effect July first, one thousand nine hundred and
2 fifty-two.

ASSEMBLY, No. 674

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1952

By Mrs. PILGER

Referred to Committee on Civil Service

AN ACT concerning civil service, and amending section 11:4-4 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature.

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military or
14 naval discipline and control;

15 f. Members of district boards of elections; employees in voting machine
16 departments[,] and the chief deputy, chief clerk, secretary, clerical and
17 other assistants or employees appointed by the superintendents of elections

18 and commissioners of registration in counties [having such superintendents
19 of elections] of the first class having less than eight hundred thousand in-
20 habitants, and by the county boards of elections in all other counties and
21 such of said officers, assistants and employees as are appointed by super-
22 intendents of elections in counties of the first class having more than eight
23 hundred thousand inhabitants to serve for terms of six months or less in
24 any one year;

25 g. Judges, jurors, masters in Chancery, referees, arbiters, and persons
26 employed by a court to conduct a judicial investigation or inquiry, or to
27 exercise judicial functions, except deputy commissioners of compensation,
28 referees, and adjusters employed by the Department of Labor, the Work-
29 men's Compensation Commission and the Rehabilitation Commission;

30 h. Assistant Attorneys-General, legal assistants and special counsel to
31 State departments by or with the authorization of the Attorney-General;

32 i. Members of the advisory boards for State institutions who serve
33 without pay;

34 j. Superintendents, teachers and instructors in the public schools, the
35 agricultural experiment station, normal schools, State institutions, when cer-
36 tified teachers are employed under the supervision of and qualified by the
37 State Department of Education, and other institutions maintained wholly
38 or in part by the State;

39 k. Students in educational institutions employed less than half time;

40 l. The deputy or deputies [to] of each department head in the State
41 Government when the law provides for such deputy or deputies authorized
42 to act generally for and in place of the department head during his absence
43 or disability;

44 m. One clerk or secretary and one confidential employee or agent to
45 each Justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
46 judge, principal executive officer and each State department, board or com-
47 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
48 executive officer, department head, board or commission certifies to the com-

49 mission that such clerk or secretary and such additional confidential em-
50 ployee or agent is essential to the work of the court, department, board or
51 commission. Each certification and appointment hereunder shall be re-
52 corded in the minutes of the commission;

53 n. Persons engaged in public work for the State but employed by con-
54 tractors when the performance of the contract is authorized by the Legisla-
55 ture or other competent authority.

56 o. Persons temporarily employed or designated by the Legislature or
57 by a legislative committee or commission or other competent authority to
58 make or conduct a special inquiry, investigation, examination or installa-
59 tion;

60 p. Superintendents or directors of State institutions;

61 q. All superintendents, directors or other employees in the State Gov-
62 ernment, who of necessity must be licensed physicians, surgeons or den-
63 tists.

64 r. Persons engaged in public work undertaken by the State, jointly or
65 in co-operation with other States, or counties or municipalities of other
66 States or the Federal Government;

67 s. Agents, investigators or special officers in the office of the prosecu-
68 tors of the pleas not in excess of twelve in counties having a population
69 of more than three hundred thousand, six in counties having a population
70 in excess of one hundred sixty thousand and not more than three hundred
71 thousand, and two in other counties;

72 t. The engineering, professional and other employees and assistants of
73 the South Jersey Port District and the South Jersey Port Commission;

74 u. Such other offices and positions not now included in the unclassified
75 service by this section or by any other statute, as the Civil Service Com-
76 mission shall, from time to time, determine, according to law, to be in the
77 unclassified service.

1 2. This act shall take effect July first, one thousand nine hundred and
2 fifty-two.

STATEMENT

This is a companion bill to an election law, amendment now before the Legislature, providing civil service for employecs of the election departments in Essex County. Assembly Bill No. 185 and Assembly Bill No. 197, which bills have passed both Assembly and Senate.

October 25, 1965

R.S. 11:22-2

LEGISLATIVE HISTORY OF R.S. 11:22-2
(Civil Service Unclassified)

COPY NO. 2

L. 1908, Chapter 156 - S311
Introduced March 31 by Mr. Ackerman.
Not amended during passage.
No statement on bill.
("appointing officer" defined).

L. 1910, Chapter 195 - A180
Introduced March 16 by Mr. DeUnger.
Not amended during passage.
No statement on bill.

L. 1914, Chapter 51 - A279
Introduced February 3 by Mr. Fisk.
Not amended during passage.
No statement on bill.

L. 1918, Chapter 105 - S115
Introduced January 22 by Mr. Mackay.
Not amended.
Statement on bill:

The object of this act is to place in the classified service a number of state institutional positions, the duties of which are administrative and clerical as well as instructional. These positions are now in the unclassified service. This act will not in any way affect the state educational or public school systems or the State agricultural institutions.

L. 1924, Chapter 120 - A245
Introduced January 22 by Mr. Mills.
Amended during passage.
Statement on bill:

The object of this bill is to include in the unclassified service of the Civil Service, business managers of Boards of education.

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COPY

L. 1946, Chapter 34 - A179
Introduced February 11 by Mr. Michall.
Amended during passage.
Statement on bill:

The purpose of this act is to harmonize the provisions of the Civil Service Act with those of R.S. 30:9-61 to 30:9-69, regarding the tenure of the superintendent of the county hospital therein mentioned.

L. 1948, Chapter 47 - A167
Introduced February 9 by Mr. Mackey.
Amended during passage.
Statement on bill:

The purpose of this bill is to correlate the provisions of Title 11, Civil Service, and the provisions of Title 19, Elections, of the Revised Statutes in connection with the classification of the employees mentioned in paragraph b, herein. This bill has the approval of the State Association of County Boards of Election.

L. 1948, Chapter 121 - S126
Introduced February 2 by Mr. Farley.
Amended during passage.
Statement on bill:

This bill adds paragraph "u" to Section 11:4-4, applying to the State service, and paragraph "j" to section 11:22-2, applying to counties, municipalities and school districts.

Article 7, Section 1, paragraph 2 of the Constitution prescribes that appointments and promotions "shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive;". To carry out this provision of the Constitution it is necessary to give to some State officer or official agency the authority to determine when an examination is not practicable. The Civil Service Commission is the logical and proper agency to make such determination. The proposed amendment prescribes that such determination shall be made only after public hearing, the publishing of the ruling, the basis upon which the ruling is made, the establishment of the minimum qualifications for the position in question and the approval of the qualifications of the proposed appointee by the President of the Commission before appointment may be made to any such position for which it is ruled and examination is impracticable.

L. 1952, Chapter 291 - A197
Introduced January 28 by Mrs. Pilger.
Amended during passage.
Statement on bill:

This is a companion bill to an election law, amendment now before the Legislature, providing civil service for employees of the election departments in Essex County.

For information or distinction between "officials" and "employees" see:

NJ Romano, Frank.
TB36 Civil Service and public
C5 employee law in New Jersey.
R759

CK/PC

COPY

R.S. 11:22-2(k) -- 18

February 8, 1968

Copy 2

LEGISLATIVE HISTORY OF R.S. 11:22-2(k)-18
(Unclassified service in legal assistants)

- L. 1948 - Chapter 121 - S126
Introduced February 2 by Mr. Farley.
Bill had statement (copy of original bill with
statement enclosed).

As originally introduced, this bill gave Civil Service
Commission power to determine which positions were to be
unclassified.

The chronology of the bill in the Legislature was:

No hearings or reports were located.

For background see:

Carpenter, William S.

Civil service--the personnel article in the state
constitution. New Jersey Constitution, Proceedings,
volume II, p.1465-1471.

RS/mau

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[FOURTH OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4, 11:22-2 and 11:22-4 and repealing sections 11:22-25, 11:22-26, 11:22-27 and 11:22-28 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

26 h. Assistant attorneys-general, legal assistants and special counsel to
27 State departments by or with the authorization of the Attorney-General;

27A i. Members of advisory boards for State institutions who serve without
28 pay;

29 j. Superintendents, teachers and instructors in the public schools, the
30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

34 k. Students in educational institutions employed less than half time;

35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

51 o. Persons temporarily employed or designated by the Legislature or
52 by a legislative committee or commission or other competent authority to
53 make or conduct a special inquiry, investigation, examination or installa-
54 tion;

55 p. Superintendents or directors of State institutions;

56 q. All superintendents, directors or other employees in the State Gov-
57 ernment, who of necessity must be licensed physicians, surgeons or dentists;

58 r. Persons engaged in public work undertaken by the State, jointly or
59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

61 s. Agents, investigators or special officers in the office of the prosecutors
62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
65 and two in other counties;

66 t. The engineering, professional and other employees and assistants of
67 the South Jersey Port District and the South Jersey Port Commission;

68 u. Such other offices and positions not now included in the unclassified
69 service by this section or by any other statute, as the Civil Service Commis-
70 sion shall, from time to time, determine, according to law, to be in the un-
71 classified service.

1 2. The Civil Service Commission may determine, from time to time,
2 whether positions in the State service, not assigned to the unclassified serv-
3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
6 whether or not it is practicable to determine merit and fitness for employ-
7 ment or promotion in each such position on the basis of—

- 8 First, competitive examination, or
9 Second, examination which is not competitive, or
10 Third, minimum qualification requirements therefor.

11 In any case in which it is so found to be practicable to determine merit
12 and fitness for employment or promotion to any such position in any such
13 manner, the same shall be classified in the classified service of the State serv-
14 ice, and merit and fitness for appointment or promotion thereto shall be
15 ascertained in accordance with said determination of the Civil Service Com-
16 mission.

1 3. In any case in which it is so found not to be practicable to de-
2 termine merit and fitness for appointment or promotion to any such position
3 in any such manner, the same shall be classified in the unclassified service of
4 the State service.

1 4. In any case in which any position, now in existence or hereafter
2 created, has been or shall be classified in the classified service of the State
3 service and the Civil Service Commission shall desire to re-examine the
4 classification thereof, the Civil Service Commission shall, before determin-
5 ing that any such position shall be in the unclassified service of the State
6 service, hold a public hearing to determine whether or not it is practicable
7 to determine merit and fitness for appointment or promotion to such posi-
8 tion by means of competitive or other examination or on the basis of mini-
9 mum qualification requirements thereof and if it shall be determined that it
10 is not practicable so to do, it shall record and publish its findings in which it
11 shall state the basis upon which such determination is made and, thereafter,
12 such position shall be in the unclassified service of the State service.

1 5. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

5 a. Officers elected by popular vote;

6a b. Members of district boards of elections; employees in voting machine
6b departments, the chief deputy, clerk, secretary, clerical and other assistants
6c or employees appointed by the superintendents of elections and commissioners
6d of registration in counties having such superintendents of elections, and by
6e the county boards of elections in all other counties;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
14 and county superintendents and members and business managers of boards
15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Munici-
20 palities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
22 communicable diseases appointed under the provisions of sections 30:9-31
23 and 30:9-69 of the Revised Statutes; and

24 j. The deputy or first assistant of principal executive officers authorized
25 by law to act generally for and in place of his principal;

26 k. The legal assistants of the law department of the counties, munici-
27 palities or school districts operating under this subtitle except as herein
28 otherwise provided;

29 l. One secretary, clerk or executive director of each department,
30 appointed board or commission authorized by law to appoint a secretary,
31 clerk or executive director;

32 m. One private secretary or clerk or stenographer of each judge or prin-
33 cipal executive officer;

34 n. All officials of county institutions who must of necessity be physicians;
35 and

36 o. Such other offices and positions not now included in the unclassified
37 service by this section or by any other statute, as the Civil Service Com-
38 mission shall, from time to time determine, according to law, to be in the
39 unclassified service.

1 6. The Civil Service Commission may determine, from time to time,
2 whether positions in the service of each political subdivision of the State,
3 not assigned to the unclassified service of the Civil Service by law, shall be
4 in the classified or the unclassified service of the Civil Service for purposes
5 of appointment or promotion thereto and in so doing, the Civil Service Com-
6 mission shall determine whether or not it is practicable to determine merit
7 and fitness for employment or promotion in each such position on the basis
8 of—

9 First, competitive examination, or

10 Second, examination which is not competitive, or

11 Third, minimum qualification requirements therefor.

12 In any case in which it is so found to be practicable to determine merit
13 and fitness for employment or promotion to any such position in any such
14 manner, the same shall be classified in the classified service of any political
15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
17 Civil Service Commission.

1 7. In any case in which it is so found not to be practicable to determine
2 merit and fitness for appointment or promotion to any such position in any
3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of

3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munici-
4 pality or school district on the date when this act takes effect.

1 10. Section 11:22-4 of the Revised Statutes is amended to read as follows:

2 11:22-4. The offices, positions and employments in the classified service
3 of a county, municipality or school district operating under this subtitle shall
4 be arranged by the commission in three classes, to be designated as the com-
5 petitive class, the noncompetitive class, and the labor class, which classifica-
6 tion may be changed from time to time as the commission may deem proper.

7 All persons heretofore appointed or employed in any office or position in
8 any part of the classified service of a county, municipality or school district
9 which has been classified in the exempt class either under the provisions of
10 this section or of any other statute or by action of the Civil Service Com-
11 mission shall continue to hold their offices or positions, and have the same
12 rights of tenure and appeal, as they have had heretofore as officers or em-
13 ployees in the exempt class, but on retirement, resignation or removal of any
14 person holding any such office or position, appointment to fill the occurring
15 vacancy shall be made as provided for appointments in the unclassified serv-

16 ice, if such office or position is then included in the unclassified service under
17 the provisions of this section or of any other statute but, if such office or
18 position is not then included in the unclassified service under the provisions
19 of this section or of any other statute, it shall be filled in the manner pre-
20 scribed for filling vacancies in the classified service.

1 11. Sections 11:22-25, 11:22-26, 11:22-27 and 11:22-28 of the Revised
2 Statutes are repealed.

1 12. This act shall take effect immediately.

SENATE, No. 126

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1948

By Mr. FARLEY

Referred to Committee on Judiciary

AN ACT concerning civil service, and amending sections 11:4-4 and 11:22-2 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the
10 Governor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons em-
13 ployed in the military or naval service of the State and under military or
14 naval discipline and control;

15 f. Election officers;

16 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
17 employed by a court to conduct a judicial investigation or inquiry, or to ex-

18 ercise judicial functions, except deputy commissioners of compensation,
19 referees, and adjusters employed by the department of labor, the work-
20 men's compensation commission and the rehabilitation commission;

21 h. Assistant Attorneys-General, legal assistants and special counsel to
22 State departments by or with the authorization of the Attorney-General;

23 i. Members of advisory boards for State institutions who serve without
24 pay;

25 j. Superintendents, teachers and instructors in the public schools, the
26 agricultural experiment station, normal schools, State institutions, when
27 certified teachers are employed under the supervision of and qualified by the
28 State Department of Education, and other institutions maintained wholly
29 or in part by the State;

30 k. Students in educational institutions employed less than half time;

31 l. The deputy or deputies to each department head in the State Gov-
32 ernment when the law provides for such deputy or deputies, authorized to
33 act generally for and in place of the department head during his absence
34 or disability;

35 m. One clerk or secretary and one confidential employee or agent to each
36 Justice of the Supreme Court, the Chancellor, each Vice-Chancellor, judge,
37 principal executive officer and each State department, board or commission,
38 when such Justice, Chancellor, Vice-Chancellor, judge, principal executive
39 officer, department head, board or commission certifies to the commission
40 that such clerk or secretary and such additional confidential employee or
41 agent is essential to the work of the court, department, board or commis-
42 sion. Each certification and appointment hereunder shall be recorded in the
43 minutes of the commission;

44 n. Persons engaged in public work for the State but employed by con-
45 tractors when the performance of the contract is authorized by the Legis-
46 lature or other competent authority;

47 o. Persons temporarily employed or designated by the Legislature or by
48 a legislative committee or commission or other competent authority to make
49 or conduct a special inquiry, investigation, examination or installation;

50 p. Superintendents or directors of State institutions;

51 q. All superintendents, directors or other employees in the State Gov-
52 ernment, who of necessity must be licensed physicians, surgeons or dentists;

53 r. Persons engaged in public work undertaken by the State, jointly or
54 in co-operation with other States, or counties or municipalities of other
55 States or the Federal Government;

56 s. Agents, investigators or special officers in the office of the prose-
57 cutors of the pleas not in excess of twelve in counties having a population
58 of more than three hundred thousand, six in counties having a population
59 in excess of one hundred and sixty thousand and not more than three hun-
60 dred thousand, and two in other counties;

61 t. The engineering, professional and other employees and assistants of
62 the South Jersey Port District and the South Jersey Port Commission [.] ;

63 u. Such other offices and positions not now included in the unclassified
64 service by this section or by any other statute and which are now included
65 in the classified service for which the Civil Service Commission shall de-
66 termine after public hearing that it is impracticable to fill each such office
67 or position by means of competitive or other examination. In each such
68 instance when the said Civil Service Commission shall make such deter-
69 mination it shall record and publish its findings in which it shall state the
70 bases upon which such determination is made and fix the minimum qualifi-
71 cation requirements for each such office or position. No person may be
72 appointed to any such office or position so placed in the unclassified service
73 who does not meet the qualification requirements so fixed and no appoint-
74 ment shall take effect until the qualifications of the proposed appointee are
75 certified in the form required by the Civil Service Commission and ap-
76 proved by its president.

1 2. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

- 5 a. Officers elected by popular vote;
- 6 b. Election officers;
- 7 c. Appointments of the mayor;
- 8 d. Heads of departments, the members of commissions and boards
- 9 elected by the board of aldermen, common council or other governing body
- 10 or any county, municipality or school district operating under this subtitle;
- 11 e. Law officers of a county, municipality or school district operating
- 12 under this subtitle;
- 12½ f. Superintendents of, teachers and instructors in the public schools and
- 13 county superintendents and members and business managers of boards of
- 14 education;
- 15 g. Police magistrates appointed by the mayor or other head officer of
- 16 the municipality operating under this subtitle;
- 17 h. Officers and employees of county park commissioners appointed under
- 18 the provisions of sections 40:37-96 to 40:37-174 of the Title Municipali-
- 19 ties and Counties; [and]
- 20 i. The superintendent of a county hospital for persons suffering from
- 21 communicable diseases appointed under the provisions of sections 30:9-61
- 22 to 30:9-69 of the Revised Statutes [.] and
- 23 j. Such other offices and positions not now included in the unclassified
- 24 service by this section or by any other statute and which are now included
- 25 in the classified service for which the Civil Service Commission shall de-
- 26 termine after public hearing that it is impracticable to fill each such office
- 27 or position by means of competitive or other examination. In each such
- 28 instance when the said Civil Service Commission shall make such deter-
- 29 mination it shall record and publish its findings in which it shall state the
- 30 bases upon which such determination is made and fix the minimum quali-
- 31 fication requirements for each such office or position. No person may be ap-
- 32 pointed to any such office or position so placed in the unclassified service

33 who does not meet the qualification requirements so fixed and no appoint-
34 ment shall take effect until the qualifications of the proposed appointee are
35 certified in the form required by the Civil Service Commission and approved
36 by its president.

1 3. This act shall take effect immediately.

STATEMENT

This bill adds paragraph "u" to Section 11:4-4, applying to the State service, and paragraph "j" to Section 11:22-2, applying to counties, municipalities and school districts.

Article 7, Section 1, paragraph 2 of the Constitution prescribes that appointments and promotions "shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive;". To carry out this provision of the Constitution it is necessary to give to some State officer or official agency the authority to determine when an examination is not practicable. The Civil Service Commission is the logical and proper agency to make such determination. The proposed amendment prescribes that such determination shall be made only after public hearing, the publishing of the ruling, the bases upon which the ruling is made, the establishment of the minimum qualifications for the position in question and the approval of the qualifications of the proposed appointee by the President of the Commission before appointment may be made to any such position for which it is ruled an examination is impracticable.

[OFFICIAL COPY REPRINT]

SENATE, No. 126

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1948

By Mr. FARLEY

Referred to Committee on Judiciary

AN ACT concerning civil service, and amending sections 11:4-4 and 11:22-2 of
the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the
10 Governor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons em-
13 ployed in the military or naval service of the State and under military or
14 naval discipline and control;

15 f. Election officers;

16 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
17 employed by a court to conduct a judicial investigation or inquiry, or to ex-

18 exercise judicial functions, except deputy commissioners of compensation,
19 referees, and adjusters employed by the department of labor, the work-
20 men's compensation commission and the rehabilitation commission;

21 h. Assistant Attorneys-General, legal assistants and special counsel to
22 State departments by or with the authorization of the Attorney-General;

23 i. Members of advisory boards for State institutions who serve without
24 pay;

25 j. Superintendents, teachers and instructors in the public schools, the
26 agricultural experiment station, normal schools, State institutions, when
27 certified teachers are employed under the supervision of and qualified by the
28 State Department of Education, and other institutions maintained wholly
29 or in part by the State;

30 k. Students in educational institutions employed less than half time;

31 l. The deputy or deputies to each department head in the State Gov-
32 ernment when the law provides for such deputy or deputies authorized to
33 act generally for and in place of the department head during his absence
34 or disability;

35 m. One clerk or secretary and one confidential employee or agent to each
36 Justice of the Supreme Court, the Chancellor, each Vice-Chancellor, judge,
37 principal executive officer and each State department, board or commission,
38 when such Justice, Chancellor, Vice-Chancellor, judge, principal executive
39 officer, department head, board or commission certifies to the commission
40 that such clerk or secretary and such additional confidential employee or
41 agent is essential to the work of the court, department, board or commis-
42 sion. Each certification and appointment hereunder shall be recorded in the
43 minutes of the commission;

44 n. Persons engaged in public work for the State but employed by con-
45 tractors when the performance of the contract is authorized by the Legis-
46 lature or other competent authority;

47 o. Persons temporarily employed or designated by the Legislature or by
48 a legislative committee or commission or other competent authority to make
49 or conduct a special inquiry, investigation, examination or installation;

50 p. Superintendents or directors of State institutions;

51 q. All superintendents, directors or other employees in the State Gov-
52 ernment, who of necessity must be licensed physicians, surgeons or dentists;

53 r. Persons engaged in public work undertaken by the State, jointly or
54 in co-operation with other States, or counties or municipalities of other
55 States or the Federal Government;

56 s. Agents, investigators or special officers in the office of the prose-
57 cutors of the pleas not in excess of twelve in counties having a population
58 of more than three hundred thousand, six in counties having a population
59 in excess of one hundred and sixty thousand and not more than three hun-
60 dred thousand, and two in other counties;

61 t. The engineering, professional and other employees and assistants of
62 the South Jersey Port District and the South Jersey Port Commission;

63 u. Such other offices and positions not now included in the unclassified
64 service by this section or by any other statute and which are now included
65 in the classified service for which the Civil Service Commission shall de-
66 termine after public hearing that it is impracticable to fill each such office
67 or position by means of competitive or other examination. In each such
68 instance when the said Civil Service Commission shall make such deter-
69 mination it shall record and publish its findings in which it shall state the
70 bases upon which such determination is made and fix the minimum qualifi-
71 cation requirements for each such office or position. No person may be
72 appointed to any such office or position so placed in the unclassified service
73 who does not meet the qualification requirements so fixed and no appoint-
74 ment shall take effect until the qualifications of the proposed appointee are
75 certified in the form required by the Civil Service Commission and ap-
76 proved by its president.

1 2. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

- 5 a. Officers elected by popular vote;
- 6 b. Election officers;
- 7 c. Appointments of the mayor;
- 8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 or any county, municipality or school district operating under this subtitle;
- 11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;
- 12½ f. Superintendents of, teachers and instructors in the public schools and
13 county superintendents and members and business managers of boards of
14 education;
- 15 g. Police magistrates appointed by the mayor or other head officer of
16 the municipality operating under this subtitle;
- 17 h. Officers and employees of county park commissioners appointed under
18 the provisions of sections 40:37-96 to 40:37-174 of the Title Municipali-
19 ties and Counties;
- 20 i. The superintendent of a county hospital for persons suffering from
21 communicable diseases appointed under the provisions of sections 30:9-61
22 to 30:9-69 of the Revised Statutes; and
- 23 j. Such other offices and positions not now included in the unclassified
24 service by this section or by any other statute and which are now included
25 in the classified service for which the Civil Service Commission shall de-
26 termine after public hearing that it is impracticable to fill each such office
27 or position by means of competitive or other examination. In each such
28 instance when the said Civil Service Commission shall make such deter-
29 mination it shall record and publish its findings in which it shall state the
30 bases upon which such determination is made and fix the minimum qualifi-
31 cation requirements for each such office or position. No person may be ap-
32 pointed to any such office or position so placed in the unclassified service

33 who does not meet the qualification requirements so fixed and no appoint-
34 ment shall take effect until the qualifications of the proposed appointee are
35 certified in the form required by the Civil Service Commission and approved
36 by its president.

1 3. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]
COMMITTEE SUBSTITUTE FOR
SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4 and 11:22-2 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

26 h. Assistant attorneys-general, legal assistants and special counsel to
27 State departments by or with the authorization of the Attorney-General;

27A i. Members of advisory boards for State institutions who serve without
28 pay;

29 j. Superintendents, teachers and instructors in the public schools, the
30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

34 k. Students in educational institutions employed less than half time;

35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

51 o. Persons temporarily employed or designated by the Legislature or
52 by a legislative committee or commission or other competent authority to
53 make or conduct a special inquiry, investigation, examination or installa-
54 tion;

55 p. Superintendents or directors of State institutions;

56 q. All superintendents, directors or other employees in the State Gov-
57 ernment, who of necessity must be licensed physicians, surgeons or dentists;

58 r. Persons engaged in public work undertaken by the State, jointly or
59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

61 s. Agents, investigators or special officers in the office of the prosecutors
62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
65 and two in other counties;

66 t. The engineering, professional and other employees and assistants of
67 the South Jersey Port District and the South Jersey Port Commission;

68 u. Such other offices and positions not now included in the unclassified
69 service by this section or by any other statute, as the Civil Service Commis-
70 sion shall, from time to time, determine, according to law, to be in the un-
71 classified service.

1 2. The Civil Service Commission may determine, from time to time,
2 whether positions in the State service, not assigned to the unclassified serv-
3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
6 whether or not it is practicable to determine merit and fitness for employ-
7 ment or promotion in each such position on the basis of—

8 First, competitive examination, or

9 Second, examination which is not competitive, or

10 Third, minimum qualification requirements therefor.

11 In any case in which it is so found to be practicable to determine merit
12 and fitness for employment or promotion to any such position in any such
13 manner, the same shall be classified in the classified service of the State serv-
14 ice, and merit and fitness for appointment or promotion thereto shall be
15 ascertained in accordance with said determination of the Civil Service Com-
16 mission.

1 3. In any case in which it is so found not to be practicable to de-
2 termine merit and fitness for appointment or promotion to any such position
3 in any such manner, the same shall be classified in the unclassified service of
4 the State service.

1 4. In any case in which any position, now in existence or hereafter
2 created, has been or shall be classified in the classified service of the State
3 service and the Civil Service Commission shall desire to re-examine the
4 classification thereof, the Civil Service Commission shall, before determin-
5 ing that any such position shall be in the unclassified service of the State
6 service, hold a public hearing to determine whether or not it is practicable
7 to determine merit and fitness for appointment or promotion to such posi-
8 tion by means of competitive or other examination or on the basis of mini-
9 mum qualification requirements thereof and if it shall be determined that it
10 is not practicable so to do, it shall record and publish its findings in which it
11 shall state the basis upon which such determination is made and, thereafter,
12 such position shall be in the unclassified service of the State service.

1 5. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

5 a. Officers elected by popular vote;

6 b. Election officers;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
14 and county superintendents and members and business managers of boards
15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Munici-
20 palities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
22 communicable diseases appointed under the provisions of sections 30:9-61
23 and 30:9-69 of the Revised Statutes; and

24 j. Such other offices and positions not now included in the unclassified
25 service by this section or by any other statute, as the Civil Service Com-
26 mission shall, from time to time, determine, according to law, to be in the
27 unclassified service.

1 6. The Civil Service Commission may determine, from time to time,
2 whether positions in the service of each political subdivision of the State,
3 not assigned to the unclassified service of the Civil Service by law, shall be
4 in the classified or the unclassified service of the Civil Service for purposes
5 of appointment or promotion thereto and in so doing, the Civil Service Com-
6 mission shall determine whether or not it is practicable to determine merit
7 and fitness for employment or promotion in each such position on the basis
8 of—

9 First, competitive examination, or

10 Second, examination which is not competitive, or

11 Third, minimum qualification requirements therefor.

12 In any case in which it is so found to be practicable to determine merit
13 and fitness for employment or promotion to any such position in any such
14 manner, the same shall be classified in the classified service of any political
15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
17 Civil Service Commission.

1 7. In any case in which it is so found not to be practicable to determine
2 merit and fitness for appointment or promotion to any such position in any
3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of
3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munic-
4 ipality or school district on the date when this act takes effect.

1 10. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4 and 11:22-2 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

26 h. Assistant attorneys-general, legal assistants and special counsel to
27 State departments by or with the authorization of the Attorney-General;

27A i. Members of advisory boards for State institutions who serve without
28 pay;

29 j. Superintendents, teachers and instructors in the public schools, the
30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

34 k. Students in educational institutions employed less than half time;

35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

51 o. Persons temporarily employed or designated by the Legislature or
52 by a legislative committee or commission or other competent authority to
53 make or conduct a special inquiry, investigation, examination or installa-
54 tion;

55 p. Superintendents or directors of State institutions;

56 q. All superintendents, directors or other employees in the State Gov-
57 ernment, who of necessity must be licensed physicians, surgeons or dentists;

58 r. Persons engaged in public work undertaken by the State, jointly or
59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

61 s. Agents, investigators or special officers in the office of the prosecutors
62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
65 and two in other counties;

66 t. The engineering, professional and other employees and assistants of
67 the South Jersey Port District and the South Jersey Port Commission;

68 u. Such other offices and positions not now included in the unclassified
69 service by this section or by any other statute, as the Civil Service Commis-
70 sion shall, from time to time, determine, according to law, to be in the un-
71 classified service.

1 2. The Civil Service Commission may determine, from time to time,
2 whether positions in the State service, not assigned to the unclassified serv-
3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
6 whether or not it is practicable to determine merit and fitness for employ-
7 ment or promotion in each such position on the basis of—

8 First, competitive examination, or

9 Second, examination which is not competitive, or

10 Third, minimum qualification requirements therefor.

11 In any case in which it is so found to be practicable to determine merit
12 and fitness for employment or promotion to any such position in any such
13 manner, the same shall be classified in the classified service of the State serv-
14 ice, and merit and fitness for appointment or promotion thereto shall be
15 ascertained in accordance with said determination of the Civil Service Com-
16 mission.

1 3. In any case in which it is so found not to be practicable to de-
2 termine merit and fitness for appointment or promotion to any such position
3 in any such manner, the same shall be classified in the unclassified service of
4 the State service.

1 4. In any case in which any position, now in existence or hereafter
2 created, has been or shall be classified in the classified service of the State
3 service and the Civil Service Commission shall desire to re-examine the
4 classification thereof, the Civil Service Commission shall, before determin-
5 ing that any such position shall be in the unclassified service of the State
6 service, hold a public hearing to determine whether or not it is practicable
7 to determine merit and fitness for appointment or promotion to such posi-
8 tion by means of competitive or other examination or on the basis of mini-
9 mum qualification requirements thereof and if it shall be determined that it
10 is not practicable so to do, it shall record and publish its findings in which it
11 shall state the basis upon which such determination is made and, thereafter,
12 such position shall be in the unclassified service of the State service.

1 5. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

5 a. Officers elected by popular vote;

6A b. Members of district boards of elections; employees in voting machine
 6B departments, chief deputy, clerk, secretary, clerical and other assistants or
 6C employees appointed by the superintendent of elections and commissioners
 6D of registration in counties having such superintendents of elections, and by
 6E the county boards of elections in all other counties;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
 9 elected by the board of aldermen, common council or other governing body
 10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
 12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
 14 and county superintendents and members and business managers of boards
 15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
 17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
 19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Municipi-
 20 palities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
 22 communicable diseases appointed under the provisions of sections 30:9-61
 23 and 30:9-69 of the Revised Statutes; and

24 j. Such other offices and positions not now included in the unclassified
 25 service by this section or by any other statute, as the Civil Service Com-
 26 mission shall, from time to time, determine, according to law, to be in the
 27 unclassified service.

1 6. The Civil Service Commission may determine, from time to time,
 2 whether positions in the service of each political subdivision of the State,
 3 not assigned to the unclassified service of the Civil Service by law, shall be
 4 in the classified or the unclassified service of the Civil Service for purposes
 5 of appointment or promotion thereto and in so doing, the Civil Service Com-

6 mission shall determine whether or not it is practicable to determine merit
7 and fitness for employment or promotion in each such position on the basis
8 of—

9 First, competitive examination, or

10 Second, examination which is not competitive, or

11 Third, minimum qualification requirements therefor.

12 In any case in which it is so found to be practicable to determine merit
13 and fitness for employment or promotion to any such position in any such
14 manner, the same shall be classified in the classified service of any political
15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
17 Civil Service Commission.

1 7. In any case in which it is so found not to be practicable to determine
2 merit and fitness for appointment or promotion to any such position in any
3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of
3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munic-
4 pality or school district on the date when this act takes effect.

1 10. This act shall take effect immediately.

[THIRD OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

SENATE, No. 126

STATE OF NEW JERSEY

ADOPTED MAY 3, 1948

AN Act concerning civil service, and amending sections 11:4-4, 11:22-2 and 11:22-4 and supplementing chapters seven and twenty-two of Title 11 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11:4-4 of the Revised Statutes is amended to read as
2 follows:

3 11:4-4. The positions held by the following officers and employees shall
4 not be within the classified service:

5 a. Officers elected by popular vote,

6 b. Department heads; members of boards and commissions and other
7 officers appointed by the Governor with or without the consent of one or
8 both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in the Gov-
10 ernor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other persons
13 employed in the military or naval service of the State and under military
14-15 or naval discipline and control;

16 f. Members of district boards of elections; employees in voting ma-
17 chine departments, chief deputy, clerk, secretary, clerical and other assist-

18 ants or employees appointed by the superintendents of elections and com-
19 missioners of registration in counties having such superintendents of elec-
20 tions, and by the county boards of elections in all other counties;

21 g. Judges, jurors, masters in chancery, referees, arbiters, and persons
22 employed by a court to conduct a judicial investigation or inquiry, or to
23 exercise judicial functions, except deputy commissioners of compensation,
24 referees, and adjusters employed by the department of labor, the work-
25 men's compensation commission and the rehabilitation commission;

26 h. Assistant attorneys-general, legal assistants and special counsel to
27 State departments by or with the authorization of the Attorney-General;

27A i. Members of advisory boards for State institutions who serve without
28 pay;

29 j. Superintendents, teachers and instructors in the public schools, the
30 agricultural experiment station, normal schools, State institutions, when cer-
31 tified teachers are employed under the supervision of and qualified by the
32 State Department of Education, and other institutions maintained wholly
33 or in part by the State;

34 k. Students in educational institutions employed less than half time;

35 l. The deputy or deputies to each department head in the State Gov-
36 ernment when the law provides for such deputy or deputies authorized to
37 act generally for and in place of the department head during his absence or
38 disability;

39 m. One clerk or secretary and one confidential employee or agent to
40 each justice of the Supreme Court, the Chancellor, each Vice-Chancellor,
41 judge, principal executive officer and each State department, board or com-
42 mission, when such Justice, Chancellor, Vice-Chancellor, judge, principal
43 executive officer, department head, board or commission certifies to the com-
44 mission that such clerk or secretary and such additional confidential em-
45 ployee or agent is essential to the work of the court, department, board or
46 commission. Each certification and appointment hereunder shall be re-
47 corded in the minutes of the commission;

48 n. Persons engaged in public work for the State but employed by con-
49 tractors when the performance of the contract is authorized by the Legisla-
50 ture or other competent authority;

51 o. Persons temporarily employed or designated by the Legislature or
52 by a legislative committee or commission or other competent authority to
53 make or conduct a special inquiry, investigation, examination or installa-
54 tion;

55 p. Superintendents or directors of State institutions;

56 q. All superintendents, directors or other employees in the State Gov-
57 ernment, who of necessity must be licensed physicians, surgeons or dentists;

58 r. Persons engaged in public work undertaken by the State, jointly or
59 in co-operation with other States, or counties or municipalities of other
60 States or the Federal Government;

61 s. Agents, investigators or special officers in the office of the prosecutors
62 of the pleas not in excess of twelve in counties having a population of more
63 than three hundred thousand, six in counties having a population in excess
64 of one hundred sixty thousand and not more than three hundred thousand,
65 and two in other counties;

66 t. The engineering, professional and other employees and assistants of
67 the South Jersey Port District and the South Jersey Port Commission;

68 u. Such other offices and positions not now included in the unclassified
69 service by this section or by any other statute, as the Civil Service Commis-
70 sion shall, from time to time, determine, according to law, to be in the un-
71 classified service.

1 2. The Civil Service Commission may determine, from time to time,
2 whether positions in the State service, not assigned to the unclassified serv-
3 ice of the civil service by law, shall be in the classified or the unclassified
4 service of the civil service for purposes of appointment or promotion
5 thereto and in so doing, the Civil Service Commission shall determine
6 whether or not it is practicable to determine merit and fitness for employ-
7 ment or promotion in each such position on the basis of—

- 4
- 8 First, competitive examination, or
 - 9 Second, examination which is not competitive, or
 - 10 Third, minimum qualification requirements therefor.

11 In any case in which it is so found to be practicable to determine merit
12 and fitness for employment or promotion to any such position in any such
13 manner, the same shall be classified in the classified service of the State serv-
14 ice, and merit and fitness for appointment or promotion thereto shall be
15 ascertained in accordance with said determination of the Civil Service Com-
16 mission.

1 3. In any case in which it is so found not to be practicable to de-
2 termine merit and fitness for appointment or promotion to any such position
3 in any such manner, the same shall be classified in the unclassified service of
4 the State service.

1 4. In any case in which any position, now in existence or hereafter
2 created, has been or shall be classified in the classified service of the State
3 service and the Civil Service Commission shall desire to re-examine the
4 classification thereof, the Civil Service Commission shall, before determin-
5 ing that any such position shall be in the unclassified service of the State
6 service, hold a public hearing to determine whether or not it is practicable
7 to determine merit and fitness for appointment or promotion to such posi-
8 tion by means of competitive or other examination or on the basis of mini-
9 mum qualification requirements thereof and if it shall be determined that it
10 is not practicable so to do, it shall record and publish its findings in which it
11 shall state the basis upon which such determination is made and, thereafter,
12 such position shall be in the unclassified service of the State service.

1 5. Section 11:22-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 11:22-2. The unclassified service shall not be subject to the provisions
4 of this subtitle and shall include the following:

5 a. Officers elected by popular vote;

6A b. Members of district boards of elections; employees in voting machine
6B departments, the chief deputy, clerk, secretary, clerical and other assistants
6C or employees appointed by the superintendents of elections and commissioners
6D of registration in counties having such superintendents of elections, and by
6E the county boards of elections in all other counties;

7 c. Appointments of the mayor;

8 d. Heads of departments, the members of commissions and boards
9 elected by the board of aldermen, common council or other governing body
10 of any county, municipality or school district operating under this subtitle;

11 e. Law officers of a county, municipality or school district operating
12 under this subtitle;

13 f. Superintendents of, teachers and instructors in the public schools
14 and county superintendents and members and business managers of boards
15 of education;

16 g. Police magistrates appointed by the mayor or other head officer of
17 the municipality operating under this subtitle;

18 h. Officers and employees of county park commissioners appointed
19 under the provisions of sections 40:37-96 to 40:37-174 of the Title Muni-
20 cipalities and Counties;

21 i. The superintendent of a county hospital for persons suffering from
22 communicable diseases appointed under the provisions of sections 30:9-61
23 and 30:9-69 of the Revised Statutes; and

24 j. Such other offices and positions not now included in the unclassified
25 service by this section or by any other statute, as the Civil Service Com-
26 mission shall, from time to time, determine, according to law, to be in the
27 unclassified service.

1 6. The Civil Service Commission may determine, from time to time,
2 whether positions in the service of each political subdivision of the State,
3 not assigned to the unclassified service of the Civil Service by law, shall be
4 in the classified or the unclassified service of the Civil Service for purposes
5 of appointment or promotion thereto and in so doing, the Civil Service Com-

6 mission shall determine whether or not it is practicable to determine merit
7 and fitness for employment or promotion in each such position on the basis
8 of—

9 First, competitive examination, or

10 Second, examination which is not competitive, or

11 Third, minimum qualification requirements therefor.

12 In any case in which it is so found to be practicable to determine merit
13 and fitness for employment or promotion to any such position in any such
14 manner, the same shall be classified in the classified service of any political
15 subdivision of the State, and merit and fitness for appointment or promotion
16 thereto shall be ascertained in accordance with said determination of the
17 Civil Service Commission.

1 7. In any case in which it is so found not to be practicable to determine
2 merit and fitness for appointment or promotion to any such position in any
3 such manner, the same shall be classified in the unclassified service of the
4 service of such political subdivision of the State.

1 8. In any case in which any position, now in existence or hereafter cre-
2 ated, has been or shall be classified in the classified service of the service of
3 any such political subdivision of the State and the Civil Service Commission
4 shall desire to re-examine the classification thereof, the Civil Service Com-
5 mission shall, before determining that any such position shall be in the un-
6 classified service of the service of any such political subdivision of the State,
7 hold a public hearing to determine whether or not it is practicable to deter-
8 mine merit and fitness for appointment or promotion to such position by
9 means of competitive or other examination or on the basis of minimum
10 qualification requirements thereof and if it shall be determined that it is not
11 practicable so to do, it shall record and publish its findings in which it shall
12 state the basis upon which such determination is made and, thereafter, such
13 position shall be in the unclassified service of the service of such political
14 subdivision of the State.

1 9. The taking effect of this act shall not in any manner affect the civil
2 service status of any person holding office or position in the classified or
3 unclassified division of the civil service of the State or any county, munic-
4 pality or school district on the date when this act takes effect.

1 10. This act shall take effect immediately.