

11A:3-5

10/22/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 11A:3-5 and 40A:9-117a (Sheriff's investigators-- up to 15% of positions in sheriff's office)

Laws Of: 1987 Chapter: 113

Bill No: S1403

Sponsor(s): Orechio

Date Introduced: Pre-filed

Committee: Assembly: County Government
Senate: State Government and Federal and Interstate Relations and Veterans' Affairs Committee

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: March 12, 1987
Senate: September 15, 1986

Date of Approval: April 29, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

SENATE STATE GOVERNMENT AND FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 1403

with Senate committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 26, 1986

The Senate State Government Committee reports favorably and with committee amendments Senate Bill No. 1403.

This bill, as amended, allows the sheriff of each county to appoint up to 15% of the total number of sheriff's officers employed by him to the position of sheriff's investigator. Sheriff's investigators shall serve at the pleasure of the sheriff and shall be included in the unclassified service of the civil service. The duties of sheriff's investigators shall be law enforcement investigations and related duties. A person appointed to the position of sheriff's investigator shall complete, within 18 months of appointment, a police training course at an approved school and shall receive certification by the Police Training Commission.

The committee amended the bill to: (1) change the basis for determining the number of sheriff's investigators from the total number of law enforcement personnel employed by a sheriff to the total number of sheriff's officers; (2) specify the duties of the sheriff's investigators to be law enforcement investigations and related duties; (3) specify that no layoff of permanent sheriff's officers is to result from this act; and (4) conform the bill to the latest version of the law.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1403

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1986

The Assembly County Government Committee reports Senate Bill No. 1403 OCR favorably with committee amendments.

Senate Bill No. 1403 OCR, as amended by the committee, amends N. J. S. 11A:3-5 and supplements chapter 9 of Title 40A of the New Jersey Statutes in order to permit the sheriff of any county to appoint, as part of the "unclassified" service, persons to the position of sheriff's investigator. The number of persons a sheriff may appoint to the position may not exceed 15% of the total number of sheriff's officers. As "unclassified" personnel, appointees would serve at the pleasure of the sheriff making the appointment.

A sheriff's investigator is to have the same compensation, benefits, powers and police officer status that a sheriff's investigator are to be law enforcement investigations and related duties.

Under the provisions of the bill, a person appointed to the position of sheriff's investigator must complete, within 18 months of appointment, a police training course at an approved school and be certified by the Police Training Commission.

Finally, the bill specifies that there are to be no layoffs of permanent sheriff's officers and their replacement by sheriff's investigators.

The committee amendments are technical in nature. They were adopted in order to bring the provisions of the bill into conformance with the recently enacted civil service law (Chapter 11A, Civil Service, of the New Jersey Statutes).

SENATE, No. 1403

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION
By Senator ORECHIO

SENATE, No. 2683

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1985

By Senator ORECHIO

Referred to Committee on County and Municipal Government

**AN ACT concerning the appointment of certain sheriff's officers,
amending R. S. 11:22-2 and supplementing chapter 9 of Title 40A
of the New Jersey Statutes.**

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

1 1. **R. S. 11:22-2 is amended to read as follows:**

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

4 a. **Officers elected by popular vote;**

5 b. **Members of district boards of elections; employees in voting**
6 **machine departments and the chief deputy, chief clerk, secretary,**
7 **clerical and other assistants or employees appointed by the super-**
8 **intendents of elections and commissioners of registration in coun-**
9 **ties of the first class having less than 800,000 inhabitants, and by**
10 **the county boards of elections in all other counties and such of said**
11 **officers, assistants and employees as are appointed by superin-**
12 **tendents of elections in counties of the first class having more than**
13 **800,000 inhabitants, to serve for terms of six months or less in any**
14 **one year;**

15 c. **Appointments of the mayor;**

16 d. **Heads of municipal departments, the members of commissions**
17 **and boards elected by the board of aldermen, common council or**
18 **other governing body of any county, municipality or school district**
19 **operating under this subtitle;**

20 e. **Heads of such county departments as are created by the**
21 **administrative code of any county organized pursuant to any of**

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

Matter printed in italics *thus* is new matter.

22 the plans contained in the "Optional County Charter Law" (P. L.
23 1972, c. 154; C. 40:41A-1 et seq.), which departments shall not
24 exceed 12 in number, and the heads of any division created within
25 such departments; provided, however, that the total number of
26 positions created pursuant to this subsection by the administrative
27 code shall not exceed 20 in number;

28 f. Law officers of a county, municipality or school district operat-
29 ing under this subtitle;

30 g. Teaching staff members, as defined in N. J. S. 18A:1-1, in the
31 public schools and county superintendents and members and busi-
32 ness managers of boards of education;

33 h. Police magistrates appointed by the mayor or other head
34 officer of the municipality operating under this subtitle;

35 i. Officers and employees of county park commissioners in
36 counties of the second class, appointed under the provisions of
37 R. S. 40:37-96 to R. S. 40:37-174;

38 j. The superintendent of a county hospital for persons suffering
39 from communicable diseases, appointed under the provisions of
40 R. S. 30:9-61 and R. S. 30:9-69; and

41 k. The deputy or first assistant of principal executive officers
42 authorized by law to act generally for and in place of his principal;

43 l. The legal assistants of the law departments of the counties,
44 municipalities or school districts operating under this subtitle
45 except as herein otherwise provided;

46 m. One secretary, clerk or executive director of each department,
47 appointed board or commission authorized by law to appoint a
48 secretary, clerk or executive director;

49 n. One secretary or confidential aide, if so provided in the ad-
50 ministrative code of any county organized pursuant to any of the
51 plans contained in the "Optional County Charter Law," to be ap-
52 pointed by each head of any county department or of any designated
53 division within such department, when the head of any such divi-
54 sion is an unclassified position;

55 o. One private secretary or clerk or stenographer of each judge
56 or principal executive officer;

57 p. All officials of county or municipal institutions who must of
58 necessity be physicians;

59 q. Offices or positions whose incumbents by specific statute serve
60 for fixed terms, or whose incumbents by specific statute serve at
61 the pleasure of the appointing authority;

62 r. One council, secretary to the municipal council appointed by
63 the council in any city of the first class with a population of less
64 than 300,000;

65 a. All directors of municipal free public libraries in cities of
66 the first class having a population of not less than 300,000 in-
67 habitants;

68 t. The following positions in school districts which have been
69 reorganized pursuant to P. L. 1975, c. 169 (C. 18A:17-1 et seq.):

70 Executive director of board affairs;

71 Executive director of personnel;

72 Executive director of the budget;

73 Executive director of purchasing;

74 Executive director of physical facilities;

75 Executive director of data processing;

76 Executive director of financial affairs;

77 Executive controller;

78 Executive director of internal audit; and

79 Public information officer;

80 u. One confidential secretary, for each member of the board of
81 freeholders of any county which has not adopted the provision of
82 the "Optional County Charter Law" (P. L. 1972, c. 154; C.
83 40A:41A-1 et seq.); provided, however, that this subsection shall
84 not be construed so as to authorize a board of chosen freeholders
85 to increase the number of secretaries attached to such board of
86 chosen freeholders upon the effective date of this amendatory act;

87 v. The following positions in local housing authorities:

88 Executive director;

89 Assistant executive director;

90 Personnel officer;

91 Director of staff operations;

92 Director of administration;

93 Director of redevelopment; and

94 Urban initiatives coordinator;

95 w. Those management and executive positions in county hospitals
96 in counties of the first class having less than 850,000 but more than
97 800,000 inhabitants, which have been designated pursuant to a
98 management plan which has met the approval of the hospital board
99 of managers, the governing body of the county, and the Commis-
100 sioner of Health; [and]

101 x. The sheriff's investigators of any county appointed pursuant
102 to P. L. c. (C.) (now pending before the Legisla-
103 ture as Senate Bill No. 2683 of 1985; and

104 [x.] y. Such other officers and positions not now included in the
105 unclassified service by this section or by any other statute, as the
106 Civil Service Commission shall, from time to time, determine,
107 according to law, to be in the unclassified service.

1 2. (New section) The sheriff of each county may appoint a
2 number of persons, not to exceed 15% of the total number of law
3 enforcement personnel employed by the sheriff and set forth in the
4 sheriff's table of organization in the county budget, to the posi-
5 tion of sheriff's investigator. All sheriff's investigators shall serve
6 at the pleasure of the sheriff making their appointment and shall
7 be included in the unclassified service of the civil service.

8 A sheriff's investigator appointed pursuant to this section shall
9 have the same compensation, benefits, duties, powers and police
10 officer status as is granted to other sheriff's officers. A person
11 appointed to the position of sheriff's investigator shall, within
12 18 months of appointment, complete a police training course at an
13 approved school and receive certification by the Police Training
14 Commission as provided in P. L. 1961, c. 56 (C. 52:17B-66 et seq.).

1 3. This act shall take effect immediately.

Sponsor's STATEMENT

The purpose of this bill is to permit the sheriff of each county to appoint up to 15% of his law enforcement staff to the position of sheriff's investigator. The bill would not increase the number of law enforcement officers employed by the sheriff, but would enable a sheriff to appoint personnel who have special law enforcement investigative skills.

An individual appointed to the position of sheriff's investigator would be in the unclassified service of the civil service and would serve at the pleasure of the sheriff making the appointment.

Under the provisions of the bill, a person appointed as a sheriff's investigator would have full police powers if certified by the Police Training Commission as having completed a police training course at an approved school.

48 118 1986
[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1403

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator ORECHIO

AN ACT concerning the appointment of ***[certain]*** sheriff's ***[officers]*** **investigators**, amending ****[R. S. 11:22-2]**** ****N. J. S. 11A:3-5**** and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

1 ****[1. R. S. 11:22-2 is amended to read as follows:**

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

4 a. Officers elected by popular vote;

5 b. Members of district boards of elections; employees in voting
6 machine departments and the chief deputy, chief clerk, secretary,
7 clerical and other assistants or employees appointed by the super-
8 intendants of elections and commissioners of registration in coun-
9 ties of the first class having less than 800,000 inhabitants, and by
10 the county boards of elections in all other counties and such of said
11 officers, assistants and employees as are appointed by superin-
12 tendents of elections in counties of the first class having more than
13 800,000 inhabitants, to serve for terms of six months or less in any
14 one year;

15 c. Appointments of the mayor;

16 d. Heads of municipal departments, the members of commissions
17 and boards elected by the board of aldermen, common council or
18 other governing body of any county, municipality or school district
19 operating under this subtitle;

20 e. Heads of such county departments as are created by the
21 administrative code of any county organized pursuant to any of

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

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 8, 1986.

**—Assembly committee amendments adopted December 15, 1986.

22 the plans contained in the "Optional County Charter Law" (P. L.
 23 1972, c. 154; C. 40:41A-1 et seq.), which departments shall not
 24 exceed 12 in number, and the heads of any division created within
 25 such departments; provided, however, that the total number of
 26 positions created pursuant to this subsection by the administrative
 27 code shall not exceed 20 in number;

28 f. Law officers of a county, municipality or school district operat-
 29 ing under this subtitle;

30 g. Teaching staff members, as defined in N. J. S. 18A:1-1, in the
 31 public schools and county superintendents and members and busi-
 32 ness managers of boards of education;

33 h. Police magistrates appointed by the mayor or other head
 34 officer of the municipality operating under this subtitle;

35 i. Officers and employees of county park commissioners in
 36 counties of the second class, appointed under the provisions of
 37 R. S. 40:37-96 to R. S. 40:37-174;

38 j. The superintendent of a county hospital for persons suffering
 39 from communicable diseases, appointed under the provisions of
 40 R. S. 30:9-61 and R. S. 30:9-69; ***[and]***

41 k. The deputy or first assistant of principal executive officers
 42 authorized by law to act generally for and in place of his principal;

43 l. The legal assistants of the law departments of the counties,
 44 municipalities or school districts operating under this subtitle
 45 except as herein otherwise provided;

46 m. One secretary, clerk or executive director of each department,
 47 appointed board or commission authorized by law to appoint a
 48 secretary, clerk or executive director;

49 n. One secretary or confidential aide, if so provided in the ad-
 50 ministrative code of any county organized pursuant to any of the
 51 plans contained in the "Optional County Charter Law," **or by*
 52 *the organization or reorganization resolution of any other county*
 53 *of the second class with a population of at least 470,000,** to be
 54 appointed by each head of any county department or of any
 55 designated division within such department, when the head of any
 56 such division is an unclassified position **pursuant to the provisions*
 57 *of subsection e. above. The total number of these appointments*
 58 *shall not exceed 20 in any county*;*

58A o. One private secretary or clerk or stenographer of each judge
 58B or principal executive officer;

58C p. All officials of county or municipal institutions who must of
 58D necessity be physicians;

59 q. Offices or positions whose incumbents by specific statute serve
 60 for fixed terms, or whose incumbents by specific statute serve at
 61 the pleasure of the appointing authority;

62 r. One council, secretary to the municipal council appointed by
63 the council in any city of the first class with a population of less
64 than 300,000;

65 s. All directors of municipal free public libraries in cities of
66 the first class having a population of not less than 300,000 in-
67 habitants;

68 t. The following positions in school districts which have been
69 reorganized pursuant to P. L. 1975, c. 169 (*[C. 18A:17-1]*
69A *C. 18A:17A-1* et seq.):

70 Executive director of board affairs;
71 Executive director of personnel;
72 Executive director of the budget;
73 Executive director of purchasing;
74 Executive director of physical facilities;
75 Executive director of data processing;
76 Executive director of financial affairs;
77 Executive controller;
78 Executive director of internal audit; and
79 Public information officer;

80 u. One *[confidential]* secretary **and one confidential aide**,
81 for each member of the board of freeholders **other than the*
82 *director, and one secretary and two confidential aides for the*
83 *freeholder director,** of any county **of the second class with a*
84 *population of at least 470,000** which has not adopted the provision
85 of the "Optional County Charter Law" (P. L. 1972, c. 154; C.
86 40A:41A-1 et seq.) **and one confidential secretary for each mem-*
87 *ber of the board of freeholders of any other county which has not*
88 *adopted the provisions of the "Optional County Charter Law"**;
88A provided, however, that this subsection shall not be construed
88B so as to authorize a board of chosen freeholders to increase the
88C number of secretaries attached to such board of chosen freeholders
88D upon the effective date of this amendatory act;

88E v. The following positions in local housing authorities:

88F Executive director;
89 Assistant executive director;
90 Personnel officer;
91 Director of staff operations;
92 Director of administration;
93 Director of redevelopment; and
94 Urban initiatives coordinator;

95 w. Those management and executive positions in county hospitals
96 in counties of the first class having less than 850,000 but more than
97 800,000 inhabitants, which have been designated pursuant to a

98 management plan which has met the approval of the hospital board
 99 of managers, the governing body of the county, and the Commis-
 100 sioner of Health; **[and]**

101 *x. The sheriff's investigators of any county appointed pursuant*
 102 *to P. L. c. (C.) (now pending before the Legisla-*
 103 *ture as this bill; and*

104 **[x.] y.** Such other officers and positions not now included in the
 105 unclassified service by this section or by any other statute, as the
 106 Civil Service Commission shall, from time to time, determine,
 107 according to law, to be in the unclassified service. **]****

1 **1. N. J. S. 11A:3-5 is amended to read as follows:

2 11A:3-5. Political subdivision unclassified service. The political
 3 subdivision unclassified service shall not be subject to the provi-
 4 sions of this title unless otherwise specified and shall include the
 5 following:

- 6 a. Elected officials;
- 7 b. One secretary and one confidential assistant to each mayor;
- 8 c. Members of boards and commissions authorized by law;
- 9 d. Heads of institutions;
- 10 e. Physicians, surgeons and dentists;
- 11 f. Attorneys of a county, municipality or school district operat-
 12 ing under this title;
- 13 g. Teaching staff as defined in N. J. S. 18A:1-1 in the public
 14 schools and county superintendents and members and business
 15 managers of boards of education;
- 16 h. Principal executive officers;
- 17 i. One secretary, clerk or executive director to each department,
 18 board and commission authorized by law to make the appointment;
- 19 j. One secretary or clerk to each county constitutional officer,
 20 principal executive officer, and judge;
- 21 k. One deputy or first assistant to a principal executive officer
 22 who is authorized by statute to act for and in place of the principal
 23 executive officer;
- 24 l. No more than 12 county department heads and the heads of
 25 divisions within such departments provided that the total number
 26 of unclassified positions created by the county administrative code
 27 pursuant to this subsection shall not exceed 20;
- 28 m. One secretary or confidential assistant to each unclassified
 29 department or division head established in subsection 1;
- 30 n. Employees of county park commissions appointed pursuant to
 31 R. S. 40:37-96 through R. S. 40:37-174 in counties of the second
 32 class;

33 o. Directors of free public libraries in cities of the first class
34 having a population of more than 300,000;

35 p. One secretary to the municipal council in cities of the first
36 class having a population of less than 300,000;

37 q. One secretary and one confidential aide for each member of
38 the board of freeholders other than the director, and one secretary
39 and two confidential aides for the freeholder director, of any county
40 of the second class with a population of at least 470,000 which has
41 not adopted the provisions of the "Optional County Charter Law,"
42 P. L. 1972, c. 154 (C. 40:41A-1 et seq.) and one secretary or con-
43 fidential aide for each member of the board of freeholders of any
44 other county which has not adopted the provisions of the "Optional
45 County Charter Law";

46 r. In school districts organized pursuant to N. J. S. 18A:17-1
47 et seq., the executive controller, public information officer and the
48 executive directors of board affairs, personnel, budget, purchasing,
49 physical facilities, data processing, financial affairs, and internal
50 audits;

51 s. The executive director, assistant executive director, director
52 of staff operations, director of administration, director of rede-
53 velopment and the urban initiatives coordinator of a local housing
54 authority; **[and]**

55 *t. The sheriff's investigators of any county appointed pursuant*
56 *to P. L. , c. (C.) (now pending before the*
57 *Legislature as this bill); and*

58 **[t.] u.** All other titles as provided by statute or as the board may
59 determine in accordance with criteria established by rule.**

1 2. (New section) The sheriff of each county may appoint a
2 number of persons, not to exceed 15% of the total number of ***[law**
3 **enforcement personnel]*** **sheriff's officers** employed by the sheriff
4 and set forth in the sheriff's table of organization in the county
5 budget, to the position of sheriff's investigator. All sheriff's in-
6 vestigators shall serve at the pleasure of the sheriff making their
7 appointment and shall be included in the unclassified service of
8 the civil service.

9 A sheriff's investigator appointed pursuant to this section shall
10 have the same compensation, benefits, ***[duties,]*** powers and
11 police officer status as is granted to ***[other]*** sheriff's officers.
12 **The duties of sheriff's investigators shall be law enforcement*
13 *investigations and related duties.** A person appointed to the
14 position of sheriff's investigator shall, within 18 months of ap-
15 pointment, complete a police training course at an approved

16 school and receive certification by the Police Training Commission
17 as provided in P. L. 1961, c. 56 (C. 52:17B-66 et seq.). **The im-*
18 *plementation of this act shall not result in the layoff of permanent*
19 *sheriff's officers.**

1 3. This act shall take effect immediately.

LOCAL OFFICERS AND EMPLOYEES

Allows county sheriff's to appoint sheriff's investigators.
