

# 40A:14-9.9

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2010          **CHAPTER:** 43

**NJSA:** 40A:14-9.9 (Extends time period during which municipal fire departments may hire certain laid off firefighters)

**BILL NO:** A2031 (Substituted for S1799)

**SPONSOR(S)** Johnson and others

**DATE INTRODUCED:** February 8, 2010

**COMMITTEE:**          **ASSEMBLY:** Law and Public Safety

**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**          **ASSEMBLY:** February 25, 2010

**SENATE:** May 20, 2010

**DATE OF APPROVAL:** July 2, 2010

### **FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced version of bill enacted)

#### **A2031**

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill)

Yes

**COMMITTEE STATEMENT:**

**ASSEMBLY:**

Yes

**SENATE:**

Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

No

#### **S1799**

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill)

Yes

**COMMITTEE STATEMENT:**

**ASSEMBLY:**

No

**SENATE:**

Yes

**FLOOR AMENDMENT STATEMENT:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/KR

# ASSEMBLY, No. 2031

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Co-Sponsored by:**

**Assemblymen Wilson, Conners, Chivukula, Senators Norcross, Girgenti,  
Ruiz and Whelan**

**SYNOPSIS**

Extends time period during which municipal fire departments may hire certain laid off firefighters.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/21/2010)**

A2031 JOHNSON, COUTINHO

2

1 AN ACT concerning the employment of certain firefighters and  
2 amending P.L.1993, c.187 and P.L.1996, c.140.

3

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

6

7 1. Section 2 of P.L.1993, c.187 (C.40A:14-9.9) is amended to  
8 read as follows:

9 2. a. The provisions of any other law to the contrary  
10 notwithstanding, the appointing authority of a municipality which,  
11 pursuant to N.J.S.40A:14-7, has established and maintains a paid or  
12 part-paid fire department and force may appoint as a member or  
13 officer of the municipal fire department and force any person who:

14 (1) was serving as an officer or member in good standing in any  
15 paid or part-paid municipal fire department and force;

16 (2) satisfactorily completed a working test period in a firefighter  
17 title in a municipality which has adopted Title 11A, Civil Service,  
18 of the New Jersey Statutes or satisfactorily completed a  
19 comparable, documented probationary period in a firefighter title in  
20 a municipality which has not adopted Title 11A, Civil Service; and

21 (3) was, for reasons of economy, terminated as a firefighter  
22 within **[36]** 60 months prior to the appointment.

23 b. A municipality may employ such a person notwithstanding  
24 that:

25 (1) Title 11A, Civil Service, of the New Jersey Statutes is  
26 operative in that municipality;

27 (2) the municipality has available to it an eligible or regular  
28 reemployment list of persons eligible for such appointments; and

29 (3) the appointed person is not on any eligible list. A  
30 municipality which has adopted Title 11A, Civil Service, may not  
31 employ such a person if a special reemployment list is in existence  
32 for the firefighter title to be filled.

33 c. If a municipality determines to appoint a person pursuant to  
34 the provisions of this act, it shall give first priority in making such  
35 appointments to residents of the municipality and second priority to  
36 residents of the county not residing in the municipality.

37 d. The seniority, seniority-related privileges and rank a  
38 firefighter possessed with the employer who terminated the  
39 firefighter's employment for reasons of economy shall not be  
40 transferable to a new position when the firefighter is appointed to a  
41 firefighter position pursuant to the provisions of this section.

42 (cf: P.L.1993, c.187, s.2)

43

44 2. Section 1 of P.L.1996, c.140 (C.40A:14-182) is amended to  
45 read as follows:

**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 underlined thus is new matter.

1       1. a. The provisions of any other law to the contrary  
2 notwithstanding, the appointing authority of a municipality which,  
3 pursuant to N.J.S.40A:14-7, has established and maintains a paid or  
4 part-paid fire department and force or the board of fire  
5 commissioners in the case of a fire district established pursuant to  
6 the provisions of N.J.S.40A:14-70 et seq., may appoint as a member  
7 or officer of that fire department or force any person who:

8       (1) was serving as a civilian federal firefighter in good standing  
9 at any U.S. military installation in the State;

10       (2) satisfactorily completed such firefighter training as is  
11 required for employment as a civilian federal firefighter; and

12       (3) was, as a consequence of the closure of a federal military  
13 installation in this State, terminated as a civilian federal firefighter  
14 within **[48]** 60 months prior to the appointment.

15       b. A municipality may employ such a person notwithstanding  
16 that:

17       (1) Title 11A, Civil Service, of the New Jersey Statutes is  
18 operative in that municipality;

19       (2) the municipality has available to it an eligible or regular  
20 reemployment list of persons eligible for such appointments; and

21       (3) the appointed person is not on any eligible list. A  
22 municipality which has adopted Title 11A, Civil Service, may not  
23 employ such a person if a special reemployment list is in existence  
24 for the firefighter title to be filled.

25       c. If a municipality determines to appoint a person pursuant to  
26 the provisions of this act, it shall give first priority in making such  
27 appointments to residents of the municipality and second priority to  
28 residents of the county not residing in the municipality.

29       d. The seniority, seniority-related privileges and rank a civilian  
30 federal firefighter possessed while employed at a federal military  
31 installation shall not be transferable to a position in a municipal fire  
32 department and force obtained pursuant to the provisions of this  
33 section.

34       e. To effectuate the purposes of this section, the Civil Service  
35 Commission shall prepare and circulate, to those municipalities  
36 which have established and maintain fire departments and forces  
37 pursuant to N.J.S.40A:14-7, and to boards of fire commissioners in  
38 the case of fire districts established pursuant to the provisions of  
39 N.J.S.40A:14-70 et seq., a list of civilian federal firefighters eligible  
40 for appointment under the provisions of this section. The Civil  
41 Service Commission shall also circulate the list to municipalities  
42 and fire districts that have not adopted Title 11A, Civil Service, of  
43 the New Jersey Statutes.

44       Placement on the list compiled by the department shall be  
45 governed by length of service as a federal firefighter. A federal  
46 firefighter may apply for placement on the list at the time he or she  
47 receives a notice of termination of position or a priority placement

1 program notice, and shall remain on the list for a period of four  
2 years.

3 (cf: P.L.2008, c.29, s.100)

4

5 3. This act shall take effect immediately.

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STATEMENT

9

10 This bill would permit a paid or part-paid municipal fire  
11 department to hire a laid off fire fighter without utilizing any Civil  
12 Service lists provided, in part, that the termination occurred within  
13 60 months prior to appointment with the new fire department.

14 Under current law, a firefighter who was laid off for reasons of  
15 the economy may be appointed to a new position with another  
16 municipality within 36 months of the termination without utilizing  
17 any Civil Service lists. In addition, a federal civilian fire fighter  
18 who was laid off as a consequence of the closure of a federal  
19 military installation in this State may be appointed to a new position  
20 within 48 months of the termination.

21 This bill extends that time period to 60 months in order to be  
22 consistent with the current reemployment policy for laid off police  
23 officers.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2031

# STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2010

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2031.

Assembly Bill No. 2031 permits a paid or part-paid municipal fire department to hire a laid off fire fighter without utilizing any Civil Service lists provided, in part, that the termination occurred within 60 months prior to appointment with the new fire department.

Under current law, a firefighter who was laid off for reasons of economy may be appointed to a new position with another municipality within 36 months of the termination without utilizing any Civil Service lists.

The bill also permits these fire departments to hire a laid off civilian federal firefighter without utilizing any Civil Service lists, if the termination occurred within 60 months prior to the new appointment. Under current law, a federal civilian fire fighter who was laid off as a consequence of the closure of a federal military installation in this State may be appointed to a new position within 48 months of the termination.

This bill extends these time periods to 60 months in order to be consistent with the current reemployment policy for laid off police officers.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2031**

**STATE OF NEW JERSEY**

DATED: MAY 10, 2010

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2031.

This bill permits a paid or part-paid municipal fire department to hire a laid off fire fighter without utilizing any Civil Service lists provided, in part, that the termination occurred within 60 months prior to appointment with the new fire department.

Under current law, a firefighter who was laid off for reasons of economy may be appointed to a new position with another municipality within 36 months of the termination without utilizing any Civil Service lists.

The bill also permits these fire departments to hire a laid off civilian federal firefighter without utilizing any Civil Service lists, if the termination occurred within 60 months prior to the new appointment. Under current law, a federal civilian fire fighter who was laid off as a consequence of the closure of a federal military installation in this State may be appointed to a new position within 48 months of the termination.

This bill extends these time periods to 60 months in order to be consistent with the current reemployment policy for laid off police officers.



# SENATE, No. 1799

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 15, 2010

**Sponsored by:**

**Senator DONALD NORCROSS**  
**District 5 (Camden and Gloucester)**  
**Senator JOHN A. GIRGENTI**  
**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Ruiz, Whelan and Stack**

**SYNOPSIS**

Extends time period during which municipal fire departments may hire certain laid off firefighters.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2010)**

S1799 NORCROSS, GIRGENTI

2

1 AN ACT concerning the employment of certain firefighters and  
2 amending P.L.1993, c.187 and P.L.1996, c.140.

3

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

6

7 1. Section 2 of P.L.1993, c.187 (C.40A:14-9.9) is amended to  
8 read as follows:

9 2. a. The provisions of any other law to the contrary  
10 notwithstanding, the appointing authority of a municipality which,  
11 pursuant to N.J.S.40A:14-7, has established and maintains a paid or  
12 part-paid fire department and force may appoint as a member or  
13 officer of the municipal fire department and force any person who:

14 (1) was serving as an officer or member in good standing in any  
15 paid or part-paid municipal fire department and force;

16 (2) satisfactorily completed a working test period in a firefighter  
17 title in a municipality which has adopted Title 11A, Civil Service,  
18 of the New Jersey Statutes or satisfactorily completed a  
19 comparable, documented probationary period in a firefighter title in  
20 a municipality which has not adopted Title 11A, Civil Service; and

21 (3) was, for reasons of economy, terminated as a firefighter  
22 within **[36]** 60 months prior to the appointment.

23 b. A municipality may employ such a person notwithstanding  
24 that:

25 (1) Title 11A, Civil Service, of the New Jersey Statutes is  
26 operative in that municipality;

27 (2) the municipality has available to it an eligible or regular  
28 reemployment list of persons eligible for such appointments; and

29 (3) the appointed person is not on any eligible list. A  
30 municipality which has adopted Title 11A, Civil Service, may not  
31 employ such a person if a special reemployment list is in existence  
32 for the firefighter title to be filled.

33 c. If a municipality determines to appoint a person pursuant to  
34 the provisions of this act, it shall give first priority in making such  
35 appointments to residents of the municipality and second priority to  
36 residents of the county not residing in the municipality.

37 d. The seniority, seniority-related privileges and rank a  
38 firefighter possessed with the employer who terminated the  
39 firefighter's employment for reasons of economy shall not be  
40 transferable to a new position when the firefighter is appointed to a  
41 firefighter position pursuant to the provisions of this section.

42 (cf: P.L.1993, c.187, s.2)

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6 the provisions of N.J.S.40A:14-70 et seq., may appoint as a member  
7 or officer of that fire department or force any person who:

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9 at any U.S. military installation in the State;

10       (2) satisfactorily completed such firefighter training as is  
11 required for employment as a civilian federal firefighter; and

12       (3) was, as a consequence of the closure of a federal military  
13 installation in this State, terminated as a civilian federal firefighter  
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15       b. A municipality may employ such a person notwithstanding  
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23 employ such a person if a special reemployment list is in existence  
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34       e. To effectuate the purposes of this section, the Civil Service  
35 Commission shall prepare and circulate, to those municipalities  
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37 pursuant to N.J.S.40A:14-7, and to boards of fire commissioners in  
38 the case of fire districts established pursuant to the provisions of  
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41 Service Commission shall also circulate the list to municipalities  
42 and fire districts that have not adopted Title 11A, Civil Service, of  
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44       Placement on the list compiled by the department shall be  
45 governed by length of service as a federal firefighter. A federal  
46 firefighter may apply for placement on the list at the time he or she  
47 receives a notice of termination of position or a priority placement

1 program notice, and shall remain on the list for a period of four  
2 years.

3 (cf: P.L.2008, c.29, s.100)

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5 3. This act shall take effect immediately.

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STATEMENT

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10 This bill would permit a paid or part-paid municipal fire  
11 department to hire a laid off fire fighter without utilizing any Civil  
12 Service lists provided, in part, that the termination occurred within  
13 60 months prior to appointment with the new fire department.

14 Under current law, a firefighter who was laid off for reasons of  
15 economy may be appointed to a new position with another  
16 municipality within 36 months of the termination without utilizing  
17 any Civil Service lists.

18 The bill also permits these fire departments to hire a laid off  
19 civilian federal firefighter without utilizing any Civil Service lists,  
20 if the termination occurred within 60 months prior to the new  
21 appointment. Under current law, a federal civilian fire fighter who  
22 was laid off as a consequence of the closure of a federal military  
23 installation in this State may be appointed to a new position within  
24 48 months of the termination.

25 This bill extends these time periods to 60 months in order to be  
26 consistent with the current reemployment policy for laid off police  
27 officers.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 1799

# STATE OF NEW JERSEY

DATED: MAY 10, 2010

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1799.

This bill permits a paid or part-paid municipal fire department to hire a laid off fire fighter without utilizing any Civil Service lists provided, in part, that the termination occurred within 60 months prior to appointment with the new fire department.

Under current law, a firefighter who was laid off for reasons of economy may be appointed to a new position with another municipality within 36 months of the termination without utilizing any Civil Service lists.

The bill also permits these fire departments to hire a laid off civilian federal firefighter without utilizing any Civil Service lists, if the termination occurred within 60 months prior to the new appointment. Under current law, a federal civilian fire fighter who was laid off as a consequence of the closure of a federal military installation in this State may be appointed to a new position within 48 months of the termination.

This bill extends these time periods to 60 months in order to be consistent with the current reemployment policy for laid off police officers.