

40A:14-9

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:14-9 (Firemen - H.S. diploma)  
LAWS 1981 CHAPTER 19  
Bill No. S516  
Sponsor(s) Gregorio and others  
Date Introduced Pre-filed  
Committee: Assembly Municipal Government  
Senate Law, Public Safety and Defense

Amended during passage ~~YES~~ No

Date of Passage: Assembly Dec. 8, 1980

Senate Sept. 22, 1980

Date of approval Feb. 6, 1981

Following statements are attached if available:

Sponsor statement Yes ~~NO~~ (Below)

Committee Statement: Assembly Yes ~~NO~~

Senate Yes ~~NO~~

Fiscal Note ~~YES~~ No

Veto Message ~~YES~~ No

Message on signing ~~YES~~ No

Following were printed:

Reports ~~YES~~ No

Hearings ~~YES~~ No

Sponsors' statement:

The purpose of this amandatory act is to insure that all individuals appointed as permanent paid firemen have a high school diploma or an equivalency certificate.

6/21/81

SENATE, No. 516

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators GREGORIO, A. RUSSO, GRAVES, BEDELI,  
and WEISS

AN ACT concerning the appointment of firemen and amending  
N. J. S. 40A:14-9.

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

1 1. N. J. S. 40A:14-9 is amended to read as follows:

2 40A:14-9. Except as otherwise provided by law, no person shall  
3 be appointed as a member of the paid or as a paid member of a  
4 part-paid fire department and force, unless he:

5 (1) is a citizen of the United States;

6 (2) is sound in body and of good health sufficient to satisfy the  
7 board of trustees of the police and firemen's retirement system of  
8 New Jersey as to his eligibility for membership in the retirement  
9 system;

10 (3) *has a high school diploma or an equivalency certificate and*  
11 *is able to read, write and speak the English language well and*  
12 *intelligently;*

13 (4) is of good moral character; and

14 (5) has not been convicted of any criminal offense involving  
15 moral turpitude.

16 The appointing body, officer or officers of the municipality when  
17 authorized so to do, may employ such officers and other personnel  
18 for said paid or part-paid fire department and force as temporary  
19 employees in emergencies, or for certain specified parts of the  
20 year, as needed.

21 Except as otherwise provided by law, any permanent paid mem-  
22 ber or officer of such paid or part-paid fire department and force,  
23 who is absent from duty without just cause or leave of absence,  
24 for a continuous period of 5 days, shall cease to be a member of  
25 such paid or part-paid fire department.

1 2. This act shall take effect immediately.

**STATEMENT**

The purpose of this amendatory act is to insure that all individuals appointed as permanent paid firemen have a high school diploma or an equivalency certificate.

---

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 516

**STATE OF NEW JERSEY**

DATED: NOVEMBER 10, 1980

This bill requires that persons appointed as paid firemen possess a high school diploma or equivalency certificate. The committee holds that fulfillment of this requirement will help ensure the necessary level of competence among firefighters, particularly at a time when the job requires the use of increasingly complex equipment and sophistication in combatting chemical fires.

Until July, 1979, the Civil Service Commission required individuals to hold a diploma or certificate in order to take the Civil Service examination for firemen. This standard should not have been relaxed.

The committee is mindful of a Spring, 1980 consent decree entered into between the U. S. Attorney General and the State of New Jersey and twelve New Jersey municipalities in which the municipalities (Atlantic City, Camden, East Orange, Elizabeth, Hoboken, Jersey City, Newark, New Brunswick, Passaic, Paterson, Plainfield, and Trenton) agreed to alter hiring practices so that from one-third to four-fifths of all firemen vacancies depending on the municipality, would be filled by qualified minority candidates.

The U. S. Attorney General's Office has advised the Committee, in an informal opinion, that if these goals are met, the fact that candidates are required to have a diploma or certificate should have no bearing on the consent decree.

Therefore, the notion that the imposition of an educational requirement violates affirmative action and civil rights considerations, is doubtful.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
SENATE, No. 516

STATE OF NEW JERSEY

DATED: JUNE 23, 1980

This bill would require all individuals appointed as permanent paid firemen to have a high school diploma or an equivalency certificate. The purpose of the bill is to upgrade the requirements for firefighters. Spokesmen for the Fire Fighters Association of New Jersey and the New Jersey State Firemen's Mutual Benevolent Association both spoke in favor of the bill.

They indicated that modern firefighting often requires a thorough understanding of chemical fires and the use of sophisticated equipment.

A high school diploma or equivalency certificate requirement would help to insure a consistent level of competency in firefighters.

They also found out that as an incidental benefit, those who intend to become firemen will have an additional inducement to remain in school until they graduate.

The New Jersey State League of Municipalities opposes the bill on the ground that such a requirement would violate affirmative action and civil rights consideration unless such a requirement could be demonstrated necessary for job performance.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 9, 1981

PATRICK SWEENEY

Governor Brendan Byrne signed the following bills:

S-516, sponsored by Senator John T. Gregorio (D-Union), which mandates that any paid firemen have a high school diploma or equivalency certificate. The legislation indicates the increasing use of sophisticated fire fighting equipment makes the higher educational requirement necessary.

S-634, sponsored by Senator Joseph Maressa (D-Camden), which tightens enforcement by making it a violation of state law to park an unauthorized vehicle in a parking space reserved for the use of the physically handicapped. This bill specifies a penalty of a \$50 fine and 15 days in jail. The bill also provides for enforcement of the law in private parking lots and shopping centers. Under present law, vehicles authorized to use handicapped parking spaces must bear handicapped license plates or display a special certificate.

S-646, sponsored by Senator Joseph Marlino (D-Mercer), which amends the law establishing the constituent membership of the State Law Enforcement Planning Agency to include two members to be appointed by the Senate President and the Speaker of the General Assembly, as well as the Chief Justice of the State Supreme Court, a Superior Court trial judge, the Administrative Director of the Courts and the chairman and two members of the Juvenile Justice and Delinquency Prevention Advisory Committee.

S-885, sponsored by Senator Brian T. Kennedy (R-Monmouth), which amends the Criminal Code to provide that a person is guilty of a robbery if force is used upon a victim. The bill insures that purse snatching may be prosecuted as a second degree crime under the robbery statute, rather than as a third degree crime under theft.

S-1007, sponsored by Senator Frank J. Dodd (D-Essex), which prohibits a board of education member in a local and regional school district from holding office as a mayor or as a member of the governing body of a municipality. In addition, members of county special services school districts and county vocational school districts are prohibited from serving as a member of the county governing body.