

11:21-9

LEGISLATIVE HISTORY CHECKLIST

(Public Employee - Leave of absence for elective public office - time credited to seniority rights)

NJSA 11:21-9; 11:21-9.1; 11:24A-7

LAWS 1981

CHAPTER 545

Bill No. A3432

Sponsor(s) T. Gallo

Date Introduced June 8, 1981

Committee: Assembly State Gov't., Federal & Interstate Relations & Veterans Affairs

Senate ---

Amended during passage Yes No

Date of Passage: Assembly Jan. 7, 1982

Senate Jan. 11, 1982

Date of approval Jan. 12, 1982

Following statements are attached if available:

Sponsor statement Yes No

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

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ASSEMBLY, No. 3432

STATE OF NEW JERSEY

INTRODUCED JUNE 8, 1981

By Assemblymen T. GALLO, VISOTCKY and DORIA

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning the retention of seniority rights of employees
in the classified service of Civil Service, amending R. S. 11:21-9,
and amending and supplementing P. L. 1942, c. 253.

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

1 1. R. S. 11:21-9 is amended to read as follows:

2 11:21-9. Coincident with, and subsequent to, the adoption of this
3 subtitle, the seniority rights of officers and employees shall be based
4 upon the length of their respective prior and continuous services,
5 and such additional and continuous services as they may render.

6 In computing the length of service of officers and employees for
7 purposes of determining their seniority rights under this section,
8 all time hereafter during which they shall be absent from duty on
9 leave, without pay, shall be deducted therefrom; provided, how-
10 ever, that if an officer or employee shall be absent on leave, without
11 pay, pursuant to assignment by or approval of the appointing
12 authority and for further education or training directly related in
13 character to the employment from which he is on leave and de-
14 signed to improve his competence or increase his capacity therein,
15 the time so spent shall not be deducted under this paragraph, and
16 provided, further, that if an officer or employee shall be absent
17 from duty on leave, without pay, to fill any elective public office, as
18 provided in section 1 of P. L. 1942, c. 253 (C. 11:24A-7), the time
19 so spent shall not be deducted under this paragraph.

1 2. Section 1 of P. L. 1942, c. 253 (C. 11:24A-7) is amended to
2 read as follows:

3 1. Any person holding office, position or employment, other than
4 for a fixed term or period, in the classified service of any county,
5 municipality or school district operating under Title 11 of the
6 Revised Statutes, upon his written request, shall be granted leave

7 of absence, without pay, to fill any elective public office for the
8 period of the term of such office. Upon the expiration of said term
9 of office, such person shall be entitled to resume the office, position
10 or employment held by him at the time of the granting of said
11 leave of absence; provided, he shall apply therefor before the ex-
12 piration of his said leave of absence; and provided, he shall return
13 to duty within 6 years after the commencement of his leave of
14 absence. *The time spent in serving the term of an elective public*
15 *office by such person, up to a maximum of 6 years from the com-*
16 *mencement of the leave of absence, shall be included in the compu-*
17 *tation of such person's seniority rights.*

18 All appointments to the office, position or employment of such
19 person, during the period of 6 years from the date such leave of
20 absence commences, shall be made from eligible lists as other ap-
21 pointments are made, and such appointments shall during such
22 6-year period be held to be temporary only and shall be terminated
23 on the return to duty within such 6-year period, of the person to
24 whom the leave of absence was granted.

25 In the event that the term of the elective public office of the per-
26 son to whom a leave of absence was granted pursuant to the pro-
27 visions hereof expires after 6 years from the commencement of
28 such leave of absence, the name of such person, upon the expiration
29 of such 6-year period, shall be placed on a special reemployment
30 list which shall take precedence over all lists for any office, position
31 or employment similar to that held by such person at the time of
32 the commencement of his leave of absence; and such person upon
33 expiration of the term of his elective public office after such 6-year
34 period shall be entitled to reemployment in the office, position or
35 employment held by him at the commencement of his leave of ab-
36 sence, if the same is vacant, or otherwise to any similar office,
37 position or employment.

1 3. (New section) Any person who, on or after January 1, 1979
2 and prior to the effective date of this amendatory and supplemen-
3 tary act, returned to office, position or employment following a
4 leave of absence without pay to fill an elective office shall have a
5 period of time on such a leave of absence, up to a maximum of 6
6 years, included in the computation of his seniority rights.

1 4. This act shall take effect immediately.

STATEMENT

This bill amends the present Civil Service law so that a public employee who takes an authorized leave of absence without pay to serve a term in an elective public office will, upon returning to his Civil Service position, have the time spent on leave in elective public office included in the computation of his seniority rights.

Present law permits leaves of absence without pay for public employees to serve in elective public office; however, that leave time is not included in the calculation of seniority rights. A leave of absence without pay for further education or training directly related to the individual's employment is calculated in establishing seniority rights.

A 3432 (1981)

FOR IMMEDIATE RELEASE
JANUARY 13, 1982

FOR FURTHER INFORMATION
Dave DeMaio - Bob Dowd

Governor Brendan Byrne has signed the following Assembly bills:

A-3709, sponsored by Assemblyman Karl Weidel (D-Mercer), corrects an oversight in the 1982 Appropriations Act by increasing the interest paid on delinquent accounts under the Temporary Disability Benefits Law. The Appropriations Act raised the interest paid on delinquent accounts under Unemployment Compensation. Employers receive one bill for both accounts.

A-3571, sponsored by Assemblywoman Leanna Brown (R-Morris), permits school boards to invest, with the employee's consent, a portion of an employee's pay in a mutual fund or annuity.

A-3432, sponsored by Assemblyman Thomas Gallo (D-Hudson), amends the Civil Service law so that a public employee who takes an authorized leave of absence without pay to serve in elective office may, upon returning to his original position, have his elective public service included in the computation of his Civil Service seniority rights. The bill is retroactive to 1979.

A-481, sponsored by Assemblyman David Schwartz (D-Middlesex), permits State grants under the "Inter-local Services Aid Act" for solid waste recycling and joint energy conservation services. The loans would be made by the Department of Community Affairs from an "economy in government" loan fund, which is sustained by repayment of loans.

A-3377, sponsored by Assemblyman Robert Littell (R-Sussex), defines the terms "minerals" and "mineral rights" as they pertain to deeds, leases or other legal instruments that convey or reserve such rights. Specifically, A-3777 provides that water and water rights are not "mineral rights" and must be specified in any leases, deeds or legal instruments.

A-3170, sponsored by Assemblyman John Markert (R-Bergen), permits a municipal government to refund all taxes collected on property owned by a charitable or religious organization, when such organization did not make a timely claim of exemption. However, there is a three year time limit and the organization must show good cause for not having filed for an exemption on time.

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