

40A:14-10.1a et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:14-10.1a et al. (Preference in hiring)

Laws of 1976 Chapter 132

Bill No. S714

Sponsor(s) Hirkala

Date Introduced Pre-filed

Committee: Assembly -

Senate County & Municipal Government

Amended during passage Yes No Amendments during passage denoted by asterisks.

Date of passage: Assembly Dec. 6, 1976

Senate Nov. 15, 1976

Date of approval December 21, 1976

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

974.90
C582
1974a

For background see:

New Jersey. Legislature. Senate. County & Municipal Government Committee.

Public hearing on Senate #961 (An act concerning residence requirements of police and firemen). May 15, 1974.

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SENATE, No. 714

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator HIRKALA

AN ACT concerning municipal police and fire departments, supplementing chapter 14 of Title 40A of the New Jersey Statutes, and repealing sections 3, 5, 13 and 15 of P. L. 1972, c. 3.

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

1 1. a. In any municipality of this State, before any person shall
2 be appointed as a member of the paid fire department or paid mem-
3 ber of a part-paid fire department, the appointing authority
4 ****[shall]**** ***may*** classify all the duly qualified applicants for
5 the position or positions to be filled in the following classes:

6 I. Residents of the municipality.

7 II. Other residents of the county in which the municipality
8 is situate.

9 III. Other residents of the State.

10 IV. All other qualified applicants.

10A **Within each such classification duly qualified applicants who are*
10B *veterans shall be accorded all such veterans' preferences as are*
10C *provided by law. Persons discharged from the service within 6*
10D *months prior to making application to such municipality, who*
10E *fulfill the requirements of N. J. S. 40A:14-10.1, and who, thereby,*
10F *are entitled to appointment notwithstanding their failure to meet*
10G *the New Jersey residency requirement at the time of their initial*
10H *application, shall be placed in Class III.**

11 b. In ****[making such appointments]**** ***any municipality which*
11A *classifies qualified applicants pursuant to subsection a. of this*
12 *section***, the appointing authority shall first appoint all those in
13 Class I and then those in each succeeding class in the order above
14 listed, and shall appoint a person or persons in any such class only
15 to a vacancy or vacancies remaining after all qualified applicants

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

16 in the preceding class or classes have been appointed or have
16A declined an offer of appointment.

17 c. In any such municipality operating under the provisions of
18 Title 11 of the Revised Statutes, the classes of qualified applicants
19 defined in subsection a. of this section shall be considered as
20 separate and successive lists of eligibles, and the Civil Service
21 Commission shall, when requested to certify eligibles for positions
22 specified in this section, make such certifications from said classes
23 separately and successively, and shall certify no persons from any
24 such class until all persons in the preceding class or classes have
25 been appointed or have declined offers of appointment.

26 d. This section shall apply only to initial appointments and not
27 to be promotional appointments of persons already members of the
28 fire department.

29 **e. In making temporary appointments **the** such*
30 *appointing authority shall utilize the classifications set forth in*
31 *subsection a. of this section, and shall classify accordingly all duly*
32 *qualified applicants for the position or positions to be temporarily*
33 *filled.**

1 2. a. In any municipality of this State, before any person shall
2 be appointed as a member of the police department and force, the
3 appointing authority **shall** *may* classify all the duly
4 qualified applicants for the position or positions to be filled in the
4A following classes :

5 I. Residents of the municipality.

6 II. Other residents of the county in which the municipality
7 is situate.

8 III. Other residents of the State.

9 IV. All other qualified applicants.

9A **Within each such classification duly qualified applicants who are*
9B *veterans shall be accorded all such veterans' preferences as are*
9C *provided by law. Persons discharged from the service within 6*
9D *months prior to making application to such municipality who ful-*
9E *fill the requirements of N. J. S. 40A:14-123.1, and who, thereby, are*
9F *entitled to appointment notwithstanding their failure to meet the*
9G *New Jersey residency requirement at the time of their initial*
9H *application, shall be placed in Class III.**

10 b. In **making such appointments** *any municipality which*
10A *classifies qualified applicants pursuant to subsection a. of this*
10B *section*, the appointing authority shall first appoint all those in
11 Class I and then those in each succeeding class in the order above
12 listed, and shall appoint a person or persons in any such class only

13 to a vacancy or vacancies remaining after all qualified applicants in
14 the preceding class or classes have been appointed or have declined
15 an offer of appointment.

16 c. In any such municipality operating under the provisions of
17 Title 11 of the Revised Statutes, the classes of qualified applicants
18 defined in subsection a. of this section shall be considered defined
19 in subsection a. of this section shall be considered as separate and
20 successive lists of eligibles, and the Civil Service Commission
21 shall, when requested to certify eligibles for positions specified
22 in this section, make such certifications from said classes separately
23 and successively, and shall certify no persons from any such class
24 until all persons in the preceding class or classes have been ap-
25 pointed or have declined offers of appointment.

26 d. This section shall apply only to initial appointments and not
27 to promotional appointments of persons already members of the
28 police department.

29 **e. In making temporary appointments the appointing authority*
30 ***[shall]** **may** utilize the classifications set forth in sub-*
31 *section a. of this section, and shall classify accordingly all duly*
32 *qualified applicants for the positions to be temporarily filled.**

1 3. Sections 3, 5, 13 and 15 of P. L. 1972, c. 3 are repealed.

1 4. This act shall take effect immediately.

SENATE, No. 714

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator HIRKALA

AN ACT concerning municipal police and fire departments, supplementing chapter 14 of Title 40A of the New Jersey Statutes, and repealing sections 3, 5, 13 and 15 of P. L. 1972, c. 3.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
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2 be appointed as a member of the police department and force, the
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26 d. This section shall apply only to initial appointments and not
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1 3. Sections 3, 5, 13 and 15 of P. L. 1972, c. 3 are repealed.

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STATEMENT

Statutory requirements that policemen and firemen reside within the municipalities they serve have been abolished by P. L. 1972, c. 3. The new law also forbids municipalities to enforce any such residency requirement by local ordinance or regulation.

In signing the new law, Governor Cahill pointed out that residency would be "encouraged on a voluntary basis." P. L. 1972,

c. 3 provides that a resident be favored over a nonresident, in appointment or promotion, whenever both the resident and nonresident score identically upon civil service tests (or similar competitive tests in municipalities not operating under civil service).

This bill is intended to establish a more substantial preference for local residents, with respect to initial appointments. It provides that whenever residents of the municipality qualify for appointment to vacant positions (regardless of their exact scores of any competitive examination) they shall be appointed, or offered appointments, before nonresidents. Similarly, residents of the county in which the municipality is located would be appointed or offered appointments before noncounty residents, and State residents before out-of-State qualifiers.

In civil service municipalities, the Civil Service Commission would first certify a list of eligibles consisting entirely of those residents of the municipality who qualified. When that list was exhausted (through appointments or refusals of appointment) a second list would be certified of other county residents; then a list of State-resident qualifiers, and finally a list of all remaining qualifiers. This process would continue until either all vacancies were filled, or all four lists exhausted.

Veterans' preference under existing Civil Service law would be applied to each successive list in exactly the same way as with any other list of eligible appointees. A resident veteran or disabled veteran would thus have the same preference as now over resident nonveterans; but a resident nonveteran would have to be appointed before a nonresident veteran by virtue of the priority of the list on which he is certified.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 714

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1976

The sponsor's statement adequately summarizes the objectives and contents of the bill. It should, however, be emphasized that residency shall be considered only for the purpose of initial appointment and not for continued employment or promotions. This bill also repeals the several sections of current law relating to original appointments.

The Senate committee amendments clarify the intent of the sponsor on the questions of veterans' preferences (chapter 27 of Title 11 (Civil Service) of the Revised Statutes) persons discharged from the military service who are at the time of discharge not residents of the State (N. J. S. 40A:10.1 and 123.1) and temporary appointments (N. J. S. 40A:14-13 and 145).