

R. S. 40A:14-134

LEGISLATIVE FACT SHEET

ON *Municipal police and fire dept. -
Overtime Pay*

N.J.R.S. 40A:14-134

(1972 Amendment)

LAWS OF 1972

CHAPTER 121 §2

8/9/72

SENATE 381

ASSEMBLY

INTRODUCED: *Jan. 24*

BY *Rinaldo*

STATEMENT

YES

NO NOT ON ORIGINAL BILL
See below.

AMENDED DURING PASSAGE

YES

NO

HEARING *None found*

VETO *No*

SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE

SENATE

STATEMENT TO

Issued

SENATE, No. 381

STATE OF NEW JERSEY

DATED: MAY 11, 1972

Senate Bill No. 381 concerns wages paid to policemen and firemen for emergency duty. Section 1 of this bill amends N. J. S. 40A:14-50 so as to provide a municipality the additional option of paying firemen of a paid or part-paid fire department for emergency duty at the rate of 1½ times his prevailing hourly wage.

Section 2 amends N. J. S. 40:14-134 so as to apply these same provisions to policemen who are called upon for emergency duty. The amendments to these two sections would allow a municipality to adopt a third schedule of compensation for emergency duty. Presently, the available forms are: payment at the prevailing wage or compensatory time off.

7-22-68 L3

SENATE, No. 381

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1972

By Senator RINALDO

Referred to Committee on County and Municipal Government

AN ACT concerning emergency service by municipal firemen and policemen, and amending sections 40A:14-50 and 40A:14-134 of the New Jersey Statutes.

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

1 1. N. J. S. 40A:14-50 is amended to read as follows:

2 40A:14-50. "Emergency" as used herein shall include any un-
3 usual conditions caused by any circumstances or situation including
4 shortages in the personnel of the paid or part-paid fire department
5-6 and force caused by vacancies, sickness or injury, or by the taking of
7 accrued vacation or sick leave or both, whereby the safety of the
8 public is endangered or imperiled, as shall be determined within the
9 sole discretion of the officer, board or official having charge of the
10 paid or part-paid fire department and force in any municipality.

11 In any municipality in which the officer, board or official having
12 charge or control of the paid or part-paid fire department and
13 force has authority, in times of any such emergency to summon
14 and keep on duty any paid members of the paid or part-paid fire
15 department and force for a period *or periods* of time **[or times]** in
16 excess of the hours of ordinary duty, the governing body may pro-
17 vide compensation for some or all of such emergency duty by any
18 such fireman at his prevailing wage, *or at a rate not in excess of*
19 *1 1/2 times his prevailing hourly wage rate*, which compensation
20 shall be in lieu of any compensatory time off otherwise due for the
21 emergency duty so compensated.

22 The governing body of the municipality, if necessary, may make
23 emergency appropriations to provide funds for the payment of
24 such compensation as provided by law.

1 2. N. J. S. 40:14-134 is amended to read as follows:

2 40A:14-134. "Emergency" as used herein shall include any un-
3 usual conditions caused by any circumstances or situation including

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

4 shortages in the personnel of the police department or force caused
5 by vacancies, sickness or injury, or by the taking of accrued vaca-
6 tion or sick leave or both, whereby the safety of the public is en-
7 dangered or imperiled, as shall be determined within the sole dis-
8 cretion of the officer, board or official having charge of the police
9 department or force in any municipality.

10 In any municipality in which the officer, board or official having
11 charge or control of the police department or force has authority,
12 in times of any such emergency to summon and keep on duty any
13 paid members of the police department or force for a period *or*
14 *periods* of time [or times] in excess of the hours of ordinary duty,
15 the governing body may provide compensation for some or all of
16 such emergency duty by any such policeman at his prevailing wage,
17 *or at a rate not in excess of 1 1/2 times his prevailing hourly wage*
18 *rate*, which compensation shall be in lieu of any compensatory time
19 off otherwise due for the emergency duty so compensated.

20 The governing body of the municipality may, if necessary, make
21 emergency appropriations to provide funds for the payment of such
22 compensation as provided by law.

1 3. This act shall take effect immediately.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 381

STATE OF NEW JERSEY

DATED: MAY 11, 1972

Senate Bill No. 381 concerns wages paid to policemen and firemen for emergency duty. Section 1 of this bill amends N. J. S. 40A:14-50 so as to provide a municipality the additional option of paying firemen of a paid or part-paid fire department for emergency duty at the rate of 1½ times his prevailing hourly wage.

Section 2 amends N. J. S. 40:14-134 so as to apply these same provisions to policemen who are called upon for emergency duty. The amendments to these two sections would allow a municipality to adopt a third schedule of compensation for emergency duty. Presently, the available forms are: payment at the prevailing wage or compensatory time off.

FISCAL NOTE TO
SENATE, No. 381

STATE OF NEW JERSEY

DATED: MARCH 27, 1972

Senate Bill No. 381 permits a municipality to pay any member of the police and fire department, time and a half pay for overtime.

This is permissive legislation and the Civil Service Department states that it is impossible to compute a cost figure for this bill.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

FROM THE OFFICE OF THE GOVERNOR

AUGUST 9, 1972

FOR RELEASE: IMMEDIATE

Governor William T. Cahill signed into law today two bills concerning benefits for members of the Newark Retirement System and overtime pay for police and firemen.

Sponsored by Senator Michael A. Giuliano of Essex County, Senate 824 extends pension payments to members of the Newark Retirement System who have completed between 15 and 24 years of service.

Previously, members who were terminated from employment before completing 25 years could only receive a return of their pension contributions. Under the new legislation, members who have completed 15 years or more are guaranteed a pension in an amount proportionate to their years of service. Members who have completed 25 years of service will continue to receive a pension of 50% of salary, all payments beginning at age 60.

This bill also increases from \$50 to \$80 per month the amount of benefits paid to surviving children and continues benefits beyond the age of 18 when the child is disabled. It removes time limitations on the purchase of credit for time served while not a member of the system and makes time spent as an employe of the Newark Housing Authority eligible for purchase of prior service credit.

In signing the legislation, Governor Cahill stated: "We cannot turn our backs on retired persons who must live on a fixed income, especially in this period of inflationary trends." The Governor noted that the recent tax reform proposal would have provided additional benefits to persons on a fixed income in the form of reduced property taxes, senior citizens tax credits and credits for tenants.

Governor Cahill also signed Senate 381, sponsored by Senator Matthew J. Rinaldo of Union County, which permits municipalities to pay police and firemen time-and-a-half wages for emergency overtime duty. Prior to the enactment of this legislation, overtime was payed at the prevailing wage or with compensatory time off.

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Robert M. Talley
ACTING SECRETARY OF STATE