

LEGISLATIVE HISTORY OF R.S. 11:22-2 (0)
 (Freeholders appoint 12 department heads - unclassified Civil Service)

Hearings and reports:

COPY NO. 2

974.90
M966
1968

New Jersey. County and Municipal Government
Study Commission.
Creative localism; a prospectus. An interim
report... March 11, 1968, Trenton, New Jersey.

974.90
M966
1969

New Jersey. County and Municipal Government
Study Commission.
County Government challenge and change;
second report... April 28, 1969 Trenton,
New Jersey.

L. 1969 - C.189 - S478

February 10 - Introduced by Schiaffo and 4 others.

April 21 - Passed in Senate, amended.

May 20 - Passed in Assembly.

November 17 - Approved, Chapter 189.

Amended during passage (copy enclosed of original bill and amendment)
Statement (copy enclosed)

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CHAPTER 189 OF N. J. 1969

APPROVED 11-17-69
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SENATE, No. 478

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1969

By Senators SCHIAFFO, WOODCOCK, KNOWLTON
DICKINSON and HAGEDORN

Referred to Committee on County and Municipal Government

AN ACT concerning the unclassified service of Civil Service and
amending section 11:22-2 of the Revised Statutes.

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

1 1. Section 11:22-2 of the Revised Statutes is amended to read as
2 follows:

3 11:22-2. The unclassified service shall not be subject to the pro-
4 visions of this subtitle and shall include the following:

5 a. Officers elected by popular vote;

6 b. Members of district boards of elections; employees in voting
7 machine departments and the chief deputy, chief clerk, secretary,
8 clerical and other assistants or employees appointed by the super-
9 intendants of elections and commissioners of registration in
10 counties of the first class having less than 800,000 inhabitants, and
11 by the county boards of elections in all other counties and such of
12 said officers, assistants and employees as are appointed by super-
13 intendants of elections in counties of the first class having more
14 than 800,000 inhabitants to serve for terms of 6 months or less in
15 any 1 year;

16 c. Appointments of the mayor;

17 d. Heads of departments ***[in municipalities, counties, school**
18 **districts, and other political subdivisions of the State]***, except that
19 county department heads, in such departments as shall be desig-
20 nated by the board of freeholders, shall not exceed 12 in number,
21 the members of commissions and boards elected by the board of
22 aldermen, common council or other governing body of any county,
23 municipality or school district operating under this subtitle;

24 e. Law officers of a county, municipality or school district operat-
25 ing under this subtitle;

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

26 f. Superintendents of, teachers and instructors in the public
27 schools and county superintendents and members and business
28 managers of boards of education;

29 g. Police magistrates appointed by the mayor or other head
30 officer of the municipality operating under this subtitle;

31 h. Officers and employees of county park commissioners in
32 counties of the second class appointed under the provisions of sec-
33 tions 40:37-96 to 40:37-174 of the Title, Municipalities and
34 Counties;

35 i. The superintendent of a county hospital for persons suffering
36 from communicable diseases appointed under the provisions of
37 sections 30:9-61 and 30:9-69 of the Revised Statutes; and

38 j. The deputy or first assistant of principal executive officers
39 authorized by law to act generally for and in place of his principal;

40 k. The legal assistants of the law department of the counties,
41 municipalities or school districts operating under this subtitle
42 except as herein otherwise provided;

43 l. One secretary, clerk or executive director of each department,
44 appointed board or commission authorized by law to appoint a
45 secretary, clerk or executive director;

46 m. One private secretary or clerk or stenographer of each judge
47 or principal executive officer;

48 n. All officials of county institutions who must of necessity be
49 physicians; **[and]**

50 o. *Offices or positions whose incumbents by specific statute serve*
51 *for fixed terms, or whose incumbents by specific statute serve at the*
52 *pleasure of the appointing authority;*

53 **[o.]** p. Such other officers and positions not now included in the
54 unclassified service by this section or by any other statute, as the
55 Civil Service Commission shall, from time to time, determine,
56 according to law, to be in the unclassified service.

1 2. This act shall take effect immediately.

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12 said officers, assistants and employees as are appointed by super-
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14 than 800,000 inhabitants to serve for terms of 6 months or less in
15 any 1 year;

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18 *districts, and other political subdivisions of the State, except that*
19 *county department heads, in such departments as shall be desig-*
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22 aldermen, common council or other governing body of any county,
23 municipality or school district operating under this subtitle;

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STATEMENT

This bill would eliminate the prevailing confusion and controversy over what constitutes a department head in county governments by permitting the boards of freeholders to appoint, at their discretion, 12 department heads which would be allocated to the unclassified service.

Numerous court cases have developed a list of general characteristics associated with that title but have fallen short of presenting a definite standard to be relied upon by the Department of Civil Service when allocating a position to the unclassified service on the basis of its designation as department head.

These 12 department heads would be given unclassified status immediately upon appointment, and would be in addition to those county officers whose positions were unclassified by specific statute, including those officers serving for fixed terms or at the pleasure of their appointing authority.

SENATE AMENDMENT TO
SENATE, No. 478

—•—
STATE OF NEW JERSEY
—•—

ADOPTED APRIL 14, 1969

Amend page 1, section 1, lines 17 and 18, delete “in municipalities, counties, school districts, and other political subdivisions of the State”.