

11:4-4

August 25, 1970

LEGISLATIVE HISTORY OF R.S. 11:4-4
(Workmen's compensation judges)

copy

L. 1969, Chapter 252 - A476

February 11 - Introduced by Parker.

April 14 - Passed in Assembly, amended.

May 15 - Passed in Senate, amended.

May 20 - Senate amendment passed in Assembly.

January 7 - Approved, Chapter 252.

Amended during passage (copies enclosed of original
bill with statement and amendments.)

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ASSEMBLY, No. 476

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1969

By Assemblyman PARKER

Referred to Committee on Banking and Insurance

AN ACT concerning workmen's compensation, and amending sections 11:4-4 and 34:15-49**, and repealing section 11:7-7,** of the Revised Statutes.

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

1 1. Section 11:4-4 of the Revised Statutes is amended to read
2 as follows:

3 11:4-4. The positions held by the following officers and em-
4 ployees shall not be within the classified service:

5 a. Officers elected by popular vote;

6 b. Department heads, members of boards and commissions and
7 other officers appointed by the Governor with or without the con-
8 sent of one or both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in
10 the Governor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other
13 persons employed in the military or naval service of the State and
14 under military or naval discipline and control;

15 f. Members of district boards of elections; employees in voting
16 machine departments and the chief deputy, chief clerk, secretary,
17 clerical and other assistants or employees appointed by the super-
18 intendants of elections and commissioners of registration in coun-
19 ties of the first class having less than eight hundred thousand in-
20 habitants, and by the county boards of elections in all other counties
21 and such of said officers, assistants and employees as are appointed
22 by superintendents of elections in counties of the first class having
23 more than eight hundred thousand inhabitants to serve for terms
24 of six months or less in any one year;

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

25 g. Judges, jurors, masters in chancery, ***judges of compensa-*
26 *tion*** referees, arbiters, and persons employed by a court to
27 conduct a judicial investigation or inquiry, or to exercise judicial
28 functions, [except deputy commissioners] ***[judges of compensa-*
29 *tion,]*** ***except*** referees, and adjusters employed by the De-
30 partment of Labor, the Workmen's Compensation Commission and
30A the Rehabilitation Commission;

31 h. Assistant Attorneys General, legal assistants and special
32 counsel to State departments by or with the authorization of the
33 Attorney General;

34 i. Members of the advisory boards for State institutions who
35 serve without pay;

36 j. Superintendents, teachers and instructors in the public schools,
37 the agricultural experiment station, normal schools, State institu-
38 tions, when certified teachers are employed under the supervision
39 of and qualified by the State Department of Education, and other
40 institutions maintained wholly or in part by the State;

41 k. Students in educational institutions employed less than half
42 time;

43 l. The deputy or deputies of each department head in the State
44 Government when the law provides for such deputy or deputies
45 authorized to act generally for and in place of the department
46 head during his absence or disability;

47 m. One clerk or secretary and one confidential employee or agent
48 to each Justice of the Supreme Court, the Chancellor, each Vice-
49 Chancellor, judge, principal executive officer and each State de-
50 partment, board or commission, when such Justice, Chancellor,
51 Vice-Chancellor, judge, principal executive officer, department
52 head, board or commission certifies to the commission that such
53 clerk or secretary and such additional confidential employee or
54 agent is essential to the work of the court, department, board or
55 commission. Each certification and appointment hereunder shall
56 be recorded in the minutes of the commission;

57 n. Persons engaged in public work for the State but employed
58 by contractors when the performance of the contract is authorized
59 by the Legislature or other competent authority;

60 o. Persons temporarily employed or designated by the Legis-
61 lature or by a legislative committee or commission or other com-
62 petent authority to make or conduct a special inquiry, investiga-
63 tion, examination or installation;

64 p. Superintendents or directors of State institutions;

65 q. All superintendents, directors or other employees in the State
66 Government, who of necessity must be licensed physicians, sur-
67 geons or dentists;

68 r. Persons engaged in public work undertaken by the State,
69 jointly or in co-operation with other States, or counties or mu-
70 nicipalities of other States or the Federal Government;

71 s. Agents, investigators or special officers in the office of the
72 prosecutors of the pleas not in excess of 12 in counties having a
73 population of more than 300,000, 6 in counties having a population
74 in excess of 160,000 and not more than 300,000, and 2 in other
75 counties;

76 t. The engineering, professional and other employees and assist-
77 ants of the South Jersey Port District and the South Jersey Port
78 Commission;

79 u. Such other offices and positions not now included in the un-
80 classified service by this section or by any other statute, as the
81 Civil Service Commission shall, from time to time, determine,
82 according to law, to be in the unclassified service.

1 2. Section 34:15-49 of the Revised Statutes is amended to read
2 as follows:

3 34:15-49. **[**The commissioner, the deputy commissioner of com-
4 pensation and the referees, appointed pursuant to law, sitting
5 individually or together, shall have exclusive original jurisdiction
6 of all claims for compensation arising under this chapter. The
7 salary of such deputy commissioners of compensation shall be
8 \$8,500.00 per year.**]** *The Division of Workmen's Compensation*
9 *shall have the exclusive original jurisdiction of all claims for work-*
10 *men's compensation benefits under this chapter. The judges of*
11 *the Division of Workmen's Compensation shall hereinafter be*
12 *appointed *on a bipartisan basis* by the Governor, with the advice*
13 *and consent of the Senate and shall serve **[at the pleasure of the*
14 *Governor]** **during good behavior**.* *The salaries of the *direc-*
15 *tor of the division and the* judges of compensation shall be *[the*
16 *same as those of the judges of the county district courts who are*
17 *required to devote their entire time to their judicial duties]**
18 **\$27,000.00.* Judges of compensation shall not engage in the prac-*
19 *tice of law and shall devote full time to their judicial duties.*

1 ****3. Section 11:7-7 of the Revised Statutes is repealed.****

1 ****[2.]** **4.**** This act shall take effect immediately.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 476

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1969

By Assemblyman PARKER

Referred to Committee on Banking and Insurance

AN ACT concerning workmen's compensation, and amending
sections 11:4-4 and 34:15-49 of the Revised Statutes.

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

1 1. Section 11:4-4 of the Revised Statutes is amended to read
2 as follows:

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7 other officers appointed by the Governor with or without the con-
8 sent of one or both branches of the Legislature;

9 c. Employees of the Governor, including domestic employees in
10 the Governor's household and paid by the State;

11 d. Officers and employees of both branches of the Legislature;

12 e. Officers, noncommissioned officers, enlisted men, and other
13 persons employed in the military or naval service of the State and
14 under military or naval discipline and control;

15 f. Members of district boards of elections; employees in voting
16 machine departments and the chief deputy, chief clerk, secretary,
17 clerical and other assistants or employees appointed by the super-
18 intendants of elections and commissioners of registration in coun-
19 ties of the first class having less than eight hundred thousand in-
20 habitants, and by the county boards of elections in all other counties
21 and such of said officers, assistants and employees as are appointed
22 by superintendents of elections in counties of the first class having
23 more than eight hundred thousand inhabitants to serve for terms
24 of six months or less in any one year;

25 g. Judges, jurors, masters in chancery, referees, arbiters, and

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is not enacted and is intended to be omitted in the law.**

26 persons employed by a court to conduct a judicial investigation or
27 inquiry, or to exercise judicial functions, [except deputy commis-
28 sioners] *judges* of compensation, referees, and adjusters employed
29 by the Department of Labor, the Workmen's Compensation Com-
30 mission and the Rehabilitation Commission;

31 h. Assistant Attorneys General, legal assistants and special
32 counsel to State departments by or with the authorization of the
33 Attorney General;

34 i. Members of the advisory boards for State institutions who
35 serve without pay;

36 j. Superintendents, teachers and instructors in the public schools,
37 the agricultural experiment station, normal schools, State institu-
38 tions, when certified teachers are employed under the supervision
39 of and qualified by the State Department of Education, and other
40 institutions maintained wholly or in part by the State;

41 k. Students in educational institutions employed less than half
42 time;

43 l. The deputy or deputies of each department head in the State
44 Government when the law provides for such deputy or deputies
45 authorized to act generally for and in place of the department
46 head during his absence or disability;

47 m. One clerk or secretary and one confidential employee or agent
48 to each Justice of the Supreme Court, the Chancellor, each Vice-
49 Chancellor, judge, principal executive officer and each State de-
50 partment, board or commission, when such Justice, Chancellor,
51 Vice-Chancellor, judge, principal executive officer, department
52 head, board or commission certifies to the commission that such
53 clerk or secretary and such additional confidential employee or
54 agent is essential to the work of the court, department, board or
55 commission. Each certification and appointment hereunder shall
56 be recorded in the minutes of the commission;

57 n. Persons engaged in public work for the State but employed
58 by contractors when the performance of the contract is authorized
59 by the Legislature or other competent authority;

60 o. Persons temporarily employed or designated by the Legis-
61 lature or by a legislative committee or commission or other com-
62 petent authority to make or conduct a special inquiry, investiga-
63 tion, examination or installation;

64 p. Superintendents or directors of State institutions;

65 q. All superintendents, directors or other employees in the State
66 Government, who of necessity must be licensed physicians, sur-
67 geons or dentists;

68 r. Persons engaged in public work undertaken by the State,
69 jointly or in co-operation with other States, or counties or mu-
70 nicipalities of other States or the Federal Government;

71 s. Agents, investigators or special officers in the office of the
72 prosecutors of the pleas not in excess of 12 in counties having a
73 population of more than 300,000, 6 in counties having a population
74 in excess of 160,000 and not more than 300,000, and 2 in other
75 counties;

76 t. The engineering, professional and other employees and assist-
77 ants of the South Jersey Port District and the South Jersey Port
78 Commission;

79 u. Such other offices and positions not now included in the un-
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81 Civil Service Commission shall, from time to time, determine,
82 according to law, to be in the unclassified service.

1 2. Section 34:15-49 of the Revised Statutes is amended to read
2 as follows:

3 34:15-49. **¶**The commissioner, the deputy commissioner of com-
4 pensation and the referees, appointed pursuant to law, sitting
5 individually or together, shall have exclusive original jurisdiction
6 of all claims for compensation arising under this chapter. The
7 salary of such deputy commissioners of compensation shall be
8 \$8,500.00 per year. **¶** *The Division of Workmen's Compensation*
9 *shall have the exclusive original jurisdiction of all claims for work-*
10 *men's compensation benefits under this chapter. The judges of*
11 *the Division of Workmen's Compensation shall hereinafter be*
12 *appointed *on a bipartisan basis* by the Governor, with the advice*
13 *and consent of the Senate and shall serve at the pleasure of the*
14 *Governor. The salaries of the *director of the division and the**
15 *judges of compensation shall be *¶the same as those of the judges*
16 *of the county district courts who are required to devote their entire*
16A *time to their judicial duties* **¶** **\$27,000.00.* Judges of compensation*
17 *shall not engage in the practice of law and shall devote full time to*
18 *their judicial duties.*

1 2. This act shall take effect immediately.

ASSEMBLY, No. 476

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INTRODUCED FEBRUARY 11, 1969

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8 sent of one or both branches of the Legislature;

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10 the Governor's household and paid by the State;

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13 persons employed in the military or naval service of the State and
14 under military or naval discipline and control;

15 f. Members of district boards of elections; employees in voting
16 machine departments and the chief deputy, chief clerk, secretary,
17 clerical and other assistants or employees appointed by the super-
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19 ties of the first class having less than eight hundred thousand in-
20 habitants, and by the county boards of elections in all other counties
21 and such of said officers, assistants and employees as are appointed
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24 of six months or less in any one year;

25 g. Judges, jurors, masters in chancery, referees, arbiters, and
26 persons employed by a court to conduct a judicial investigation or

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27 inquiry, or to exercise judicial functions, [except deputy commis-
28 sioners] *judges* of compensation, referees, and adjusters employed
29 by the Department of Labor, the Workmen's Compensation Com-
30 mission and the Rehabilitation Commission;

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32 counsel to State departments by or with the authorization of the
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44 Government when the law provides for such deputy or deputies
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48 to each Justice of the Supreme Court, the Chancellor, each Vice-
49 Chancellor, judge, principal executive officer and each State de-
50 partment, board or commission, when such Justice, Chancellor,
51 Vice-Chancellor, judge, principal executive officer, department
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 14 *aries of the judges of compensation shall be the same as those of*
 15 *the judges of the county district courts who are required to devote*
 16 *their entire time to their judicial duties. Judges of compensation*
 17 *shall not engage in the practice of law and shall devote full time to*
 18 *their judicial duties.*

1 2. This act shall take effect immediately.

STATEMENT

This bill is one of a series of bills to implement the recommenda-
 tions of the Workmen's Compensation Law Study Commission as
 set forth in its report of July, 1968.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 476

STATE OF NEW JERSEY

ADOPTED APRIL 10, 1969

Amend page 3, section 2, line 12, after "appointed", insert "on a bi-partisan basis".

Amend page 3, section 2, line 14, before "judges", insert "director of the division and the".

Amend page 3, section 2, lines 14-16, after "shall be", delete the remainder of the sentence and insert "\$27,000.00."

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 476
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 12, 1969

Amend page 1, title, line 2, after "34:15-49", insert ", and repealing section 11:7-7,".

Amend page 1, section 1, line 25, after "chancery," insert "judges of compensation,".

Amend page 2, section 1, line 28, after "sioners"]", omit "judges of compensation," insert "except".

Amend page 3, section 2, lines 13 and 14, omit "at the pleasure of the Governor", insert "during good behavior".

Amend page 3, after 2, insert a new section 3 as follows:

"3. Section 11:7-7 of the Revised Statutes is repealed."

Amend page 3, section 2, line 1, (effective date section), omit "2.", insert "4."

FISCAL NOTE TO
ASSEMBLY, No. 476

STATE OF NEW JERSEY

DATED: APRIL 14, 1969

Assembly Bill No. 476 requires the judges of the Division of Workmen's Compensation to be appointed on a bipartisan basis by the Governor, at an annual salary of \$27,000.00.

The Department of Labor and Industry estimates that enactment of this legislation would require an expenditure by the State of \$50,000.00 during the current fiscal year, \$277,115.00 during fiscal 1969-70 and \$259,286.00 during fiscal 1970-71.

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