

11A:2-13

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 104

NJSA: 11A:2-13 (Alternative disciplinary action review)

BILL NO: S1650 (Substituted for A3147)

SPONSOR(S): Turner

DATE INTRODUCED: June 7, 2004

COMMITTEE: **ASSEMBLY:**
SENATE: State Government

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 24, 2004

SENATE: June 21, 2004

DATE OF APPROVAL: July 14, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) 1st reprint enacted

S1650

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

A3147

[SPONSOR'S STATEMENT:](#) (Begins on 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2004, CHAPTER 104, *approved July 14, 2004*
Senate, No. 1650 (*First Reprint*)

1 **AN ACT** concerning the review and appeal of disciplinary actions
2 against State employees and amending N.J.S. 11A:2-13 and N.J.S.
3 11A:2-14.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S. 11A:2-13 is amended to read as follows:

9 **[Before]** Except as otherwise provided herein, before any
10 disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6
11 is taken against a permanent employee in the career service or a person
12 serving a working test period, the employee shall be notified in writing
13 and shall have the opportunity for a hearing before the appointing
14 authority or its designated representative. The hearing shall be held
15 within 30 days of the notice of disciplinary action unless waived by the
16 employee. Both parties may consent to an adjournment to a later date.

17 When the State of New Jersey and the majority representative have
18 agreed pursuant to the New Jersey Employer-Employee Relations Act,
19 section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a procedure for
20 appointing authority review before disciplinary action in subsection a.
21 (1), (2) and (3) of N.J.S. 11A: 2-6 ¹, which would be otherwise
22 appealable to the board under N.J.S.11A:2-14,¹ is taken against a
23 permanent employee in the career service or a person serving a
24 working test period, such procedure shall be the exclusive procedure
25 for review before the appointing authority.

26 This section shall not prohibit the immediate suspension of an
27 employee without a hearing if the appointing authority determines that
28 the employee is unfit for duty or is a hazard to any person if allowed
29 to remain on the job or that an immediate suspension is necessary to
30 maintain safety, health, order or effective direction of public services.
31 In addition, where a suspension is based on a formal charge of a crime
32 of the first, second or third degree, or a crime of the fourth degree if
33 committed on the job or directly related to the job, the suspension may
34 be immediate and continue until a disposition of the charge. The
35 board shall establish, by rule, procedures for hearings and suspensions
36 with or without pay.

37 (cf: N.J.S. 11A:2-13)

38

39 2. N.J.S.11A:2-14 is amended to read as follows:

40 **[Within]** Except as otherwise provided herein, within 20 days of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted June 17, 2004.

1 the hearing provided in N.J.S. 11A:2-13, the appointing authority shall
2 make a final disposition of the charges against the employee and shall
3 furnish the employee with written notice. If the appointing authority
4 determines that the employee is to be removed, demoted or receive a
5 suspension or a fine greater than five days, the employee shall have a
6 right to appeal to the board. The suspension or fine of an employee
7 for five days or less shall be appealable if an employee's aggregate
8 number of days suspended or fined in any one calendar year is 15 days
9 or more. Where an employee receives more than three suspensions or
10 fines of five or less days in a calendar year, the last suspension or fine
11 is appealable.

12 When the State of New Jersey and the majority representative have
13 agreed pursuant to the New Jersey Employer-Employee Relations Act,
14 section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a disciplinary review
15 procedure that provides for binding arbitration of disputes involving
16 disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6
17 ¹, which would be otherwise appealable to the board under
18 N.J.S.11A:2-14,¹ being taken against a permanent employee in the
19 career service or a person serving a working test period, such
20 procedure shall be the exclusive procedure for any appeal of such
21 disciplinary action.

22 (cf: N.J.S. 11A:2-14)

23

24 3. This act shall take effect immediately.

25

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29 Provides for alternate disciplinary action review and appeal procedures
30 through collective bargaining between State and its employees.

SENATE, No. 1650

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JUNE 7, 2004

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Provides for alternate disciplinary action review and appeal procedures through collective bargaining between State and its employees.

CURRENT VERSION OF TEXT

As introduced.



S1650 TURNER

2

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18 agreed pursuant to the New Jersey Employer-Employee Relations Act,
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20 appointing authority review before disciplinary action in subsection a.
21 (1), (2) and (3) of N.J.S. 11A: 2-6 is taken against a permanent
22 employee in the career service or a person serving a working test
23 period, such procedure shall be the exclusive procedure for review
24 before the appointing authority.

25 This section shall not prohibit the immediate suspension of an
26 employee without a hearing if the appointing authority determines that
27 the employee is unfit for duty or is a hazard to any person if allowed
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4 number of days suspended or fined in any one calendar year is 15 days
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6 fines of five or less days in a calendar year, the last suspension or fine
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8 When the State of New Jersey and the majority representative have
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10 section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a disciplinary review
11 procedure that provides for binding arbitration of disputes involving
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16 (cf: N.J.S. 11A:2-14)

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18 3. This act shall take effect immediately.

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STATEMENT

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23 This bill provides that provisions of a collective bargaining
24 agreement between State employees and the State of New Jersey may
25 govern disciplinary action review and appeal procedures involving a
26 public employee.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1650

STATE OF NEW JERSEY

DATED: JUNE 14, 2004

The Senate State Government Committee reports favorably Senate, No. 1650.

This bill provides that provisions of a collective bargaining agreement between State employees and the State of New Jersey would govern disciplinary action review and appeal procedures involving a permanent employee in the career service or a person serving a working test period, if the agreement is part of a negotiated contract.

STATEMENT TO
SENATE, No. 1650

with Senate Floor Amendments
(Proposed By Senator TURNER)

ADOPTED: JUNE 17, 2004

These Senate Floor Amendments clarify that the disciplinary review procedures agreed to through collective bargaining as established in the bill would be for only "major discipline" situations, or only situations that are appealable currently. The change would not affect "minor discipline" situations, which are not appealable currently.

ASSEMBLY, No. 3147

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 21, 2004

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman REED GUSCIORA

District 15 (Mercer)

SYNOPSIS

Provides for alternate disciplinary action review and appeal procedures through collective bargaining between State and its employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2004)

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24 STATEMENT
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26 This bill provides that provisions of a collective bargaining
27 agreement between State employees and the State of New Jersey
28 would govern disciplinary action review and appeal procedures
29 involving a permanent employee in the career service or a person
30 serving a working test period, if the agreement is part of a negotiated
31 contract.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3147

STATE OF NEW JERSEY

DATED: JUNE 22, 2004

The Assembly Budget Committee reports favorably Assembly Bill No. 3147.

Assembly Bill No. 3147 provides that provisions of a collective bargaining agreement between State employees and the State of New Jersey would govern disciplinary action review and appeal procedures involving a permanent employee in the career service or a person serving a working test period, if the agreement is part of a negotiated contract.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.