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IS 1/4/08

P.L. 2005, CHAPTER 290, *approved January 9, 2006*  
Assembly, No. 880 (*Third Reprint*)

1 AN ACT granting preference to certain applicants for initial  
2 appointment as members of paid fire departments <sup>1</sup>[or] <sup>1</sup> paid  
3 members of part-paid fire departments <sup>1</sup>and municipal law  
4 enforcement agencies<sup>1</sup> and amending P.L.1976, c.132.

5

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

8

9 1. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended to  
10 read as follows:

11 1. a. In any municipality of this State, before any person shall be  
12 appointed as a member of the paid fire department or paid member of  
13 a part-paid fire department, the appointing authority may classify all  
14 the duly qualified applicants for the position or positions to be filled  
15 in the following classes:

16 I. Residents of the municipality.

17 II. Other residents of the county in which the municipality is  
18 situate.

19 III. Other residents of the State.

20 IV. All other qualified applicants.

21 Within each such classification duly qualified applicants who are  
22 veterans shall be accorded all such veterans' preferences as are  
23 provided by law. Persons discharged from the service within 6 months  
24 prior to making application to such municipality, who fulfill the  
25 requirements of N.J.S.40A:14-10.1, and who, thereby, are entitled to  
26 appointment notwithstanding their failure to meet the New Jersey  
27 residency requirement at the time of their initial application, shall be  
28 placed in Class III.

29 <sup>2</sup>[Similar preference] Preference in appointment second to that  
30 accorded to veterans pursuant to current law but <sup>3</sup>[superceding]  
31 superseding<sup>3</sup> that accorded non-veterans<sup>2</sup> shall be accorded all duly  
32 qualified applicants whose <sup>2</sup>natural or adoptive<sup>2</sup> parent was killed in  
33 the lawful discharge of official duties while serving as a member of  
34 <sup>2</sup>[a] any<sup>2</sup> paid fire department or paid member of <sup>2</sup>[a] any<sup>2</sup> part-paid  
35 fire department in the State <sup>2</sup> at any time prior to the closing date for  
36 the filing of an application, provided that required documentation is  
37 submitted with the application by the closing date. <sup>3</sup>[This paragraph  
38 shall not, however, be applicable if the municipality has entered into

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ALP committee amendments adopted November 8, 2004.

<sup>2</sup> Senate SSG committee amendments adopted May 19, 2005.

<sup>3</sup> Assembly floor amendments adopted December 12, 2005.

1 a consent decree with the United States Department of Justice  
2 concerning the hiring practices of the municipality<sup>2</sup> .]<sup>3</sup>

3 When a veteran and a non-veteran whose parent was killed in the  
4 lawful discharge of official duties<sup>2</sup> while serving<sup>2</sup> as a member of<sup>2</sup> [a]  
5 any<sup>2</sup> paid fire department<sup>2</sup> ,<sup>2</sup> or paid member of<sup>2</sup> [a] any<sup>2</sup> part-paid  
6 fire department are duly qualified applicants for a position, first  
7 preference shall be given to the veteran.

8 b. In any municipality which classifies qualified applicants pursuant  
9 to subsection a. of this section, the appointing authority shall first  
10 appoint all those in Class I and then those in each succeeding class in  
11 the order above listed, and shall appoint a person or persons in any  
12 such class only to a vacancy or vacancies remaining after all qualified  
13 applicants in the preceding class or classes have been appointed or  
14 have declined an offer of appointment.

15 c. In any such municipality operating under the provisions of  
16 <sup>2</sup>[Title 11 of the Revised] Title 11A of the New Jersey<sup>2</sup> Statutes, the  
17 classes of qualified applicants defined in subsection a. of this section  
18 shall be considered as separate and successive lists of eligibles, and  
19 the <sup>2</sup>[Civil Service Commission] Department of Personnel<sup>2</sup> shall,  
20 when requested to certify eligibles for positions specified in this  
21 section, make such certifications from said classes separately and  
22 successively, and shall certify no persons from any such class until all  
23 persons in the preceding class or classes have been appointed or have  
24 declined offers of appointment.

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

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

32 (cf: P.L.1976, c.132, s.1)

33  
34 <sup>1</sup>2. Section 2 of P.L.1976, c.132 (C.40A:14-123.1a) is amended to  
35 read as follows:

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

40 I. Residents of the municipality.

41 II. Other residents of the county in which the municipality is  
42 situate.

43 III. Other residents of the State.

44 IV. All other qualified applicants.

45 Within each such classification duly qualified applicants who are  
46 veterans shall be accorded all such veterans' preferences as are

1 provided by law. Persons discharged from the service within 6 months  
2 prior to making application to such municipality who fulfill the  
3 requirements of N.J.S.40A:14-123.1, and who, thereby, are entitled to  
4 appointment notwithstanding their failure to meet the New Jersey  
5 residency requirement at the time of their initial application, shall be  
6 placed in Class III.

7 <sup>2</sup>[Similar preference] Preference in appointment second to that  
8 accorded to veterans pursuant to current law but superceding that  
9 accorded non-veterans<sup>2</sup> shall be accorded all duly qualified applicants  
10 whose <sup>2</sup>natural or adoptive<sup>2</sup> parent was killed in the lawful discharge  
11 of <sup>2</sup>[his or her] official<sup>2</sup> duties while serving as a law enforcement  
12 officer in <sup>2</sup>any law enforcement agency in<sup>2</sup> the State <sup>2</sup>at any time prior  
13 to the closing date for the filing of an application, provided that  
14 required documentation is submitted with the application by the  
15 closing date. This paragraph shall not, however, be applicable if the  
16 municipality has entered into a consent decree with the United States  
17 Department of Justice concerning the hiring practices of the  
18 municipality<sup>2</sup> .

19 When a veteran and a non-veteran whose parent was killed in the  
20 lawful discharge of <sup>2</sup>[his or her]<sup>2</sup>official duties <sup>2</sup>while serving<sup>2</sup> as a  
21 law enforcement officer <sup>2</sup>in any law enforcement agency in the State<sup>2</sup>  
22 are duly qualified applicants for a position, first preference shall be  
23 given to the veteran.

24 <sup>2</sup>As used in this section, "law enforcement officer" means any  
25 person who is employed as a permanent full-time member of a  
26 enforcement agency, who is statutorily empowered to act for the  
27 detection, investigation, arrest and conviction of persons violating the  
28 criminal laws of this State and statutorily required to successfully  
29 complete a training course approved, or certified as being substantially  
30 equivalent to such an approved course, by the Police Training  
31 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.); and  
32 "law enforcement agency" means a department, division, bureau,  
33 commission, board or other authority of the State or of any political  
34 subdivision thereof which has by statute or ordinance the responsibility  
35 of detecting and enforcing the general criminal laws of this State.<sup>2</sup>

36 b. In any municipality which classifies qualified applicants pursuant  
37 to subsection a. of this section, the appointing authority shall first  
38 appoint all those in Class I and then those in each succeeding class in  
39 the order above listed, and shall appoint a person or persons in any  
40 such class only to a vacancy or vacancies remaining after all qualified  
41 applicants in the preceding class or classes have been appointed or  
42 have declined an offer of appointment.

43 c. In any such municipality operating under the provisions of  
44 <sup>2</sup>[Title 11 of the Revised] Title 11A of the New Jersey<sup>2</sup> Statutes, the  
45 classes of qualified applicants defined in subsection a. of this section  
46 shall be considered as separate and successive lists of eligibles, and the

1 <sup>2</sup>~~[Civil Service Commission]~~ Department of Personnel<sup>2</sup> shall, when  
2 requested to certify eligibles for positions specified in this section,  
3 make such certifications from said classes separately and successively,  
4 and shall certify no persons from any such class until all persons in the  
5 preceding class or classes have been appointed or have declined offers  
6 of appointment.

7 d. This section shall apply only to initial appointments and not to  
8 promotional appointments of persons already members of the police  
9 department.

10 e. In making temporary appointments the appointing authority may  
11 utilize the classifications set forth in subsection a. of this section, and  
12 shall classify accordingly all duly qualified applicants for the positions  
13 to be temporarily filled.<sup>1</sup>

14 (cf: P.L.1976, c.132, s.2)

15

16 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect on the first day of the third  
17 month following enactment.

18

19

20

21

22 Establishes certain hiring preference for children of firefighters and law  
23 enforcement officers killed in the line of duty.

# ASSEMBLY, No. 880

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman JOSEPH V. EGAN**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

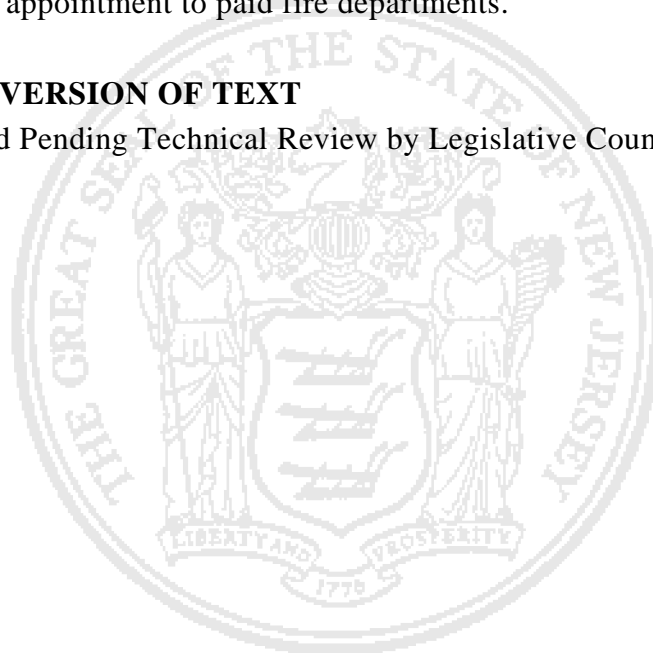
**Assemblyman Chivukula**

**SYNOPSIS**

Establishes hiring preference for children of firefighters killed in the line of duty seeking appointment to paid fire departments.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 10/8/2004)**

A880 BARNES, DIEGNAN

2

1 AN ACT granting preference to certain applicants for initial  
2 appointment as members of paid fire departments or paid members  
3 of part-paid fire departments and amending P.L.1976, c.132.

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

7  
8 1. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended to  
9 read as follows:

10 1. a. In any municipality of this State, before any person shall be  
11 appointed as a member of the paid fire department or paid member of  
12 a part-paid fire department, the appointing authority may classify all  
13 the duly qualified applicants for the position or positions to be filled  
14 in the following classes:

15 I. Residents of the municipality.

16 II. Other residents of the county in which the municipality is  
17 situate.

18 III. Other residents of the State.

19 IV. All other qualified applicants.

20 Within each such classification duly qualified applicants who are  
21 veterans shall be accorded all such veterans' preferences as are  
22 provided by law. Persons discharged from the service within 6 months  
23 prior to making application to such municipality, who fulfill the  
24 requirements of N.J.S.40A:14-10.1, and who, thereby, are entitled to  
25 appointment notwithstanding their failure to meet the New Jersey  
26 residency requirement at the time of their initial application, shall be  
27 placed in Class III.

28 Similar preference shall be accorded all duly qualified applicants  
29 whose parent was killed in the lawful discharge of official duties while  
30 serving as a member of a paid fire department or paid member of a  
31 part-paid fire department in the State.

32 When a veteran and a non-veteran whose parent was killed in the  
33 lawful discharge of official duties as a member of a paid fire  
34 department or paid member of a part-paid fire department are duly  
35 qualified applicants for a position, first preference shall be given to the  
36 veteran.

37 b. In any municipality which classifies qualified applicants pursuant  
38 to subsection a. of this section, the appointing authority shall first  
39 appoint all those in Class I and then those in each succeeding class in  
40 the order above listed, and shall appoint a person or persons in any  
41 such class only to a vacancy or vacancies remaining after all qualified  
42 applicants in the preceding class or classes have been appointed or  
43 have declined an offer of appointment.

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

**Matter underlined thus is new matter.**



1 c. In any such municipality operating under the provisions of Title  
2 11 of the Revised Statutes, the classes of qualified applicants defined  
3 in subsection a. of this section shall be considered as separate and  
4 successive lists of eligibles, and the Civil Service Commission shall,  
5 when requested to certify eligibles for positions specified in this  
6 section, make such certifications from said classes separately and  
7 successively, and shall certify no persons from any such class until all  
8 persons in the preceding class or classes have been appointed or have  
9 declined offers of appointment.

10 d. This section shall apply only to initial appointments and not to  
11 promotional appointments of persons already members of the fire  
12 department.

13 e. In making temporary appointments such appointing authority  
14 shall utilize the classifications set forth in subsection a. of this section,  
15 and shall classify accordingly all duly qualified applicants for the  
16 position or positions to be temporarily filled.

17 (cf: P.L.1976, c.132, s.1)

18

19 2. This act shall take effect on the first day of the third month  
20 following enactment.

21

22

23

#### STATEMENT

24

25 This bill would allow municipalities that choose to classify their  
26 qualified applicants for appointment as paid firefighters to give a hiring  
27 preference to the children of paid firefighters who were killed in the  
28 line of duty.

29 Under the provisions of the bill, the children of members of paid fire  
30 departments or paid members of part-paid fire departments killed in  
31 the line of duty would be accorded preference, similar to that currently  
32 accorded veterans, when applying for a position as a member of a paid  
33 fire department or paid member of a part-paid fire department. This  
34 preference, like the current veterans' preference, would apply only in  
35 cases of an initial appointment, not employee promotions. If both  
36 veterans and children of paid firefighters killed in the line of duty are  
37 seeking appointments in the same municipality, first preference would  
38 go to the veterans.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 880**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 8, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 880.

As amended and reported by the committee, Assembly Bill No. 880 allows municipalities that choose to classify their qualified applicants for appointment as paid firefighters to give a hiring preference to the children of paid firefighters who were killed in the line of duty.

The committee amended the bill to also allow municipalities that choose to classify their qualified applicants for appointment to a police department or force to give a hiring preference to the children of law enforcement officers who were killed in the line of duty.

Under the provisions of the amended bill, the children of members of paid fire departments or paid members of part-paid fire departments killed in the line of duty would be accorded preference, similar to that currently accorded veterans, when applying for a position as a member of a paid fire department or paid member of a part-paid fire department. This preference, like the current veterans' preference, would apply only in cases of an initial appointment, not employee promotions. If both veterans and children of paid firefighters killed in the line of duty are seeking appointments in the same municipality, first preference would go to the veterans.

Also under the provisions of the amended bill, the children of law enforcement officers killed in the line of duty would be accorded preference, similar to that currently accorded veterans, when applying for positions as municipal police officers. That preference, like the current veterans' preference, would apply only in cases of an initial appointment, not employee promotions. In those instances where both veterans and children of law enforcement officers killed in the line of duty are seeking police appointments in the same municipality, first preference would go to the veterans.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to establish that children of law enforcement officers killed in the line of duty would be accorded a preference similar to that accorded children of paid firefighters under the bill.

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

[First Reprint]

### **ASSEMBLY, No. 880**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 19, 2005

The Senate State Government Committee reports favorably and with committee amendments Assembly, No. 880 (1R).

The bill allows municipalities that choose to classify their qualified applicants for appointment as paid firefighters or law enforcement officers to give a hiring preference to the child of a paid firefighters or law enforcement officer who was killed while serving as a member of any paid fire department or paid member of any part-paid fire department or while serving as a law enforcement officer in any jurisdiction in the State. Its provisions would apply to both civil service and non-civil service municipalities.

Under the amended bill, these children would be accorded preference in appointment second to, but not superseding, that currently accorded veterans, when applying for a position. The child of a deceased firefighter or law enforcement officer would be eligible for this preference regardless of when the natural or adoptive parent died and so long as it was before the date of the child's application for the position. This preference, like the current veterans' preference, would apply only in cases of an initial appointment, and not employee promotions. If both a veteran and the child of a paid firefighter or law enforcement officer killed in the line of duty are seeking appointments in the same municipality, first preference would go to the veteran.

As amended, the bill's provisions are not applicable if the municipality has entered into a consent decree with the United States Department of Justice concerning the hiring practices of the municipality.

The committee amended the bill to provide that: 1) preference in appointment would be provided to the child of a deceased paid firefighter or law enforcement officer and would be second to, but not supersede, the preference given to veterans pursuant to current law; 2) the child of a deceased firefighter or law enforcement officer will be eligible for this preference regardless of when the natural or adoptive parent died and as long as it was before the date of the child's application for the position; 3) eligibility for the preference must be

established prior to the closing date for applying to become a firefighter or law enforcement officer with proper documentation submitted with the application by the closing date; 4) the preference will be applied regardless of the location in the State where the firefighter or law enforcement officer was killed in the lawful discharge of official duties; 5) references in the bill to the Civil Service Commission and Title 11 of the Revised Statutes are updated to refer to the Department of Personnel and Title 11A of the New Jersey Statutes, respectively; 6) the bill's provisions are not applicable if the municipality has entered into a consent decree with the United States Department of Justice concerning the hiring practices of the municipality; and 7) the terms "law enforcement officer" and "law enforcement agency" are defined.

The bill is identical to Senate, Nos. 1996 and 828, SCS.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 880**

with Assembly Floor Amendments  
(Proposed By Assemblyman BARNES)

ADOPTED: DECEMBER 12, 2005

Assembly Bill No. 880 (2R) establishes municipal hiring preferences for children of firefighters and law enforcement officers killed in the line of duty. The bill specifies that the preference does not apply in municipalities which have entered into a consent decree with the United States Department of Justice concerning municipal hiring practices. These Assembly amendments remove this provision.

The Assembly amendments also make a technical correction.

**SENATE, No. 1996**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED OCTOBER 25, 2004

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Establishes hiring preference for children of firefighters killed in the line of duty seeking appointment to paid fire departments.

**CURRENT VERSION OF TEXT**

As introduced.



S1996 B. SMITH

2

1 AN ACT granting preference to certain applicants for initial  
2 appointment as members of paid fire departments or paid members  
3 of part-paid fire departments and amending P.L.1976, c.132.

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

7  
8 1. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended to  
9 read as follows:

10 1. a. In any municipality of this State, before any person shall be  
11 appointed as a member of the paid fire department or paid member of  
12 a part-paid fire department, the appointing authority may classify all  
13 the duly qualified applicants for the position or positions to be filled  
14 in the following classes:

15 I. Residents of the municipality.

16 II. Other residents of the county in which the municipality is  
17 situate.

18 III. Other residents of the State.

19 IV. All other qualified applicants.

20 Within each such classification duly qualified applicants who are  
21 veterans shall be accorded all such veterans' preferences as are  
22 provided by law. Persons discharged from the service within 6 months  
23 prior to making application to such municipality, who fulfill the  
24 requirements of N.J.S.40A:14-10.1, and who, thereby, are entitled to  
25 appointment notwithstanding their failure to meet the New Jersey  
26 residency requirement at the time of their initial application, shall be  
27 placed in Class III.

28 Similar preference shall be accorded all duly qualified applicants  
29 whose parent was killed in the lawful discharge of official duties while  
30 serving as a member of a paid fire department or paid member of a  
31 part-paid fire department in the State.

32 When a veteran and a non-veteran whose parent was killed in the  
33 lawful discharge of official duties as a member of a paid fire  
34 department or paid member of a part-paid fire department are duly  
35 qualified applicants for a position, first preference shall be given to the  
36 veteran.

37 b. In any municipality which classifies qualified applicants pursuant  
38 to subsection a. of this section, the appointing authority shall first  
39 appoint all those in Class I and then those in each succeeding class in  
40 the order above listed, and shall appoint a person or persons in any  
41 such class only to a vacancy or vacancies remaining after all qualified  
42 applicants in the preceding class or classes have been appointed or  
43 have declined an offer of appointment.

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

**Matter underlined thus is new matter.**



1 c. In any such municipality operating under the provisions of Title  
2 11 of the Revised Statutes, the classes of qualified applicants defined  
3 in subsection a. of this section shall be considered as separate and  
4 successive lists of eligibles, and the Civil Service Commission shall,  
5 when requested to certify eligibles for positions specified in this  
6 section, make such certifications from said classes separately and  
7 successively, and shall certify no persons from any such class until all  
8 persons in the preceding class or classes have been appointed or have  
9 declined offers of appointment.

10 d. This section shall apply only to initial appointments and not to  
11 promotional appointments of persons already members of the fire  
12 department.

13 e. In making temporary appointments such appointing authority  
14 shall utilize the classifications set forth in subsection a. of this section,  
15 and shall classify accordingly all duly qualified applicants for the  
16 position or positions to be temporarily filled.

17 (cf: P.L.1976, c.132, s.1)

18

19 2. This act shall take effect on the first day of the third month  
20 following enactment.

21

22

23

#### STATEMENT

24

25 This bill would allow municipalities that choose to classify their  
26 qualified applicants for appointment as paid firefighters to give a hiring  
27 preference to the children of paid firefighters who were killed in the  
28 line of duty.

29 Under the provisions of the bill, the children of members of paid fire  
30 departments or paid members of part-paid fire departments killed in  
31 the line of duty would be accorded preference, similar to that currently  
32 accorded veterans, when applying for a position as a member of a paid  
33 fire department or paid member of a part-paid fire department. This  
34 preference, like the current veterans' preference, would apply only in  
35 cases of an initial appointment, not employee promotions. If both  
36 veterans and children of paid firefighters killed in the line of duty are  
37 seeking appointments in the same municipality, first preference would  
38 go to the veterans.

**SENATE, No. 828**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED FEBRUARY 5, 2004

**Sponsored by:**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Establishes hiring preference for children of firefighters and law enforcement officers killed in the line of duty.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT granting preference to certain applicants for initial  
2 appointment as members of paid fire departments or paid members  
3 of part-paid fire departments or as municipal law enforcement  
4 officers and amending P.L.1976, c.132.

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

8  
9 1. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended to  
10 read as follows:

11 1. a. In any municipality of this State, before any person shall be  
12 appointed as a member of the paid fire department or paid member of  
13 a part-paid fire department, the appointing authority may classify all  
14 the duly qualified applicants for the position or positions to be filled  
15 in the following classes:

16 I. Residents of the municipality.

17 II. Other residents of the county in which the municipality is  
18 situate.

19 III. Other residents of the State.

20 IV. All other qualified applicants.

21 Within each such classification duly qualified applicants who are  
22 veterans shall be accorded all such veterans' preferences as are  
23 provided by law. Persons discharged from the service within 6 months  
24 prior to making application to such municipality, who fulfill the  
25 requirements of N.J.S.40A:14-10.1, and who, thereby, are entitled to  
26 appointment notwithstanding their failure to meet the New Jersey  
27 residency requirement at the time of their initial application, shall be  
28 placed in Class III.

29 Similar preference shall be accorded all duly qualified applicants  
30 whose parent was killed in the lawful discharge of official duties while  
31 serving as a member of a paid fire department or paid member of a  
32 part-paid fire department in the State or while serving as a law  
33 enforcement officer in the State; provided, however, this paragraph  
34 shall not be applicable if the municipality has entered into a consent  
35 decree with the United States Department of Justice concerning the  
36 hiring practices of the municipality.

37 When a veteran and a non-veteran whose parent was killed in the  
38 lawful discharge of official duties as a member of a paid fire  
39 department or paid member of a part-paid fire department or while  
40 serving as a law enforcement officer in the State are duly qualified  
41 applicants for a position, first preference shall be given to the veteran.

42 b. In any municipality which classifies qualified applicants pursuant  
43 to subsection a. of this section, the appointing authority shall first

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

**Matter underlined thus is new matter.**

1 appoint all those in Class I and then those in each succeeding class in  
2 the order above listed, and shall appoint a person or persons in any  
3 such class only to a vacancy or vacancies remaining after all qualified  
4 applicants in the preceding class or classes have been appointed or  
5 have declined an offer of appointment.

6 c. In any such municipality operating under the provisions of Title  
7 11 of the Revised Statutes, the classes of qualified applicants defined  
8 in subsection a. of this section shall be considered as separate and  
9 successive lists of eligibles, and the Civil Service Commission shall,  
10 when requested to certify eligibles for positions specified in this  
11 section, make such certifications from said classes separately and  
12 successively, and shall certify no persons from any such class until all  
13 persons in the preceding class or classes have been appointed or have  
14 declined offers of appointment.

15 d. This section shall apply only to initial appointments and not to  
16 promotional appointments of persons already members of the fire  
17 department.

18 e. In making temporary appointments such appointing authority  
19 shall utilize the classifications set forth in subsection a. of this section,  
20 and shall classify accordingly all duly qualified applicants for the  
21 position or positions to be temporarily filled.

22 (cf: P.L.1976, c.132, s.1)

23

24 2. Section 2 of P.L.1976, c.132 (C.40A:14-123.1a) is amended to  
25 read as follows:

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

30 I. Residents of the municipality.

31 II. Other residents of the county in which the municipality is  
32 situate.

33 III. Other residents of the State.

34 IV. All other qualified applicants.

35 Within each such classification duly qualified applicants who are  
36 veterans shall be accorded all such veterans' preferences as are  
37 provided by law. Persons discharged from the service within 6 months  
38 prior to making application to such municipality who fulfill the  
39 requirements of N.J.S. 40A:14-123.1, and who, thereby, are entitled  
40 to appointment notwithstanding their failure to meet the New Jersey  
41 residency requirement at the time of their initial application, shall be  
42 placed in Class III.

43 Similar preference shall be accorded all duly qualified applicants  
44 whose parent was killed in the lawful discharge of his or her duties  
45 while serving as a member of a paid fire department or paid member  
46 of a part-paid fire department in the State or while serving as a law

1 enforcement officer in the State; provided, however, this paragraph  
2 shall not be applicable if the municipality has entered into a consent  
3 decree with the United States Department of Justice concerning the  
4 hiring practices of the municipality.

5 When a veteran and a non-veteran whose parent was killed in the  
6 lawful discharge of official duties as a member of a paid fire  
7 department or paid member of a part-paid fire department in the State  
8 or while serving as a law enforcement officer in the State are duly  
9 qualified applicants for a position, first preference shall be given to the  
10 veteran.

11 b. In any municipality which classifies qualified applicants pursuant  
12 to subsection a. of this section, the appointing authority shall first  
13 appoint all those in Class I and then those in each succeeding class in  
14 the order above listed, and shall appoint a person or persons in any  
15 such class only to a vacancy or vacancies remaining after all qualified  
16 applicants in the preceding class or classes have been appointed or  
17 have declined an offer of appointment.

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

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

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

34 (cf: P.L.1976, c.132, s.2)

35  
36 3. This act shall take effect on the first day of the third month  
37 following enactment.

38  
39  
40 STATEMENT

41  
42 This bill allows municipalities that classify their qualified applicants  
43 for appointment as paid firefighters or law enforcement officers to give  
44 a hiring preference to the children of paid firefighters and law  
45 enforcement officers who were killed in the line of duty. Its provisions  
46 would apply to both civil service and non-civil service municipalities.

1 Under the provisions of the bill, these children would be accorded  
2 preference, similar to that currently accorded veterans, when applying  
3 for a position. This preference, like the current veterans' preference,  
4 would apply only in cases of an initial appointment, and not employee  
5 promotions. If both veterans and children of paid firefighters or law  
6 enforcement officers killed in the line of duty are seeking appointments  
7 in the same municipality, first preference would go to the veterans.

8 The bill's provisions are not applicable if the municipality has  
9 entered into a consent decree with the United States Department of  
10 Justice concerning the hiring practices of the municipality.

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1996 and 828**

# **STATE OF NEW JERSEY**

DATED: MAY 19, 2005

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate, Nos. 1996 and 828.

This committee substitute allows municipalities that choose to classify their qualified applicants for appointment as paid firefighters or law enforcement officers to give a hiring preference to the child of a paid firefighters or law enforcement officer who was killed while serving as a member of any paid fire department or paid member of any part-paid fire department or while serving as a law enforcement officer in any jurisdiction in the State. Its provisions would apply to both civil service and non-civil service municipalities.

Under the substitute, these children would be accorded preference in appointment second to, but not superseding, that currently accorded veterans, when applying for a position. The child of a deceased firefighter or law enforcement officer would be eligible for this preference regardless of when the natural or adoptive parent died and so long as it was before the date of the child's application for the position. This preference, like the current veterans' preference, would apply only in cases of an initial appointment, and not employee promotions. If both a veteran and the child of a paid firefighter or law enforcement officer killed in the line of duty are seeking appointments in the same municipality, first preference would go to the veteran.

The substitute's provisions are not applicable if the municipality has entered into a consent decree with the United States Department of Justice concerning the hiring practices of the municipality.

The substitute is identical to Assembly, No. 880 (2R).