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"Gov signs \$32.9B budget," Asbury Park Press, 7-1-08, p.1A

"Corzine enacts \$32.9B budget that trims spending," Courier News, 7-1-08, pA3

"Corzine signs 2009's \$32.9B state budget," Courier-Post, 7-1-08, p.1A

"Corzine calls budget new beginning: GOP disagrees," Home News Tribune, 7-1-08, p.A3

"Corzine signs nearly \$33 billion budget," Gloucester County Times, 7-1-08, p.A1

"Guv signs \$33B budget," The Trentonian, 7-1-08, p.9

"Corzine signs a 'painful' budget," The Star-Ledger, 7-1-08, p.7

LAW

Title 26.
Chapter 2NN
(New)
Law Enforcement
Officers Crisis
Intervention
Services
§§115,116 -
C.26:2NN-1 &
C.26:2NN-2
§117 –
C.11A:6-25.1
§118 - T&E
§119 - Repealer
§120 - Note

P.L. 2008, CHAPTER 29, *approved June 30, 2008*
Assembly Committee Substitute for
Assembly, No. 2803

1 **AN ACT** abolishing the Department of Personnel as a principal
2 department in the Executive Branch of State government and
3 transferring its functions, powers, and duties, creating a Civil
4 Service Reform Task Force, and amending, supplementing, and
5 repealing various parts of the statutory law.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

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

11 11A:2-1. **[Department of Personnel created.]** There is
12 established in, but not of, the Department of Labor and Workforce
13 Development in the Executive Branch of State government [a
14 principal department which shall be known as the Department of
15 Personnel, which shall consist of a Merit System Board, a
16 Commissioner of Personnel, subdivisions and officers and
17 employees as specifically referred to in this title and as may be
18 constituted or employed by virtue of the authority conferred by this
19 title or any other law] the Civil Service Commission. For the
20 purpose of complying with the provisions of Article V, Section IV,
21 paragraph 1 of the New Jersey Constitution, the Civil Service
22 Commission is allocated within the Department of Labor and
23 Workforce Development, but, notwithstanding this allocation, the
24 commission shall be independent of any supervision or control by
25 the department or by any officer or employee thereof. For the

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.

1 purpose of this title, ["board"] "commission" means [Merit System
2 Board, "commissioner" means the Commissioner of Personnel and
3 "department" means the Department of Personnel] the Civil Service
4 Commission.

5 (cf: N.J.S.11A:2-1)

6
7 2. N.J.S.11A:2-2 is amended to read as follows:

8 11A:2-2. Implementation. The [department] Department of the
9 Treasury and the Civil Service Commission, as appropriate, shall
10 implement and enforce this title.

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

12

13 3. N.J.S.11A:2-3 is amended to read as follows:

14 11A:2-3. Members; term; quorum; vacancies; chairperson. The
15 [Merit System Board] Civil Service Commission shall consist of
16 five members[, one of whom shall be the Commissioner of
17 Personnel, who shall serve as the chairperson. The other members
18 shall be] appointed by the Governor with the advice and consent of
19 the Senate for staggered terms of four years and until the
20 appointment and qualification of their successors. No more than
21 three of the five members shall be of the same political party. Three
22 members of the [board] commission shall constitute a quorum.

23 The holding over of an incumbent beyond the expiration of the
24 term of office shall reduce, in commensurate length, the term of
25 office of a successor. Vacancies shall be filled for the unexpired
26 terms, in the same manner as original appointments. No member
27 shall hold any other State or federal office or position.

28 The Governor shall designate one member to serve as the
29 chairperson of the commission. The chairperson shall be the chief
30 executive officer and administrator of the commission and shall
31 devote full time to the duties of the position. The chairperson shall
32 serve at the pleasure of the Governor.

33 (cf: N.J.S.11A:2-3)

34

35 4. N.J.S.11A:2-4 is amended to read as follows:

36 11A:2-4. Removal of a [board] commission member other than
37 [commissioner] chairperson of the commission. A [board]
38 commission member other than the [commissioner] chairperson of
39 the commission may be removed from office by the Governor for
40 cause, upon notice and an opportunity to be heard. A [board]
41 commission member removed from office shall be entitled to
42 receive compensation only up to the date of removal.

43 (cf: N.J.S.11A:2-4)

44

45 5. N.J.S.11A:2-5 is amended to read as follows:

46 11A:2-5. Compensation. A [board] commission member, other
47 than the [commissioner] chairperson of the commission, shall

1 receive a salary as fixed by law and shall also be entitled to sums
2 incurred for necessary expenses. The salary of the chairperson
3 shall be determined by the Governor.

4 (cf: N.J.S.11A:2-5)

5

6 6. N.J.S.11A:2-6 is amended to read as follows:

7 11A:2-6. Powers and duties. In addition to other powers and
8 duties vested in it by this title or by any other law, the **[board]**
9 commission shall:

10 a. After a hearing, render the final administrative decision on
11 appeals concerning permanent career service employees or those in
12 their working test period in the following categories:

13 (1) Removal,

14 (2) Suspension or fine as prescribed in N.J.S. 11A:2-14,

15 (3) Disciplinary demotion, and

16 (4) Termination at the end of the working test period for
17 unsatisfactory performance;

18 b. On a review of the written record, render the final
19 administrative decision on other appeals **[except for those matters**
20 **listed or delegated to the commissioner pursuant to subsection h. of**
21 **N.J.S. 11A:2-11]**;

22 c. Provide for interim remedies or relief in a pending appeal
23 where warranted;

24 d. Adopt and enforce rules to carry out this title and to
25 effectively implement a comprehensive personnel management
26 system;

27 e. Interpret the application of this title to any public body or
28 entity; and

29 f. Authorize and conduct such studies, inquiries, investigations
30 or hearings in the operation of this title as it deems necessary.

31 (cf: N.J.S.11A:2-6)

32

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

34 11A:2-7. Subpenas; oaths. The **[commissioner or the board]**
35 commission may subpoena and require the attendance of witnesses in
36 this State and the production of evidence or documents relevant to
37 any proceeding under this title. Those persons may also administer
38 oaths and take testimony. Subpenas issued under this section shall
39 be enforceable by order of the Superior Court.

40 (cf: N.J.S.11A:2-7)

41

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

43 11A:2-11. Powers and duties of the **[commissioner]**
44 commission. In addition to other powers and duties vested in the
45 **[commissioner]** commission by this title or any other law, the
46 **[commissioner]** commission:

47 a. **[Shall be the principal executive and request officer of the**
48 **department, allocating the functions and activities of the department**

- 1 among departmental subdivisions as the commissioner may
2 establish] Deleted by amendment, P.L. , c. (pending before the
3 Legislature as this bill);
- 4 b. May appoint [one deputy commissioner, who shall be in the
5 unclassified service, and may appoint other necessary] employees
6 necessary to enforce or implement the provisions of this title. All
7 employees of the commission whose principal duties relate to the
8 enforcement or implementation of this title shall be confidential
9 employees for the purposes of the "New Jersey Employer-Employee
10 Relations Act," P.L. 1941, c. 100 (C. 34:13A-1 et seq.);
- 11 c. Shall maintain a management information system necessary to
12 carry out the provisions of this title;
- 13 d. Shall have the authority to audit payrolls, reports or
14 transactions for conformity with the provisions of this title;
- 15 e. Shall plan, evaluate, administer and implement personnel
16 programs and policies in State government and political
17 subdivisions operating under this title;
- 18 f. Shall establish and supervise the selection process and
19 employee performance evaluation procedures;
- 20 g. [Shall develop programs to improve efficiency and
21 effectiveness of the public service, including, but not limited to,
22 employee training, development, assistance and incentives] Deleted
23 by amendment, P.L. , c. (pending before the Legislature as this
24 bill);
- 25 h. Shall set standards and procedures for review and render the
26 final administrative decision on a written record or after
27 recommendation by an independent reviewer assigned by the
28 [commissioner of appeals] commission from classification, salary,
29 layoff rights and in the State service noncontractual grievances;
- 30 i. May establish pilot programs and other projects for a
31 maximum of one year outside of the provisions of this title;
- 32 j. Shall provide for a public employee interchange program
33 pursuant to the "Government Employee Interchange Act of 1967,"
34 P.L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide for an
35 employee interchange program between public and private sector
36 employees;
- 37 k. [May establish an internship program] Deleted by
38 amendment, P.L. , c. (pending before the Legislature as this
39 bill);
- 40 l. [Shall assist the Governor in general work force planning,
41 personnel matters and labor relations] Deleted by amendment,
42 P.L. , c. (pending before the Legislature as this bill);
- 43 m. Shall establish and consult with advisory boards representing
44 political subdivisions, personnel officers, labor organizations and
45 other appropriate groups;
- 46 n. Shall make an annual report to the Governor and Legislature
47 and all other special or periodic reports as may be required. The

1 annual report shall indicate the number of persons, by title, who, on
2 March 31, June 30, September 30, and December 31 of each year,
3 held appointments to positions in the senior executive service and
4 the number of noncareer employees by title, who, on those same
5 dates, held appointments in positions in the senior executive
6 service;

7 o. Shall have the authority to assess costs for special or other
8 services; and

9 p. **[Shall recommend rules to the board for the implementation**
10 **of this title]** Deleted by amendment, P.L. , c. (pending before
11 the Legislature as this bill).

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

13

14 9. N.J.S.11A:2-12 is amended to read as follows:

15 11A:2-12. Delegation. The **[commissioner]** commission may
16 delegate to an appointing authority the responsibility for classifying
17 positions, administering examinations and other technical personnel
18 functions according to prescribed standards, but the
19 **[commissioner]** commission may not delegate any function of the
20 **[board]** commission.

21 This delegation shall be written and shall conform to the
22 provisions of this title. The **[commissioner]** commission may
23 assign staff of the **[department]** commission to an appointing
24 authority to assist the appointing authority in its delegated
25 personnel duties. The employees shall continue as employees of the
26 **[department]** commission. All delegation shall be subject to
27 supervision by the **[commissioner]** commission and post-audit and
28 may be cancelled, modified or limited at any time by the
29 **[commissioner]** commission. Such delegation is to be performed
30 in consultation with the advisory board representing political
31 subdivisions, and approved by an affected appointing authority
32 when the delegation requires substantial costs. The
33 **[commissioner]** commission, in consultation with the advisory
34 board representing political subdivisions, shall **[recommend]** adopt
35 rules **[to the Merit System Board]** to define substantial costs.

36 (cf: N.J.S.11A:2-12)

37

38 10. N.J.S.11A:2-13 is amended to read as follows:

39 11A:2-13. Opportunity for appointing authority hearing,
40 alternative procedures.

41 Except as otherwise provided herein, before any disciplinary
42 action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6 is taken
43 against a permanent employee in the career service or a person
44 serving a working test period, the employee shall be notified in
45 writing and shall have the opportunity for a hearing before the
46 appointing authority or its designated representative. The hearing
47 shall be held within 30 days of the notice of disciplinary action

1 unless waived by the employee. Both parties may consent to an
2 adjournment to a later date.

3 When the State of New Jersey and the majority representative
4 have agreed pursuant to the New Jersey Employer-Employee
5 Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a
6 procedure for appointing authority review before disciplinary action
7 in subsection a. (1), (2) and (3) of N.J.S. 11A: 2-6, which would be
8 otherwise appealable to the **[board]** Civil Service Commission
9 under N.J.S.11A:2-14, is taken against a permanent employee in the
10 career service or a person serving a working test period, such
11 procedure shall be the exclusive procedure for review before the
12 appointing authority.

13 This section shall not prohibit the immediate suspension of an
14 employee without a hearing if the appointing authority determines
15 that the employee is unfit for duty or is a hazard to any person if
16 allowed to remain on the job or that an immediate suspension is
17 necessary to maintain safety, health, order or effective direction of
18 public services. In addition, where a suspension is based on a
19 formal charge of a crime of the first, second or third degree, or a
20 crime of the fourth degree if committed on the job or directly
21 related to the job, the suspension may be immediate and continue
22 until a disposition of the charge. The **[board]** Civil Service
23 Commission shall establish, by rule, procedures for hearings and
24 suspensions with or without pay.

25 (cf: P.L.2004, c.104, s.1)

26

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

28 11A:2-14. Notice to employee of right to appeal, alternative
29 procedures.

30 Except as otherwise provided herein, within 20 days of the
31 hearing provided in N.J.S. 11A:2-13, the appointing authority shall
32 make a final disposition of the charges against the employee and
33 shall furnish the employee with written notice. If the appointing
34 authority determines that the employee is to be removed, demoted
35 or receive a suspension or a fine greater than five days, the
36 employee shall have a right to appeal to the **[board]** Civil Service
37 Commission. The suspension or fine of an employee for five days
38 or less shall be appealable if an employee's aggregate number of
39 days suspended or fined in any one calendar year is 15 days or
40 more. Where an employee receives more than three suspensions or
41 fines of five or less days in a calendar year, the last suspension or
42 fine is appealable.

43 When the State of New Jersey and the majority representative
44 have agreed pursuant to the New Jersey Employer-Employee
45 Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a
46 disciplinary review procedure that provides for binding arbitration
47 of disputes involving disciplinary action in subsection a. (1), (2)
48 and (3) of N.J.S. 11A:2-6, which would be otherwise appealable to

1 the **【board】** Civil Service Commission under N.J.S.11A:2-14, being
2 taken against a permanent employee in the career service or a
3 person serving a working test period, such procedure shall be the
4 exclusive procedure for any appeal of such disciplinary action.
5 (cf: P.L.2004, c.104, s.2)

6

7 12. N.J.S.11A:2-15 is amended to read as follows:

8 11A:2-15. Appeal procedure. Any appeal from adverse actions
9 specified in N.J.S. 11A:2-13 and subsection a.(4) of N.J.S. 11A:2-6
10 shall be made in writing to the **【board】** Civil Service Commission
11 no later than 20 days from receipt of the final written determination
12 of the appointing authority. If the appointing authority fails to
13 provide a written determination, an appeal may be made directly to
14 the **【board】** Civil Service Commission within reasonable time.
15 (cf: N.J.S.11A:2-15)

16

17 13. N.J.S.11A:2-16 is amended to read as follows:

18 11A:2-16. Appeal procedure for suspension or fine of five days
19 or less. If a State employee receives a suspension or fine of five
20 days or less, the employee may request review by the **【board】** Civil
21 Service Commission under standards and procedures established by
22 the **【board】** Civil Service Commission or appeal pursuant to an
23 alternate appeal procedure where provided by a negotiated contract
24 provision. If an employee of a political subdivision receives a
25 suspension or fine of five days or less, the employee may request
26 review under standards and procedures established by the political
27 subdivision or appeal pursuant to an alternate appeal procedure
28 where provided by a negotiated contract provision.
29 (cf: N.J.S.11A:2-16)

30

31 14. N.J.S.11A:2-18 is amended to read as follows:

32 11A:2-18. Representation. An employee may be represented at
33 any hearing before an appointing authority or the **【board】** Civil
34 Service Commission by an attorney or authorized union
35 representative.
36 (cf: N.J.S.11A:2-18)

37

38 15. N.J.S.11A:2-19 is amended to read as follows:

39 11A:2-19. Authority to increase or decrease penalty imposed.
40 The **【board】** Civil Service Commission may increase or decrease
41 the penalty imposed by the appointing authority, but removal shall
42 not be substituted for a lesser penalty.
43 (cf: N.J.S.11A:2-19)

44

45 16. N.J.S.11A:2-20 is amended to read as follows:

46 11A:2-20. Forms of disciplinary action. The **【board】** Civil
47 Service Commission shall establish by rule the general causes
48 which constitute grounds for disciplinary action and the kinds of

1 disciplinary action which may be taken by appointing authorities
2 against permanent career service employees or those serving in their
3 working test periods. Unless offered by the appointing authority
4 and selected by an employee as a disciplinary option, a fine may
5 only be imposed by an appointing authority as a form of restitution
6 or in lieu of a suspension when a suspension would be detrimental
7 to the public health, safety or welfare. When a fine is assessed, it
8 may either be paid in a lump sum or deducted from the employee's
9 salary over time as provided by **[board]** Civil Service Commission
10 rule. Except as provided for in N.J.S. 11A:2-13, an appointing
11 authority may not impose a suspension or fine greater than six
12 months.

13 (cf: N.J.S.11A:2-20)

14

15 17. N.J.S.11A:2-22 is amended to read as follows:

16 11A:2-22. Back pay, benefits, seniority and reasonable attorney
17 fees. The **[board]** Civil Service Commission may award back pay,
18 benefits, seniority and reasonable attorney fees to an employee as
19 provided by rule.

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

21

22 18. N.J.S.11A:2-24 is amended to read as follows:

23 11A:2-24. Protection against reprisals. An appointing authority
24 shall not take or threaten to take any action against an employee in
25 the career, senior executive or unclassified service in retaliation for
26 an employee's lawful disclosure of information on the violation of
27 any law or rule, governmental mismanagement or abuse of
28 authority. An employee who is the subject of a reprisal action by an
29 appointing authority for the lawful disclosure of information may
30 appeal such action to the **[board]** Civil Service Commission.

31 (cf: N.J.S.11A:2-24)

32

33 19. Section 1 of P.L.2006, c.77 (C.11A:2-28) is amended to read
34 as follows:

35 1. a. The **[Commissioner of the Department of Personnel]**
36 commission shall provide, by regulation, for intergovernmental
37 transfers by law enforcement officers, including county sheriff and
38 corrections officers, as part of the department's intergovernmental
39 transfer program. These law enforcement officers, county sheriff
40 and corrections officers shall be granted all privileges under the
41 intergovernmental transfer program, including the option to waive
42 all accumulated sick leave and seniority rights.

43 b. The waiver of accumulated sick leave and seniority rights
44 shall require the consent in writing of the receiving jurisdiction, the
45 affected employee, and the **[Department of Personnel]** commission.

46 c. The sending jurisdiction shall not pay supplemental
47 compensation for accumulated sick leave to any law enforcement
48 officer, county sheriff or corrections officer, approved for an

1 intergovernmental transfer and shall certify, to the receiving
2 jurisdiction and the **【Department of Personnel】** commission, that no
3 supplemental compensation was paid.

4 (cf: P.L.2006, c.77, s.1)

5

6 20. N.J.S.11A:3-1 is amended to read as follows:

7 11A:3-1. Classification. The **【board】** Civil Service Commission
8 shall assign and reassign titles among the career service, senior
9 executive service and unclassified service. The **【commissioner】**
10 commission shall:

11 a. Establish, administer, amend and continuously review a State
12 classification plan governing all positions in State service and
13 similar plans for political subdivisions;

14 b. Establish, consolidate and abolish titles;

15 c. Ensure the grouping in a single title of positions with similar
16 qualifications, authority and responsibility;

17 d. Assign and reassign titles to appropriate positions; and

18 e. Provide a specification for each title.

19 (cf: N.J.S.11A:3-1)

20

21 21. N.J.S.11A:3-2 is amended to read as follows:

22 11A:3-2. Career service. The career service shall have two
23 divisions, the competitive division and the noncompetitive division.
24 The **【commissioner】** commission shall assign and reassign such
25 titles to each division and may provide for movement, including
26 promotion, of employees from one division to the other.

27 (cf: N.J.S.11A:3-2)

28

29 22. N.J.S.11A:3-3 is amended to read as follows:

30 11A:3-3. Senior executive service. A senior executive service
31 shall be established in State government and include those positions
32 having substantial managerial, policy influencing or policy
33 executing responsibilities as determined by the **【board】** Civil
34 Service Commission. Titles included in a collective negotiations
35 unit shall not be included in the senior executive service. The total
36 number of senior executive service employees shall not exceed
37 1,200. The **【board】** Civil Service Commission shall adopt rules
38 providing for the selection, placement, transfer, development,
39 compensation, separation and performance appraisal of senior
40 executive service employees, and for the reinstatement of career
41 service employees to the career service. The senior executive
42 service shall not be subject to the provisions of this title unless
43 otherwise specified. The senior executive service shall include
44 noncareer and career service employees. The number of noncareer
45 employees shall not exceed 15% of the entire senior executive
46 service work force.

47 Where an employee holds permanent career service status in a
48 position in a title that is assigned to the senior executive service, the

1 employee, with appointing authority approval, shall be provided the
2 option of joining the senior executive service. Permanent career
3 service employees who opt not to join the senior executive service
4 or who do not receive approval to join the senior executive service
5 shall have the right to reinstatement to the career service to a level
6 directly under the senior executive service. Permanent career
7 service employees who join the senior executive service and who
8 are later separated from the senior executive service shall have a
9 right of reinstatement to the career service to a level held prior to
10 entry in the senior executive service, unless the employee has been
11 separated, after opportunity for hearing, from the senior executive
12 service for reasons which constitute cause for removal from the
13 career service.

14 (cf: N.J.S.11A:3-3)

15

16 23. N.J.S.11A:3-4 is amended to read as follows:

17 11A:3-4. State unclassified service. The State unclassified
18 service shall not be subject to the provisions of this title unless
19 otherwise specified and shall include the following:

20 a. Appointments of the Governor;

21 b. Department heads and members of boards and commissions
22 authorized by law;

23 c. Employees in the legislative branch of State government;

24 d. Heads of institutions;

25 e. Superintendents, teachers and instructors in the public
26 schools, the agricultural experiment station and State institutions,
27 where certified teachers are employed under the supervision of and
28 qualified by the State Department of Education, and other
29 institutions maintained wholly or in part by the State;

30 f. Physicians, surgeons and dentists;

31 g. Assistant and Deputy Attorneys General and legal assistants
32 appointed by the Attorney General;

33 h. One secretary and one confidential assistant to each
34 department head, board, principal executive officer and
35 commission. Each certification and appointment hereunder shall be
36 recorded in the minutes of the **[board]** Civil Service Commission;

37 i. Employees in the military or naval service of the State;

38 j. Student assistants;

39 k. Domestic employees in the Governor's household; and

40 l. All other titles as provided by law or as the **[board]** Civil
41 Service Commission may determine.

42 (cf: N.J.S.11A:3-4)

43

44 24. N.J.S.11A:3-5 is amended to read as follows:

45 11A:3-5. Political subdivision unclassified service. The
46 political subdivision unclassified service shall not be subject to the
47 provisions of this title unless otherwise specified and shall include
48 the following:

- 1 a. Elected officials;
- 2 b. One secretary and one confidential assistant to each mayor;
- 3 c. Members of boards and commissions authorized by law;
- 4 d. Heads of institutions;
- 5 e. Physicians, surgeons and dentists;
- 6 f. Attorneys of a county, municipality or school district
7 operating under this title;
- 8 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public
9 schools and county superintendents and members and business
10 managers of boards of education;
- 11 h. Principal executive officers;
- 12 i. One secretary, clerk or executive director to each department,
13 board and commission authorized by law to make the appointment;
- 14 j. One secretary or clerk to each county constitutional officer,
15 principal executive officer, and judge;
- 16 k. One deputy or first assistant to a principal executive officer
17 who is authorized by statute to act for and in place of the principal
18 executive officer;
- 19 l. No more than 12 county department heads and the heads of
20 divisions within such departments; provided that the total number of
21 unclassified positions created by the county administrative code
22 pursuant to this subsection shall not exceed 20;
- 23 m. One secretary or confidential assistant to each unclassified
24 department or division head established in subsection l.;
- 25 n. Employees of county park commissions, appointed pursuant
26 to R.S.40:37-96 through R.S.40:37-174, in counties of the second
27 class;
- 28 o. Directors of free public libraries in cities of the first class
29 having a population of more than 300,000;
- 30 p. One secretary to the municipal council in cities of the first
31 class having a population of less than 300,000;
- 32 q. One secretary and one confidential aide for each member of
33 the board of freeholders other than the director, and one secretary
34 and two confidential aides for the freeholder director, of any county
35 of the second class with a population of at least 470,000 which has
36 not adopted the provisions of the "Optional County Charter Law,"
37 P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or
38 confidential aide for each member of the board of freeholders of
39 any other county which has not adopted the provisions of the
40 "Optional County Charter Law";
- 41 r. In school districts organized pursuant to N.J.S.18A:17-1 et
42 seq., the executive controller, public information officer and the
43 executive directors of board affairs, personnel, budget, purchasing,
44 physical facilities, data processing, financial affairs, and internal
45 audit;
- 46 s. The executive director, assistant executive director, director
47 of staff operations, director of administration, director of

1 redevelopment and the urban initiatives coordinator of a local
2 housing authority;

3 t. The sheriff's investigators of any county appointed pursuant to
4 P.L.1987, c.113 (C.40A:9-117a);

5 u. Any title as provided by statute or as the **[board]** Civil
6 Service Commission may determine in accordance with criteria
7 established by rule;

8 v. One confidential aide for each county clerk, in addition to the
9 titles included under subsection j. of this section; and

10 w. Two deputy municipal clerks in cities of the first class having
11 a population of not less than 240,000 persons or more than 250,000
12 persons according to the 2000 federal decennial census.

13 (cf: P.L.2002, c.59, s.1)

14

15 25. N.J.S.11A:3-6 is amended to read as follows:

16 11A:3-6. Public hearing required when moving title from career
17 to unclassified service. Whenever the **[board]** Civil Service
18 Commission considers moving a title from the career service to the
19 unclassified service, the **[board]** Civil Service Commission shall
20 first hold a public hearing before reaching a determination.

21 (cf: N.J.S.11A:3-6)

22

23 26. N.J.S.11A:3-7 is amended to read as follows:

24 11A:3-7. a. The **[commissioner]** commission shall administer
25 an equitable State employee compensation plan which shall include
26 pay schedules and standards and procedures for salary adjustments
27 other than as provided for in the State compensation plan for the
28 career, senior executive and unclassified services.

29 b. Prior to adoption or implementation of an amendment, change
30 or modification to the compensation plan for State employees which
31 amendment, change or modification affects public employees
32 represented by a majority representative selected or designated
33 pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3), the State
34 shall negotiate with the majority representative for an agreement on
35 the amendment, change or modification to the compensation plan.
36 The State shall negotiate in good faith with the majority
37 representative. A State employee compensation plan shall not be
38 amended, changed or modified except pursuant to a written
39 agreement entered into between the State and the majority
40 representative following negotiations.

41 c. When an employee has erroneously received a salary
42 overpayment, the **[commissioner]** commission may waive
43 repayment based on a review of the case.

44 d. Employees of political subdivisions are to be paid in
45 reasonable relationship to titles and shall not be paid a base salary
46 below the minimum or above the maximum established salary for
47 an employee's title.

48 (cf: P.L.2001, c.240, s.1)

1 27. N.J.S.11A:3-8 is amended to read as follows:

2 11A:3-8. Payroll audits. The **[commissioner]** commission may
3 audit State payrolls and the payrolls of political subdivisions to
4 determine compliance with this title. The **[commissioner]**
5 commission may order and enforce immediate compliance as
6 necessary.

7 (cf: N.J.S.11A:3-8)

8

9 28. N.J.S.11A:4-1 is amended to read as follows:

10 11A:4-1. Examinations. The **[commissioner]** commission shall
11 provide for:

12 a. The announcement and administration of examinations which
13 shall test fairly the knowledge, skills and abilities required to
14 satisfactorily perform the duties of a title or group of titles. The
15 examinations may include, but are not limited to, written, oral,
16 performance and evaluation of education and experience;

17 b. The rating of examinations;

18 c. The security of the examination process and appropriate
19 sanctions for a breach of security;

20 d. The selection of special examiners to act as subject matter
21 specialists or to provide other assistance. Employees of the State or
22 political subdivisions may be so engaged as part of their official
23 duties during normal working hours with the approval of their
24 appointing authority. Extra compensation may be provided for such
25 service outside normal working hours; and

26 e. The right to appeal adverse actions relating to the examination
27 and appointment process, which shall include but not be limited to
28 rejection of an application, failure of an examination and removal
29 from an eligible list.

30 (cf: N.J.S.11A:4-1)

31

32 29. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to
33 read as follows:

34 1. a. Except as provided in subsection b. of this section
35 concerning law enforcement officer and firefighter examinations,
36 the **[Commissioner of the Department of Personnel]** commission
37 shall establish a \$15 fee for each application for an open
38 competitive or promotional examination. Persons receiving public
39 assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.),
40 P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55
41 et seq.) shall not be required to pay this fee if they apply for an
42 open competitive examination. Receipts derived from application
43 fees established by this subsection shall be appropriated to the
44 **[department]** commission.

45 b. The **[commissioner]** commission shall establish a fee for
46 each application for an open competitive or promotional
47 examination for a law enforcement officer or firefighter title. The
48 fee shall not exceed the cost of developing, procuring and

1 administering the examination, including the processing of any
2 appeals or reviews associated with the examination. Persons
3 receiving public assistance benefits pursuant to P.L.1947, c.156
4 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or
5 P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this
6 fee if they apply for an open competitive examination. Receipts
7 derived from application fees established by this subsection shall be
8 appropriated to the **[department]** commission for use in developing,
9 procuring and administering law enforcement officer and firefighter
10 examinations, including the processing of any appeals or reviews
11 associated with those examinations.

12 c. In addition to the fees established in subsections a. and b. of
13 this section, the **[commissioner]** commission shall establish a \$15
14 fee for each application for an open competitive or promotional
15 examination for a position in State service. Persons receiving
16 public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107
17 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38
18 (C.44:10-55 et seq.) shall not be required to pay this fee if they
19 apply for an open competitive examination. Receipts derived from
20 the application fee established pursuant to this subsection shall be
21 appropriated annually to the **[department]** commission for the costs
22 of the displaced workers pool program. This fee shall not be
23 assessed and collected unless the **[commissioner]** commission
24 implements a displaced workers pool program. If the displaced
25 workers pool program is terminated at any time by the
26 **[commissioner]** commission, the assessment and collection of this
27 additional fee shall also be terminated.

28 (cf: P.L.2002, c.34, s.11)

29

30 30. Section 2 of P.L.1992, c.197 (C.11A:4-1.2) is amended to
31 read as follows:

32 2. The **[Commissioner of the Department of Personnel]**
33 commission shall promulgate, pursuant to the "Administrative
34 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
35 regulations to effectuate the purposes of this act.

36 (cf: P.L.1992, c.197, s.2)

37

38 31. N.J.S.11A:4-2 is amended to read as follows:

39 11A:4-2. Holding of examinations. A vacancy shall be filled by
40 a promotional examination when considered by the **[commissioner]**
41 commission to be in the best interest of the career service.

42 (cf: N.J.S.11A:4-2)

43

44 32. N.J.S.11A:4-3 is amended to read as follows:

45 11A:4-3. Admission to examinations. If it appears that an
46 eligible list is not likely to provide full certification for existing or
47 anticipated vacancies from among qualified residents of this State,
48 or of political subdivisions where required by law, the

1 **[commissioner]** commission may admit other qualified nonresident
2 applicants. Where residency preference is provided pursuant to any
3 other statute, the **[commissioner]** commission may limit applicants
4 to such classes as are necessary to establish a sufficient pool of
5 eligibles.

6 (cf: N.J.S.11A:4-3)

7
8 33. N.J.S.11A:4-4 is amended to read as follows:

9 11A:4-4. Eligible lists and certifications. The **[commissioner]**
10 commission shall provide for:

11 a. The establishment and cancellation of eligible lists;

12 b. The certification of an eligible list to positions in other
13 appropriate titles; and

14 c. The consolidation of eligible lists which may include, but is
15 not limited to, the combining of names of eligibles by scores.

16 (cf: N.J.S.11A:4-4)

17
18 34. N.J.S.11A:4-5 is amended to read as follows:

19 11A:4-5. Use of eligible list. Once the examination process has
20 been initiated due to the appointment of a provisional or an
21 appointing authority's request for a list to fill a vacancy, the affected
22 appointing authority shall be required to make appointments from
23 the list if there is a complete certification, unless otherwise
24 permitted by the **[commissioner]** commission for valid reason such
25 as fiscal constraints. If the **[commissioner]** commission permits an
26 appointing authority to leave a position vacant in the face of a
27 complete list, the **[commissioner]** commission may order the
28 appointing authority to reimburse the **[department]** commission for
29 the costs of the selection process.

30 (cf: N.J.S.11A:4-5)

31
32 35. N.J.S.11A:4-6 is amended to read as follows:

33 11A:4-6. Duration of lists. The **[commissioner]** commission
34 shall set the duration of an eligible list, which shall not be more
35 than three years from the date of its establishment, except that it
36 may be extended by the **[commissioner]** commission for good
37 cause and a list shall not have a duration of more than four years.
38 Notwithstanding the duration of a list, the **[commissioner]**
39 commission may revive a list to implement a court order or decision
40 of the **[board or commissioner]** commission in the event of a
41 successful appeal instituted during the life of the list or to correct an
42 administrative error. The **[commissioner]** commission may revive
43 a list to effect the appointment of an eligible whose working test
44 period was terminated by a layoff.

45 (cf: N.J.S.11A:4-6)

46
47 36. N.J.S.11A:4-8 is amended to read as follows:

1 11A:4-8. Certification and appointment. The **[commissioner]**
2 commission shall certify the three eligibles who have received the
3 highest ranking on an open competitive or promotional list against
4 the first provisional or vacancy. For each additional provisional or
5 vacancy against whom a certification is issued at that time, the
6 **[commissioner]** commission shall certify the next ranked eligible.
7 If more than one eligible has the same score, the tie shall not be
8 broken and they shall have the same rank. If three or more eligibles
9 can be certified as the result of the ranking without resorting to all
10 three highest scores, only those eligibles shall be so certified.

11 A certification that contains the names of at least three interested
12 eligibles shall be complete and a regular appointment shall be made
13 from among those eligibles. An eligible on an incomplete list shall
14 be entitled to a provisional appointment if a permanent appointment
15 is not made.

16 Eligibles on any type of reemployment list shall be certified and
17 appointed in the order of their ranking and the certification shall not
18 be considered incomplete.

19 (cf: N.J.S.11A:4-8)

20

21 37. N.J.S.11A:4-9 is amended to read as follows:

22 11A:4-9. Types of eligible lists. The **[commissioner]**
23 commission may establish the following types of eligible lists:

24 a. Open competitive, which shall include all qualified eligibles
25 without regard to whether they are currently employed by the State
26 or a political subdivision;

27 b. Promotional, which shall include qualified permanent
28 eligibles;

29 c. Regular reemployment, which shall include former permanent
30 employees who resigned in good standing and whose reemployment
31 is certified by the appointing authority as in the best interest of the
32 service. The name of any such employee shall not remain on a
33 reemployment list for more than three years from the date of
34 resignation, unless otherwise extended pursuant to N.J.S. 11A:4-6;

35 d. Police or fire reemployment, which shall include former
36 permanent uniformed members of a police or fire department who
37 have resigned in good standing and whose reemployment is
38 certified by the appointing authority as in the best interest of the
39 service; and

40 e. Special reemployment, which shall include permanent
41 employees laid off or demoted in lieu of layoff from permanent
42 titles.

43 (cf: N.J.S.11A:4-9)

44

45 38. N.J.S.11A:4-11 is amended to read as follows:

46 11A:4-11. Removal on criminal record. Upon the request of an
47 appointing authority, the **[commissioner]** commission may remove
48 an eligible with a criminal record from a list when the criminal

1 record includes a conviction for a crime which adversely relates to
2 the employment sought. The following factors may be considered
3 in such determination:

- 4 a. Nature and seriousness of the crime;
- 5 b. Circumstances under which the crime occurred;
- 6 c. Date of the crime and age of the eligible when the crime was
7 committed;
- 8 d. Whether the crime was an isolated event; and
- 9 e. Evidence of rehabilitation.

10 The presentation to an appointing authority of a pardon or
11 expungement shall prohibit an appointing authority from rejecting
12 an eligible based on such criminal conviction, except for law
13 enforcement, fire fighter or correction officer and other titles as
14 determined by the **【commissioner】** commission.

15 (cf: N.J.S.11A:4-11)

16

17 39. N.J.S.11A:4-13 is amended to read as follows:

18 11A:4-13. Types of appointment. The **【commissioner】**
19 commission shall provide for the following types of appointment:

20 a. Regular appointments shall be to a title in the competitive
21 division of the career service upon examination and certification or
22 to a title in the noncompetitive division of the career service upon
23 appointment. The appointments shall be permanent after
24 satisfactory completion of a working test period;

25 b. Provisional appointments shall be made only in the
26 competitive division of the career service and only in the absence of
27 a complete certification, if the appointing authority certifies that in
28 each individual case the appointee meets the minimum
29 qualifications for the title at the time of appointment and that failure
30 to make a provisional appointment will seriously impair the work of
31 the appointing authority. In no case shall any provisional
32 appointment exceed a period of 12 months;

33 c. Temporary appointments may be made, without regard to the
34 provisions of this chapter, to temporary positions established for a
35 period aggregating not more than six months in a 12-month period
36 as approved by the **【commissioner】** commission. These positions
37 include, but are not limited to, seasonal positions. Positions
38 established as a result of a short-term grant may be established for a
39 maximum of 12 months. Appointees to temporary positions shall
40 meet the minimum qualifications of a title;

41 d. Emergency appointments shall not exceed 30 days and shall
42 only be permitted where nonappointment will result in harm to
43 persons or property;

44 e. Senior executive service appointments shall be made pursuant
45 to N.J.S. 11A:3-3; and

46 f. Unclassified appointments shall be made pursuant to N.J.S.
47 11A:3-4 and N.J.S.11A:3-5.

48 (cf: N.J.S.11A:4-13)

1 40. N.J.S.11A:4-14 is amended to read as follows:

2 11A:4-14. Promotion. The **[commissioner]** commission shall
3 establish the minimum qualifications for promotion and shall
4 provide for the granting of credit for performance and seniority
5 where appropriate.

6 (cf: N.J.S.11A:4-14)

7

8 41. N.J.S.11A:4-15 is amended to read as follows:

9 11A:4-15. Working test period. The purpose of the working test
10 period is to permit an appointing authority to determine whether an
11 employee satisfactorily performs the duties of a title. A working
12 test period is part of the examination process which shall be served
13 in the title to which the certification was issued and appointment
14 made. The **[commissioner]** commission shall provide for:

15 a. A working test period following regular appointment of four
16 months, which may be extended to six months at the discretion of
17 the **[commissioner]** commission, except that the working test
18 period for political subdivision employees shall be three months and
19 the working test period for entry level law enforcement, correction
20 officer, and firefighter titles shall be 12 months;

21 b. Progress reports to be made by the appointing authority and
22 provided to the employee at such times during the working test
23 period as provided by rules of the **[board]** commission and a final
24 progress report at the end of the entire working test period shall be
25 provided to the employee and the **[commissioner]** commission;

26 c. Termination of an employee at the end of the working test
27 period and termination of an employee for cause during the working
28 test period; and

29 d. The retention of permanent status in the lower title by a
30 promoted employee during the working test period in the higher
31 title and the right to return to such permanent title if the employee
32 does not satisfactorily complete the working test period, but
33 employees removed for cause during a working test period shall not
34 be so returned.

35 (cf: N.J.S.11A:4-15)

36

37 42. N.J.S.11A:4-16 is amended to read as follows:

38 11A:4-16. Transfer, reassignment and lateral title change. The
39 rules of the **[board]** Civil Service Commission shall define and
40 establish the procedures for transfer, reassignment and lateral title
41 change. Employees shall be granted no less than 30 days' notice of
42 transfer, except with employee consent or under emergent
43 circumstances as established by rules of the **[board]** Civil Service
44 Commission. The **[commissioner]** commission shall provide for
45 relocation assistance for State employees who are transferred or
46 reassigned to a new work location due to a phasedown or closing of
47 a State operation, subject to available appropriations. Transfers,
48 reassignments, or lateral title changes shall not be utilized as part of

1 a disciplinary action, except following an opportunity for hearing.
2 Nothing herein shall prohibit transfers, reassignments, or lateral
3 title changes made in good faith. The burden of proof
4 demonstrating lack of good faith shall be on the employee.

5 (cf: N.J.S.11A:4-16)

6

7 43. Section 3 of P.L.2000, c.127 (C.11A:5-1.1) is amended to
8 read as follows:

9 3. The Adjutant General of the Department of Military and
10 Veterans' Affairs shall be responsible for determining whether any
11 person seeking to be considered a "veteran" or a "disabled veteran"
12 under N.J.S.11A:5-1, for the purpose of receiving civil service
13 preference, meets the criteria set forth therein and adjudicating an
14 appeal from any person disputing this determination. The
15 determination of the Adjutant General shall apply only
16 prospectively from the date of initial determination or date of
17 determination from an appeal, as appropriate, and shall be binding
18 upon the **[Department of Personnel]** commission.

19 (cf: P.L.2000, c.127, s.3)

20

21 44. N.J.S.11A:5-8 is amended to read as follows:

22 11A:5-8. Preference in appointment in noncompetitive division.
23 From among those eligible for appointment in the noncompetitive
24 division, preference shall be given to a qualified veteran. Before an
25 appointing authority shall select a nonveteran and not appoint a
26 qualified veteran, the appointing authority shall show cause before
27 the **[board]** Civil Service Commission why a veteran should not be
28 appointed. In all cases, a disabled veteran shall have preference
29 over all others.

30 (cf: N.J.S.11A:5-8)

31

32 45. N.J.S.11A:5-10 is amended to read as follows:

33 11A:5-10. Hearing on dismissal of veteran. Before any
34 department head shall dismiss any veteran, as provided in N.J.S.
35 11A:5-9, such department head shall show cause before the **[board]**
36 Civil Service Commission why such veteran should not be retained,
37 at which time such veteran or veterans may be privileged to attend.
38 The **[board]** Civil Service Commission shall be the sole judge of
39 the facts constituting such qualification.

40 (cf: N.J.S.11A:5-10)

41

42 46. N.J.S.11A:5-11 is amended to read as follows:

43 11A:5-11. Veterans not to be discriminated against because of
44 physical defects. Veterans suffering from any physical defect
45 caused by wounds or injuries received in the line of duty in the
46 military or naval forces of the United States during war service set
47 forth in N.J.S. 11A:5-1 shall not be discriminated against in an
48 examination, classification or appointment because of the defect,

1 unless this defect, in the opinion of the **[board]** Civil Service
2 Commission, would incapacitate the veteran from properly
3 performing the duties of the office, position or employment for
4 which applied.

5 (cf: N.J.S.11A:5-11)

6

7 47. N.J.S.11A:5-12 is amended to read as follows:

8 11A:5-12. Employment or promotion of persons awarded Medal
9 of Honor, Distinguished Service Cross, Air Force Cross or Navy
10 Cross. Any individual who has served in the Army, Air Force,
11 Navy, or Marine Corps of the United States and who has been
12 awarded the Medal of Honor, the Distinguished Service Cross, Air
13 Force Cross or Navy Cross, while a resident of this State, and any
14 individual who has served in the United States Coast Guard and
15 who has been awarded the Medal of Honor or the Navy Cross while
16 a resident of this State, shall be appointed or promoted without
17 complying with the rules of the **[board]** Civil Service Commission.
18 The appointing authority to whom the individual applies for
19 appointment or promotion shall, at its discretion, appoint or
20 promote that person. Upon promotion or appointment, that person
21 shall become subject to the rules of the **[board]** Civil Service
22 Commission. A person who qualifies under this section shall not be
23 limited to only one appointment or promotion.

24 (cf: N.J.S.11A:5-12)

25

26 48. N.J.S.11A:5-13 is amended to read as follows:

27 11A:5-13. World War soldiers in employment of a county,
28 municipality or school district; promotion. A soldier who served in
29 the Army of the United States during the war between the United
30 States and Germany, who holds the French Medaille Militaire, the
31 Croix de Guerre with Palm, Croix de Guerre with Silver Star, Croix
32 de Guerre with Bronze Star and who was on March 26, 1926,
33 employed by any county, municipality or school district operating
34 under the provisions of this title shall be eligible for promotion
35 without complying with any of the rules or regulations of the
36 **[board]** Civil Service Commission. The head, or person in charge
37 of the office in which the person is employed, may promote such
38 employee for the good of the service as may in his judgment seem
39 proper.

40 (cf: N.J.S.11A:5-13).

41

42 49. N.J.S.11A:5-15 is amended to read as follows:

43 11A:5-15. Enforcement. The **[board]** Civil Service
44 Commission may promulgate rules for the proper administration
45 and enforcement of this chapter.

46 Nothing herein contained shall be construed to amend, modify or

1 supersede N.J.S. 40A:14-25, N.J.S. 40A:14-115 or N.J.S. 40A:14-
2 143.
3 (cf: N.J.S.11A:5-15)

4
5 50. N.J.S.11A:6-1 is amended to read as follows:

6 11A:6-1. Leaves. The **【board】** Civil Service Commission shall
7 designate the types of leaves and adopt rules for State employees in
8 the career and senior executive services regarding procedures for
9 sick leave, vacation leave and other designated leaves with or
10 without pay as the **【board】** Civil Service Commission may
11 designate. Any political subdivision subject to the provisions of
12 this title shall prepare procedures regarding these items.

13 In all cases, a leave of absence with or without pay shall not
14 exceed a period of one year at any one time unless renewal or
15 extension is granted upon written approval of the **【commissioner】**
16 commission.

17 (cf: N.J.S.11A:6-1)

18
19 51. Section 1 of P.L.1993, c.297 (C.11A:6-1.1) is amended to
20 read as follows:

21 1. The **【Commissioner of the Department of Personnel】**
22 commission shall establish a voluntary furlough program for State
23 employees under which days of leave without pay, singly or
24 consecutively, may be taken. The seniority rights and health
25 benefits coverage of an employee who participates in this furlough
26 program shall continue and shall not be adversely affected by
27 participation.

28 (cf: P.L.1993, c.297, s.1)

29
30 52. N.J.S.11A:6-2 is amended to read as follows:

31 11A:6-2. Vacation leave; full-time State employees. Vacation
32 leave for full-time State employees in the career and senior
33 executive service shall be at least:

34 a. Up to one year of service, one working day for each month of
35 service;

36 b. After one year and up to five years of continuous service, 12
37 working days;

38 c. After five years and up to 12 years of continuous service, 15
39 working days;

40 d. After 12 years and up to 20 years of continuous service, 20
41 working days;

42 e. Over 20 years of continuous service, 25 working days;

43 f. Vacation not taken in a given year because of business
44 demands shall accumulate and be granted during the next
45 succeeding year only; except that vacation leave not taken by an
46 employee in the career and senior executive service in a given year
47 because of duties directly related to a state of emergency declared
48 by the Governor shall accumulate until, pursuant to a plan

1 established by the employee's appointing authority and approved by
2 the **[Commissioner of Personnel]** commission, the leave is used or
3 the employee is compensated for that leave, which shall not be
4 subject to collective negotiation or collective bargaining; and

5 g. Vacation not taken in a given year because of business
6 demands shall accumulate and be granted during the next
7 succeeding year only; except that vacation leave not taken by an
8 employee in the unclassified service in a given year because of
9 duties directly related to a state of emergency declared by the
10 Governor shall accumulate until, pursuant to a plan established by
11 the employee's appointing authority and approved by the
12 **[Commissioner of Personnel]** commission, the leave is used or the
13 employee is compensated for that leave, which shall not be subject
14 to collective negotiation or collective bargaining. Nothing in this
15 subsection shall affect any rights to vacation leave which is subject
16 to collective negotiation or collective bargaining.

17 (cf: P.L.2001, c.270, s.1)

18

19 53. N.J.S.11A:6-3 is amended to read as follows:

20 11A:6-3. Vacation leave; full-time political subdivision
21 employees. Vacation leave for full-time political subdivision
22 employees shall be at least:

23 a. Up to one year of service, one working day for each month of
24 service;

25 b. After one year and up to 10 years of continuous service, 12
26 working days;

27 c. After 10 years and up to 20 years of continuous service, 15
28 working days;

29 d. After 20 years of continuous service, 20 working days; and

30 e. Vacation not taken in a given year because of business
31 demands shall accumulate and be granted during the next
32 succeeding year only; except that vacation leave not taken in a
33 given year because of duties directly related to a state of
34 emergency declared by the Governor may accumulate at the
35 discretion of the appointing authority until, pursuant to a plan
36 established by the employee's appointing authority and approved by
37 the **[Commissioner of Personnel]** commission, the leave is used or
38 the employee is compensated for that leave, which shall not be
39 subject to collective negotiation or collective bargaining

40 (cf: P.L.2001, c.270, s.2)

41

42 54. N.J.S.11A:6-8 is amended to read as follows:

43 11A:6-8. Sick leave injury in State service. Leaves of absence
44 for career, senior executive and unclassified employees in State
45 service due to injury or illness directly caused by and arising from
46 State employment shall be governed by rules of the **[board]** Civil
47 Service Commission. Leaves of absence for career and unclassified
48 employees of a political subdivision directly caused by or arising

1 from employment shall be governed by rules of the political
2 subdivision. Any sick leave with pay shall be reduced by the
3 amount of workers' compensation or disability benefits, if any,
4 received for the same injury or illness.

5 (cf: N.J.S.11A:6-8)

6

7 55. N.J.S.11A:6-23 is amended to read as follows:

8 11A:6-23. Supplemental compensation; rules. The **[board]**
9 Civil Service Commission shall adopt rules for the implementation
10 of supplemental compensation, which shall include but need not be
11 limited to application and eligibility procedures.

12 (cf: N.J.S.11A:6-23)

13

14 56. N.J.S.11A:6-24 is amended to read as follows:

15 11A:6-24. State employees in the career, senior executive and
16 unclassified services in titles or circumstances designated by the
17 **[board]** Civil Service Commission shall be eligible for overtime
18 compensation and holiday pay. Overtime compensation and
19 holiday pay shall be either cash compensation at a rate representing
20 1 1/2 times the employee's hourly rate of base salary or
21 compensatory time off at a rate of 1 1/2 hours for each hour worked
22 beyond the regular workweek, at the discretion of the department
23 head, with the approval of the **[commissioner]** commission.

24 The **[board]** commission shall adopt rules for the
25 implementation of hours of work, overtime compensation and
26 holiday pay programs, which shall include but need not be limited
27 to application and eligibility procedures.

28 (cf: N.J.S.11A:6-24)

29

30 57. N.J.S.11A:6-25 is amended to read as follows:

31 11A:6-25. State training programs. The **[commissioner]** State
32 Treasurer may establish and shall review and approve training and
33 education programs for State employees in the career, senior
34 executive and unclassified services and shall supervise a State
35 training center with appropriate courses and fee schedules.
36 Particular training may be required by the **[commissioner]** State
37 Treasurer for certain employees, for which an assessment to State
38 departments may be imposed.

39 (cf: N.J.S.11A:6-25)

40

41 58. N.J.S.11A:6-26 is amended to read as follows:

42 11A:6-26. Employee career development. The **[commissioner]**
43 State Treasurer shall develop and stimulate employee career
44 development and improve management and efficiency in State
45 government through programs, for which an assessment to State
46 departments may be imposed, that include but are not limited to:

47 a. Career mobility and transferability;

48 b. Employee advisory services for counseling and rehabilitation;

- 1 c. Retirement planning; and
2 d. Interchange and internship programs.
3 (cf: N.J.S.11A:6-26)

4
5 59. N.J.S.11A:6-27 is amended to read as follows:

6 11A:6-27. Political subdivisions. The **【commissioner】**
7 commission may, at the request of any political subdivision, initiate
8 programs similar to those authorized in this chapter and provide
9 technical assistance to political subdivisions to improve the
10 efficiency and effectiveness of their personnel management
11 programs. The **【commissioner】** commission may require
12 reasonable reimbursement from a participating political subdivision.
13 (cf: N.J.S.11A:6-27)

14

15 60. N.J.S.11A:6-28 is amended to read as follows:

16 11A:6-28. Employee performance evaluations. The
17 **【commissioner】** commission shall establish an employee
18 performance evaluation system for State employees in the career
19 and senior executive services. The system shall utilize standards
20 and criteria related to job content and program goals.

21 Political subdivisions may adopt employee performance
22 evaluation systems for their employees.

23 The **【board】** Civil Service Commission shall adopt and enforce
24 rules with respect to the utilization of performance ratings in
25 promotion, layoff or other matters.

26 (cf: N.J.S.11A:6-28)

27

28 61. N.J.S.11A:6-29 is amended to read as follows:

29 11A:6-29. Awards committee. The New Jersey Employee
30 Awards Committee shall be established **【in】** within the **【department**
31 under the supervision of the commissioner】 Civil Service
32 Commission. The committee shall be composed of seven persons,
33 each of whom shall be employed in a different department within
34 the Executive Branch. Appointments to the committee shall be
35 made by the Governor, from nominations by the **【commissioner】**
36 commission, for staggered terms of three years or until a successor
37 is appointed. No member shall serve more than two consecutive
38 full terms. Members shall serve without compensation but shall be
39 entitled to sums incurred for necessary expenses. The
40 **【commissioner】** commission shall designate an employee **【of the**
41 department】 as executive secretary to the committee.

42 (cf: N.J.S.11A:6-29)

43

44 62. N.J.S.11A:6-31 is amended to read as follows:

45 11A:6-31. Powers and duties of the committee. The committee
46 shall:

- 1 a. Adopt rules for the implementation of the awards programs,
2 subject to the approval of the **[commissioner]** commission;
- 3 b. Request and receive assistance from any department in State
4 government;
- 5 c. Prepare an annual report to the Governor from the
6 **[commissioner]** commission concerning the operation of the
7 awards program; and
- 8 d. Establish and supervise the awards committees in the
9 departments in State government.
10 (cf: N.J.S.11A:6-31)

11

12 63. N.J.S.11A:7-2 is amended to read as follows:
13 11A:7-2 Division of Equal Employment Opportunity and
14 Affirmative Action. A Division of Equal Employment Opportunity
15 and Affirmative Action is established in the **[department]**
16 Department of the Treasury. The division shall have all of the
17 powers and shall exercise all of the functions and duties set forth in
18 this chapter, subject to the supervision and control of the
19 **[commissioner]** State Treasurer.
20 (cf: N.J.S.11A:7-2)

21

22 64. N.J.S.11A:7-3 is amended to read as follows:
23 11A:7-3. Equal employment opportunity and affirmative action
24 program. The division shall develop, implement and administer an
25 equal employment opportunity and affirmative action program for
26 all State agencies. The program shall consider the particular
27 personnel requirements that are reasonably related to job
28 performance of each State agency. The director of the division
29 shall ensure that the affirmative action and equal employment goals
30 of each State agency for minorities, women and handicapped
31 persons shall be reasonably related to their population in the
32 relevant surrounding labor market areas. The director, in
33 accordance with applicable federal and State guidelines, shall:

34 a. Ensure each State agency's compliance with all laws and rules
35 relating to equal employment opportunity and seek correction of
36 discriminatory practices, policies and procedures;

37 b. Recommend appropriate sanctions for noncompliance to the
38 **[commissioner]** State Treasurer who, with the concurrence of the
39 Governor, is authorized to implement sanctions;

40 c. Review State personnel practices, policies and procedures,
41 inclusive of recruitment, selection, and promotion, in order to
42 identify and eliminate artificial barriers to equal employment
43 opportunity;

44 d. Act as liaison with federal, State, and local enforcement
45 agencies;

46 e. Recommend appropriate legislation to the **[commissioner]**
47 State Treasurer and perform other actions deemed necessary by the
48 **[commissioner]** State Treasurer to implement this chapter; and

1 f. Provide, under rules adopted by the **【board】** Department of
2 the Treasury, for review of equal employment complaints.

3 (cf: N.J.S.11A:7-3)
4

5 65. N.J.S.11A:7-6 is amended to read as follows:

6 11A:7-6. Agency affirmative action officer. The head of each
7 State agency shall appoint at least one person with the responsibility
8 for equal employment opportunity as the affirmative action officer.
9 Unless otherwise permitted by the director with the approval of the
10 **【commissioner】** State Treasurer, such person shall serve on a full-
11 time basis and shall be responsible to the Division of Equal
12 Employment Opportunity and Affirmative Action.

13 (cf: N.J.S.11A:7-6)
14

15 66. N.J.S.11A:7-9 is amended to read as follows:

16 11A:7-9. Agency failure to achieve affirmative action goals;
17 penalties. If there is a failure by a State agency to achieve its
18 affirmative action goals or to demonstrate good faith efforts,
19 appropriate sanctions and penalties may be imposed by the
20 department in accordance with federal and State regulations, subject
21 to the concurrence of the Governor and the **【commissioner】** State
22 Treasurer. These sanctions may include, but are not limited to,
23 placing a moratorium on departmental personnel actions in the
24 career, senior executive and unclassified services, and such other
25 sanctions as may be allowed by law.

26 (cf: N.J.S.11A:7-9)
27

28 67. N.J.S.11A:7-11 is amended to read as follows:

29 11A:7-11. Equal Employment Opportunity Advisory
30 Commission; creation. There is established in the **【department】**
31 Department of the Treasury an Equal Employment Opportunity
32 Advisory Commission, which shall advise the Division of Equal
33 Employment Opportunity and Affirmative Action and recommend
34 improvements in the State's affirmative action efforts.

35 (cf: N.J.S.11A:7-11)
36

37 68. N.J.S.11A:7-13 is amended to read as follows:

38 11A:7-13. Accommodation for the handicapped and
39 examination waiver. The **【commissioner】** commission may
40 establish procedures for the reasonable accommodation of
41 handicapped persons in the employee selection process for the State
42 and the political subdivisions covered by this title. Pursuant to
43 rules adopted by the **【board】** Civil Service Commission, the
44 **【commissioner】** commission may waive an examination for an
45 applicant who suffers from a physical, mental or emotional
46 affliction, injury, dysfunction, impairment or disability which:

- 1 a. Makes it physically or psychologically not practicable for that
2 person to undergo the testing procedure for the title for which
3 applied, but
- 4 b. Does not prevent that person from satisfactorily performing
5 the responsibilities of the title under conditions of actual service;
6 and
- 7 c. In making such determination, the [commissioner]
8 commission may require the submission of sufficient and
9 appropriate medical documentation.
10 (cf: N.J.S.11A:7-13)

11

12 69. N.J.S.11A:8-1 is amended to read as follows:

13 11A:8-1. a. A permanent employee may be laid off for economy,
14 efficiency or other related reason. A permanent employee shall
15 receive 45 days' written notice, unless in State government a greater
16 time period is ordered by the [commissioner] commission, which
17 shall be served personally or by certified mail, of impending layoff
18 or demotion and the reasons therefor. The notice shall expire 120
19 days after service unless extended by the [commissioner]
20 commission for good cause. At the same time the notice is served,
21 the appointing authority shall provide the [commissioner]
22 commission with a list of the names and permanent titles of all
23 employees receiving the notice. The [board] Civil Service
24 Commission shall adopt rules to implement employee layoff rights
25 consistent with the provisions of this section [, upon
26 recommendation by the commissioner]. The [commissioner]
27 commission shall consult with the advisory board representing labor
28 organizations prior to such recommendations.

29 b. Permanent employees in the service of the State or a political
30 subdivision shall be laid off in inverse order of seniority. As used in
31 this subsection, "seniority" means the length of continuous
32 permanent service in the jurisdiction, regardless of title held during
33 the period of service, except that for police and firefighting titles,
34 "seniority" means the length of continuous permanent service only
35 in the current permanent title and any other title that has lateral or
36 demotional rights to the current permanent title. Seniority for all
37 titles shall be based on the total length of calendar years, months
38 and days in continuous permanent service regardless of the length
39 of the employee's work week, work year or part-time status.

40 c. For purposes of State service, a "layoff unit" means a
41 department or autonomous agency and includes all programs
42 administered by that department or agency. For purposes of
43 political subdivision service, the "layoff unit" means a department
44 in a county or municipality, an entire autonomous agency, or an
45 entire school district, except that the [commissioner] commission
46 may establish broader layoff units.

1 d. For purposes of State service, "job location" means a county.
2 The **【commissioner】** commission shall assign a job location to
3 every facility and office within a State department or autonomous
4 agency. For purposes of local service, "job location" means the
5 entire political subdivision and includes any facility operated by the
6 political subdivision outside its geographic borders.

7 e. For purposes of determining lateral title rights in State and
8 political subdivision service, title comparability shall be determined
9 by the department based upon whether the: (1) titles have
10 substantially similar duties and responsibilities; (2) education and
11 experience requirements for the titles are identical or similar; (3)
12 employees in an affected title, with minimal training and
13 orientation, could perform the duties of the designated title by
14 virtue of having qualified for the affected title; and (4) special
15 skills, licenses, certifications or registration requirements for the
16 designated title are similar and do not exceed those which are
17 mandatory for the affected title. Demotional title rights shall be
18 determined by the **【commissioner】** commission based upon the
19 same criteria, except that the demotional title shall have lower but
20 substantially similar duties and responsibilities as the affected title.

21 f. In State service, a permanent employee in a position affected
22 by a layoff action shall be provided with applicable lateral and
23 demotional title rights first, at the employee's option, within the
24 municipality in which the facility or office is located and then to the
25 job locations selected by the employee within the department or
26 autonomous agency. The employee shall select individual job
27 locations in preferential order from the list of all job locations and
28 shall indicate job locations at which the employee will accept lateral
29 and demotional title rights. In local service, a permanent employee
30 in a position affected by a layoff action shall be provided lateral and
31 demotional title rights within the layoff unit.

32 g. Following the employee's selection of job location
33 preferences, lateral and demotional title rights shall be provided in
34 the following order:

35 (1) a vacant position that the appointing authority has previously
36 indicated it is willing to fill;

37 (2) a position held by a provisional employee who does not have
38 permanent status in another title, and if there are multiple
39 employees at a job location, the specific position shall be
40 determined by the appointing authority;

41 (3) a position held by a provisional employee who has permanent
42 status in another title, and if there are multiple provisional
43 employees at a job location, the specific position shall be
44 determined based on level of the permanent title held and seniority;

45 (4) the position held by the employee serving in a working test
46 period with the least seniority;

47 (5) in State service, and in local jurisdictions having a
48 performance evaluation program approved by the department, the

1 position held by the permanent employee whose performance rating
2 within the most recent 12 months in the employee's permanent title
3 was significantly below standards or an equivalent rating;

4 (6) in State service, and in local jurisdictions having a
5 performance evaluation program approved by the department, the
6 position held by the permanent employee whose performance rating
7 within the most recent 12 months in the employee's permanent title
8 was marginally below standards or an equivalent rating; and

9 (7) the position held by the permanent employee with the least
10 seniority.

11 h. A permanent employee shall be granted special reemployment
12 rights based on the employee's permanent title at the time of the
13 layoff action and the employee shall be certified for reappointment
14 after the layoff action to the same, lateral and lower related titles.
15 Special reemployment rights shall be determined by the
16 **[commissioner]** commission in the same manner as lateral and
17 demotional rights.

18 i. Notwithstanding the provisions above, at no time shall any
19 person on a military leave of absence for active service in the
20 Armed Forces of the United States in time of war or emergency be
21 laid off.

22 (cf: P.L.2007, c.239, s.3)

23

24 70. N.J.S.11A:8-3 is amended to read as follows:

25 11A:8-3. Alternatives to layoff. The **[commissioner]**
26 commission, in consultation with the advisory committee
27 established pursuant to subsection m. of N.J.S. 11A:2-11, may
28 **[recommend]** adopt rules **[to the board]** on voluntary reduced
29 work time or other alternatives to layoffs. Employee participation
30 in the program shall not affect special reemployment or retention
31 rights.

32 (cf: N.J.S.11A:8-3)

33

34 71. N.J.S.11A:8-4 is amended to read as follows:

35 11A:8-4. Appeals. A permanent employee who is laid off or
36 demoted in lieu of layoff shall have a right to appeal the good faith
37 of such layoff or demotion to the **[board]** Civil Service
38 Commission. Appeals must be filed within 20 days of final notice
39 of such layoff or demotion. The burden of proof in such actions
40 shall be on the employee and rules adopted pursuant to N.J.S.
41 11A:2-22 would also be applicable to these appeals.

42 (cf: N.J.S.11A:8-4)

43

44 72. N.J.S.11A:9-7 is amended to read as follows:

45 11A:9-7. Results certified. The result of the election shall be
46 certified by the clerk of the political subdivision to the
47 **[commissioner]** commission.

48 (cf: N.J.S.11A:9-7)

1 73. N.J.S.11A:10-1 is amended to read as follows:

2 11A:10-1. Disapproval of salary. The **【board or the**
3 **commissioner】** Civil Service Commission may disapprove and
4 order the payment stopped of the salary of any person employed in
5 violation of this title or an order of the **【board or commissioner】**
6 Civil Service Commission and recover all disapproved salary from
7 such person. Any person or persons who authorize the payment of
8 a disapproved salary or have employment authority over the person
9 whose salary has been disapproved may be subject to penalties,
10 including, but not limited to, the disapproval of their salaries and
11 payment from their personal funds of improper expenditures of the
12 moneys as may be provided by the rules of the **【board】** Civil
13 Service Commission. This section shall not be limited by the
14 amounts set forth in N.J.S. 11A:10-3.
15 (cf: N.J.S.11A:10-1)

16

17 74. N.J.S.11A:10-2 is amended to read as follows:

18 11A:10-2. Criminal violation of title or order. Any person who
19 purposely or knowingly violates or conspires to violate any
20 provision of this title or **【board or commissioner】** Civil Service
21 Commission order shall be guilty of a crime of the fourth degree.
22 (cf: N.J.S.11A:10-2)

23

24 75. N.J.S.11A:10-3 is amended to read as follows:

25 11A:10-3. Noncompliance. The **【board or the commissioner】**
26 Civil Service Commission may assess all administrative costs
27 incurred under N.J.S. 11A:4-5. Other costs, charges and fines of
28 not more than \$10,000.00 may be assessed for noncompliance or
29 violation of this title or any order of the **【board or commissioner】**
30 Civil Service Commission.
31 (cf: N.J.S.11A:10-3)

32

33 76. N.J.S.11A:10-4 is amended to read as follows:

34 11A:10-4. Action for enforcement. The **【board, the**
35 **commissioner,】** Civil Service Commission or other party in interest
36 may bring an action in the Superior Court for the enforcement of
37 this title or an order of the **【board or commissioner】** Civil Service
38 Commission.
39 (c.f. N.J.S.11A:10-4)

40

41 77. N.J.S.11A:11-1 is amended to read as follows:

42 11A:11-1. **【Commissioner of Personnel and】** Merit System
43 Board. The functions, powers, and duties of the Merit System
44 Board as constituted in the Department of Personnel are continued
45 and transferred to the Civil Service Commission which is created
46 and allocated in, but not of, the Department of Labor and
47 Workforce Development by N.J.S.11A:2-1 as amended by P.L. , c.

1 (pending before the Legislature as this bill). The **【President of the**
2 **Civil Service Commission** on the effective date of this act shall
3 become the Commissioner of Personnel and the remaining**】**
4 members of the **【Civil Service Commission】** Merit System Board,
5 other than the Commissioner of Personnel, on the effective date of
6 this act, P.L. , c. (pending before the Legislature as this bill),
7 shall continue as members of the **【Merit System Board】** Civil
8 Service Commission for the duration of their current terms and any
9 reappointments and until their successors are appointed, unless
10 removed for cause.

11 (cf: N.J.S.11A:11-1)

12

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

14 11A:11-2. **【Department of Personnel.】** a. **【The Department of**
15 **Personnel shall replace the Department of Civil Service. Except as**
16 **otherwise stated in this title, all employees of the Department of**
17 **Civil Service shall become employees of the Department of**
18 **Personnel.**

19 b. **】** The Department of Personnel is abolished as a principal
20 department in the Executive Branch of State government. The
21 offices and terms of the Commissioner of Personnel, the deputy
22 commissioner, assistant commissioners, and the directors of the
23 various divisions and offices of the Department of Personnel are
24 terminated, except as otherwise provided by P.L. , c. (pending
25 before the Legislature as this bill).

26 b. The functions, powers, and duties of the Department of
27 Personnel, the Commissioner of Personnel, the deputy
28 commissioner, assistant commissioners, and directors of the various
29 divisions and offices of the Department of Personnel are continued
30 and transferred as provided by P.L. , c. (pending before the
31 Legislature as this bill). The State Treasurer may allocate the
32 functions, powers, and duties transferred to the Department of the
33 Treasury or the State Treasurer by P.L. , c. (pending before the
34 Legislature as this bill) among such divisions or subdivisions in the
35 Department of the Treasury as the State Treasurer deems
36 appropriate or as the State Treasurer may establish.

37 c. (1) The Division of Equal Employment Opportunity and
38 Affirmative Action as constituted in the Department of Personnel,
39 with its functions, powers, and duties, and those of the
40 Commissioner of Personnel and the Merit System Board with
41 regard to that division, is continued and transferred to the
42 Department of the Treasury, except with regard to the power to
43 adjudicate complaints of violations of the State policy against
44 discrimination which power shall remain with the Civil Service
45 Commission. The functions, powers, and duties of the Division of
46 Equal Employment Opportunity and Affirmative Action shall be
47 allocated within the department as the State Treasurer shall
48 determine.

1 The Equal Employment Opportunity Advisory Commission as
2 constituted in the Department of Personnel is continued and
3 transferred to the Department of the Treasury to be allocated within
4 that department as the State Treasurer shall determine. The
5 members of the Equal Employment Opportunity Advisory
6 Commission shall continue as members of the commission for the
7 duration of their current terms and any reappointments and until
8 their successors are appointed, unless removed for cause.

9 (2) The planning and research unit and function as constituted
10 in the Department of Personnel is continued and transferred to the
11 Department of the Treasury to be allocated within that department
12 as the State Treasurer shall determine.

13 d. The Working Well NJ State employee wellness program as
14 constituted in the Department of Personnel is continued and
15 transferred to the Department of Health and Senior Services to be
16 allocated within that department as the commissioner shall
17 determine.

18 e. The toll-free information "Law Enforcement Officer Crisis
19 Intervention Services" telephone hotline as constituted in the
20 Department of Personnel is continued and transferred to the
21 Department of Health and Senior Services, pursuant to sections 115
22 to 116 of P.L. , c. (C.)(pending before the Legislature as this
23 bill), to be allocated within that department as the commissioner
24 shall determine.

25 f. The New Jersey Employee Awards Committee as constituted
26 in the Department of Personnel is continued and transferred to the
27 Civil Service Commission. The members of the New Jersey
28 Employee Awards Committee shall continue as members of the
29 committee for the duration of their current terms and any
30 reappointments and until their successors are appointed, unless
31 removed for cause.

32 g. The [commissioner] commission shall develop a plan for the
33 consolidation and coordination of personnel[, training,] and related
34 functions, including, but not limited to, classification,
35 compensation, and workforce planning, in the executive branch of
36 State government and for transfer to the [Department of Personnel]
37 commission such employees, positions, funding, facilities,
38 equipment, powers, and duties from throughout the executive
39 branch of State government as necessary and appropriate to
40 effectuate such consolidation and coordination.

41 [c.] h. The [commissioner] commission shall submit the plan
42 prepared pursuant to subsection [b.] g. of this section to the
43 Governor for review and approval. With the approval of the
44 Governor and in accordance with regulations adopted by the
45 [commissioner] commission, the [commissioner] commission,
46 pursuant to the approved plan, shall direct the consolidation and
47 coordination of personnel[, training] and related functions,
48 including, but not limited to, classification, compensation and

1 workforce planning, in the executive branch of State government
2 and transfer to the **【Department of Personnel】** commission such
3 employees, positions, funding, facilities, equipment, powers, duties
4 and functions from throughout the executive branch of State
5 government to effectuate such consolidation and coordination. The
6 **【commissioner】** commission shall organize these functions in such
7 units as the **【commissioner】** commission determines are necessary
8 for the efficient operation of the **【department】** commission and in
9 such a manner as will provide the appointing authorities and all
10 State employees with proper support in personnel matters. The
11 consolidation shall not apply to those functions which the
12 **【commissioner】** commission has determined are unique to each
13 department or agency in its capacity as an appointing authority.

14 **【d.】** i. Each department, office, division, bureau or agency in
15 the executive branch of State government shall cooperate with the
16 **【commissioner】** commission and make available to the
17 **【commissioner】** commission such information, personnel and
18 assistance necessary to effectuate the purposes of **【this amendatory**
19 **act, P.L.1993, c.114】** P.L. , c. (pending before the Legislature as
20 this bill).

21 **【e.】** j. This section shall not be construed to permit or require
22 negotiations pursuant to the "New Jersey Employer-Employee
23 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or
24 regulation promulgated by the **【Commissioner of Personnel or the**
25 **Merit System Board】** State Treasurer or Civil Service Commission
26 pursuant to this section or any other section of this title.

27 (cf: P.L.1993, c.114, s.1)

28

29 79. N.J.S.11A:11-3 is amended to read as follows:

30 11A:11-3. Names. Any law, rule, regulation, order,
31 reorganization plan, contract, document, judicial or administrative
32 proceeding, appropriation or otherwise which refers to the
33 Department of **【Civil Service shall mean the Department of】**
34 **Personnel【; Civil Service Commission】**, Commissioner of
35 Personnel, or Merit System Board shall mean **【Merit System Board;**
36 **and President of the Civil Service Commission or Chief Examiner**
37 **and Secretary, or both, shall mean Commissioner of Personnel】** the
38 Department of the Treasury, State Treasurer, Civil Service
39 Commission, or Department of Health and Senior Services, as
40 provided by P.L. , c. (pending before the Legislature as this bill).

41 (cf: N.J.S.11A:11-3)

42

43 80. N.J.S.11A:11-4 is amended to read as follows:

44 11A:11-4. Rules. All rules of the **【Civil Service Commission】**
45 Merit System Board or the Department of Personnel in effect on the
46 effective date of P.L. , c. (pending before the Legislature as this
47 bill) shall remain in effect except as changed or modified by this

1 title or **[board]** action of the Civil Service Commission, State
2 Treasurer, Commissioner of Health and Senior Services, or other
3 authority, as appropriate.

4 (cf: N.J.S.11A:11-4)

5

6 81. N.J.S.11A:11-5 is amended to read as follows:

7 11A:11-5. Pending actions. Any action pending on the effective
8 date of **[this act]** P.L. , c. (pending before the Legislature as
9 this bill) shall continue under the prior law and rule.

10 (cf: N.J.S.11A:11-5)

11

12 82. N.J.S.11A:11-6 is amended to read as follows:

13 11A:11-6. Transfer. The transfers directed by **[this title]** P.L. ,
14 c. (pending before the Legislature as this bill), except as otherwise
15 provided, shall be made in accordance with the "State Agency
16 Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

17 (cf: N.J.S.11A:11-6)

18

19 83. N.J.S.11A:12-1 is amended to read as follows:

20 11A:12-1. Inconsistent laws. Any law or statute which is
21 inconsistent with any of the provisions of this title, as amended by
22 P.L. , c. (pending before the Legislature as this bill), are to the
23 extent of the inconsistency hereby superseded, except that the title
24 is not to be construed either to expand or to diminish collective
25 negotiation rights existing under the "New Jersey Employer-
26 Employee Relations Act," P.L.1941, c. 100 (C. 34:13A-1 et seq.).

27 (cf: N.J.S.11A:12-1)

28

29 84. N.J.S.2A:12-6 is amended to read as follows:

30 2A:12-6. The Administrative Director of the Courts is
31 authorized to distribute or cause to be distributed any bound
32 volumes of the New Jersey Reports and the New Jersey Superior
33 Court Reports heretofore or hereafter published and delivered to
34 him, as follows:

35 To each member of the Legislature, one copy of each volume of
36 such reports.

37 To the following named, for official use, to remain the property
38 of the State, the following number of copies of each volume of such
39 reports:

40 a. To the Governor, four copies;

41 b. To the Department of Law and Public Safety, for the Division
42 of Law, four copies; and the Division of Alcoholic Beverage
43 Control, one copy;

44 c. To the Department of the Treasury, for the State Treasurer,
45 one copy; the Division of Taxation, three copies; and the Division
46 of Local Government Services in the Department of Community
47 Affairs, one copy;

48 d. To the Department of State, one copy;

- 1 e. **【To the Department of Personnel, one copy】** (Deleted by
2 amendment, P.L. , c. (pending before the Legislature as this
3 bill));
- 4 f. To the Department of Banking and Insurance, two copies;
- 5 g. To the Board of Public Utilities in the Department of the
6 Treasury, one copy;
- 7 h. To the Department of Labor and Workforce Development, for
8 the commissioner, one copy; the Division of Workers'
9 Compensation, five copies; the State Board of Mediation, one copy;
10 and the Division of Employment Security, three copies;
- 11 i. To the Department of Education, for the commissioner, one
12 copy;
- 13 j. To the Department of Transportation, one copy;
- 14 k. To the Department of Human Services, one copy; the
15 Department of Corrections, one copy; and the Department of
16 Children and Families, one copy;
- 17 l. To each judge of the federal courts in and for the district of
18 New Jersey, one copy;
- 19 m. To each justice of the Supreme Court, one copy;
- 20 n. To each judge of the Superior Court, one copy;
- 21 o. To the Administrative Director of the Courts, one copy;
- 22 p. To each standing master of the Superior Court, one copy;
- 23 q. (Deleted by amendment, P.L.1983, c.36.)
- 24 r. To the clerk of the Supreme Court, one copy;
- 25 s. To the clerk of the Superior Court, one copy;
- 26 t. (Deleted by amendment, P.L.1983, c.36.)
- 27 u. (Deleted by amendment, P.L.1983, c.36.)
- 28 v. (Deleted by amendment, P.L.1991, c.91.)
- 29 w. (Deleted by amendment, P.L.1991, c.91.)
- 30 x. To each county prosecutor, one copy;
- 31 y. To the Central Management Unit in the Office of Legislative
32 Services, one copy;
- 33 z. To each surrogate, one copy;
- 34 aa. To each county clerk, one copy;
- 35 ab. To each sheriff, one copy;
- 36 ac. To Rutgers, The State University, two copies; and the law
37 schools, five copies each;
- 38 ad. To the law school of Seton Hall University, five copies;
- 39 ae. To Princeton University, two copies;
- 40 af. To the Library of Congress, four copies;
- 41 ag. To the New Jersey Historical Society, one copy;
- 42 ah. To every library provided by the board of chosen freeholders
43 of any county at the courthouse in each county, one copy;
- 44 ai. To the library of every county bar association in this State,
45 one copy;
- 46 aj. To each incorporated library association in this State, which
47 has a law library at the county seat of the county in which it is
48 located, one copy;

1 ak. To each judge of the tax court, one copy;

2 al. The State Library, 60 copies, five of which shall be deposited
3 in the Law Library, and 55 of which shall be used by the State
4 Librarian to send one copy to the state library of each state and
5 territory of the United States, the same to be in exchange for the law
6 reports of such states and territories sent to the State Library, which
7 reports shall be deposited in and become part of the collection of
8 the Law Library.

9 The remaining copies of such reports shall be retained by the
10 administrative director for the use of the State and for such further
11 distribution as he may determine upon.

12 (cf: P.L.2006, c.47, s.21)

13

14 85. Section 14 of P.L.2006, c.47 (C.9:3A-14) is amended to read
15 as follows:

16 14. The Department of Children and Families shall not employ
17 any individual as a direct care staff member unless the
18 Commissioner of Children and Families has first determined,
19 consistent with the requirements and standards of this section, that
20 no criminal history record information exists on file in the Federal
21 Bureau of Investigation, Identification Division, or in the State
22 Bureau of Identification in the Division of State Police, which
23 would disqualify that individual from being employed at the
24 department. A criminal history record background check shall be
25 conducted at least once every two years for an individual employed
26 as a direct care staff member.

27 As used in this section, "direct care staff member" means an
28 individual employed at the department in a position which involves
29 unsupervised, regular contact with individuals receiving services
30 from the department.

31 a. An individual shall be disqualified from employment as a
32 direct care staff member if that individual's criminal history record
33 check reveals a record of conviction of any of the following crimes
34 and offenses:

35 (1) In New Jersey, any crime or disorderly persons offense:

36 (a) involving danger to the person, meaning those crimes and
37 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
38 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
39 or N.J.S.2C:15-1 et seq.; or

40 (b) against the family, children or incompetents, meaning those
41 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
42 seq.; or

43 (2) In any other state or jurisdiction, of conduct which, if
44 committed in New Jersey, would constitute any of the crimes or
45 disorderly persons offenses described in paragraph (1) of this
46 subsection.

47 b. Notwithstanding the provisions of subsection a. of this
48 section to the contrary, no individual shall be disqualified from

1 employment under this act on the basis of any conviction disclosed
2 by a criminal history record check performed pursuant to this
3 section if the individual has affirmatively demonstrated to the
4 Commissioner of Children and Families clear and convincing
5 evidence of his rehabilitation. In determining whether an individual
6 has affirmatively demonstrated rehabilitation, the following factors
7 shall be considered:

8 (1) The nature and responsibility of the position which the
9 convicted individual would hold;

10 (2) The nature and seriousness of the offense;

11 (3) The circumstances under which the offense occurred;

12 (4) The date of the offense;

13 (5) The age of the individual when the offense was committed;

14 (6) Whether the offense was an isolated or repeated incident;

15 (7) Any social conditions which may have contributed to the
16 offense; and

17 (8) Any evidence of rehabilitation, including good conduct in
18 prison or in the community, counseling or psychiatric treatment
19 received, acquisition of additional academic or vocational
20 schooling, successful participation in correctional work-release
21 programs, or the recommendation of persons who have had the
22 individual under their supervision.

23 c. If a prospective direct care staff member refuses to consent
24 to, or cooperate in, the securing of a criminal history record
25 background check, the commissioner shall not consider the
26 individual for employment as a direct care staff member. The
27 prospective staff member shall, however, retain any available right
28 of review by the **【Merit System Board in the Department of
29 Personnel】 Civil Service Commission.**

30 d. If a current direct care staff member refuses to consent to, or
31 cooperate in, the securing of a criminal history record background
32 check, the commissioner shall immediately remove the individual
33 from his position as a direct care staff member and terminate the
34 individual's employment. The staff member shall, however, retain
35 any available right of review by the **【Merit System Board in the
36 Department of Personnel】 Civil Service Commission.**

37 e. Notwithstanding the provisions of subsection a. of this
38 section to the contrary, the department may provisionally employ an
39 individual as a direct care staff member for a period not to exceed
40 six months if that individual's State Bureau of Identification
41 criminal history record background check does not contain any
42 information that would disqualify the individual from employment
43 at the department and if the individual submits to the commissioner
44 a sworn statement attesting that the individual has not been
45 convicted of any crime or disorderly persons offense as described in
46 this section, pending a determination that no criminal history record
47 background information which would disqualify the individual
48 exists on file in the Federal Bureau of Investigation, Identification

1 Division. An individual who is provisionally employed pursuant to
2 this subsection shall perform his duties under the direct supervision
3 of a superior who acts in a supervisory capacity over that individual
4 until the determination concerning the federal information is
5 complete.

6 f. All applicants or current direct care staff members from
7 whom criminal history record background checks are required shall
8 submit their fingerprints in a manner acceptable to the
9 commissioner. The commissioner is authorized to exchange
10 fingerprint data with and receive criminal history record
11 information from the Federal Bureau of Investigation and the
12 Division of State Police for use in making the determinations
13 required by this section. No criminal history record background
14 check shall be performed pursuant to this section unless the
15 applicant shall have furnished his written consent to the check.

16 g. (1) Upon receipt of an applicant or direct care staff member's
17 criminal history record information from the Federal Bureau of
18 Investigation or the Division of State Police, as applicable, the
19 commissioner shall notify the applicant or staff member, in writing,
20 of the applicant's or staff member's qualification or disqualification
21 for employment under this act. If the applicant or staff member is
22 disqualified, the conviction or convictions which constitute the
23 basis for the disqualification shall be identified in the written
24 notice.

25 (2) The applicant or staff member shall have 30 days from the
26 date of written notice of disqualification to petition the
27 commissioner for a hearing on the accuracy of the criminal history
28 record information or to establish his rehabilitation under
29 subsection b. of this section. The commissioner may refer any case
30 arising hereunder to the Office of Administrative Law for
31 administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1
32 et al.).

33 (3) The commissioner shall not maintain any individual's
34 criminal history record information or evidence of rehabilitation
35 submitted under this section for more than six months from the date
36 of a final determination by the commissioner as to the individual's
37 qualification or disqualification to be a direct care staff member
38 pursuant to this section.

39 h. The commissioner shall initiate a criminal history record
40 background check on all prospective direct care staff members.
41 Current direct care staff members who have had a criminal history
42 record background check conducted and stored in a manner
43 approved by the commissioner shall have up to two years from the
44 effective date of this act until the next criminal history background
45 check is conducted.

46 i. The department shall assume the cost of all criminal history
47 record background checks conducted on current and prospective

1 direct care staff members.

2 (cf: P.L.2006, c.47, s.14)

3

4 86. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
5 read as follows:

6 19. a. The President of Thomas Edison State College or the
7 designee thereof shall, with the advice of the State Librarian,
8 appoint all professional staff in the library, and fix the
9 compensation of all such persons thus appointed. The President of
10 Thomas Edison State College or the designee thereof shall appoint
11 such other personnel as that person may consider necessary for the
12 efficient performance of the work of the library and fix their
13 compensation. All persons thus appointed shall be subject to the
14 provisions of Title 11A, Civil Service, of the New Jersey Statutes.

15 b. For all purposes, the employees of the State Library shall be
16 considered employees of Thomas Edison State College.

17 c. Thomas Edison State College shall maintain, in a manner
18 acceptable to the **【Department of Personnel】** Civil Service
19 Commission, the personnel records of all employees and positions
20 currently on staff and funded. All such records shall be subject to
21 audit by the **【Department of Personnel】** Civil Service Commission.

22 d. The State shall be responsible for paying the entire employer
23 contribution of the pension and benefits costs for the State Library
24 employees whose salaries are funded from the direct State services
25 portion of the annual appropriation for the State Library.

26 (cf: P.L.2001, c.137, s.11)

27

28 87. Section 2 of P.L.1988, c.45 (C.30:4-3.5) is amended to read
29 as follows:

30 2. a. A facility shall not employ any individual unless the
31 Commissioner of the Department of Human Services has first
32 determined, consistent with the requirements and standards of this
33 act, that no criminal history record information exists on file in the
34 Federal Bureau of Investigation, Identification Division, or in the
35 State Bureau of Identification in the Division of State Police, which
36 would disqualify that individual from being employed at the
37 facility. A criminal history record background check shall be
38 conducted at least once every two years for an individual employed
39 at the facility. An individual shall be disqualified from employment
40 under this act if that individual's criminal history record check
41 reveals a record of conviction of any of the following crimes and
42 offenses:

43 (1) In New Jersey, any crime or disorderly persons offense:

44 (a) Involving danger to the person, meaning those crimes and
45 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
46 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
47 or N.J.S.2C:15-1 et seq.; or

1 (b) Against the family, children or incompetents, meaning those
2 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
3 seq.; or

4 (2) In any other state or jurisdiction, of conduct which, if
5 committed in New Jersey, would constitute any of the crimes or
6 disorderly persons offenses described in paragraph (1) of this
7 subsection.

8 b. Notwithstanding the provisions of subsection a. of this
9 section, no individual shall be disqualified from employment under
10 this act on the basis of any conviction disclosed by a criminal
11 history record check performed pursuant to this act if the individual
12 has affirmatively demonstrated to the Commissioner of Human
13 Services clear and convincing evidence of his rehabilitation. In
14 determining whether an individual has affirmatively demonstrated
15 rehabilitation, the following factors shall be considered:

16 (1) The nature and responsibility of the position which the
17 convicted individual would hold;

18 (2) The nature and seriousness of the offense;

19 (3) The circumstances under which the offense occurred;

20 (4) The date of the offense;

21 (5) The age of the individual when the offense was committed;

22 (6) Whether the offense was an isolated or repeated incident;

23 (7) Any social conditions which may have contributed to the
24 offense; and

25 (8) Any evidence of rehabilitation, including good conduct in
26 prison or in the community, counseling or psychiatric treatment
27 received, acquisition of additional academic or vocational
28 schooling, successful participation in correctional work-release
29 programs, or the recommendation of persons who have had the
30 individual under their supervision.

31 c. If a prospective employee of a facility refuses to consent to,
32 or cooperate in, the securing of a criminal history record
33 background check, the commissioner shall direct the principal
34 administrator not to consider the person for employment at the
35 facility. The prospective employee shall, however, retain any
36 available right of review by the **【Merit System Board in the**
37 **Department of Personnel】** Civil Service Commission.

38 d. If a current employee of a facility refuses to consent to, or
39 cooperate in, the securing of a criminal history record background
40 check, the commissioner shall direct the principal administrator to
41 immediately remove the person from his position at the facility and
42 to terminate the person's employment at the facility. The employee
43 shall, however, retain any available right of review by the **【Merit**
44 **System Board in the Department of Personnel】** Civil Service
45 Commission.

46 e. Notwithstanding the provisions of subsection a. of this section
47 to the contrary, a facility may provisionally employ an individual
48 for a period not to exceed six months if that individual's State

1 Bureau of Identification criminal history record background check
2 does not contain any information that would disqualify the
3 individual from employment at the facility and if the individual
4 submits to the commissioner a sworn statement attesting that the
5 individual has not been convicted of any crime or disorderly
6 persons offense as described in this act, pending a determination
7 that no criminal history record background information which
8 would disqualify the individual exists on file in the Federal Bureau
9 of Investigation, Identification Division. An individual who is
10 provisionally employed pursuant to this subsection shall perform
11 his duties at the facility under the direct supervision of a superior
12 who acts in a supervisory capacity over that individual until the
13 determination concerning the federal information is complete.
14 (cf: P.L.1997, c.71, s.1)

15
16 88. Section 1 of P.L.1974, c.44 (C.30:1-8.1) is amended to read
17 as follows:

18 1. The commissioner shall be assisted in the performance of his
19 duties by three deputy commissioners. Each deputy commissioner
20 shall be appointed by and shall serve at the pleasure of the
21 commissioner, and until his successor has been appointed and
22 qualified.

23 Each deputy commissioner shall exercise such powers and
24 perform such duties as the commissioner shall prescribe.

25 Unless otherwise provided by law, each deputy commissioner
26 shall receive such salary as may be established by the commissioner
27 with the approval of the **【Commissioner of Personnel】** Civil
28 Service Commission and the Director of the Division of Budget and
29 Accounting.

30 The commissioner may designate one of the deputy
31 commissioners to exercise the powers and perform the duties of the
32 commissioner during his disability or absence.

33 (cf: P.L.2004, c.130, s.44)

34

35 89. Section 6 of P.L.1990, c.73 (C.30:4-78.2) is amended to read
36 as follows:

37 6. If the commissioner determines that the plan submitted
38 pursuant to section 5 of this amendatory and supplementary act is
39 appropriate, the commissioner shall enter into negotiations with the
40 governing body of the county to provide for the State assumption of
41 the management and operation of the psychiatric facility, in which
42 case the State shall operate and maintain the psychiatric facility,
43 provided that the funding ratios shall not change.

44 Any agreement for the assumption shall include, but not be
45 limited to, such matters as personnel salaries, benefits, tenure or
46 other rights; debt obligations of the facility; existing vendor
47 contracts; lease, purchase or other arrangements for the State's
48 operation of the facility; purchase of services from the county;

1 capital improvements; staffing arrangements; and insurance
2 payments and receivables, including Medicare and Medicaid
3 payments. When negotiating an agreement the Commissioner of
4 Human Services shall consult with the State **【Department of
5 Personnel】** Civil Service Commission concerning personnel
6 salaries, benefits, tenure or other rights. If the commissioner and
7 the governing body of the county agree to the State assumption of
8 the management and operation of a county psychiatric facility, any
9 changes in salaries, benefits, tenure or other rights of employees
10 will recognize the rights and responsibilities under appropriate
11 collective bargaining agreements.

12 (cf: P.L.1990, c.73, s.6)

13

14 90. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to
15 read as follows:

16 4. a. All policies and determinations of the Parole Board shall
17 be made by the majority vote of the members.

18 b. Except where otherwise noted, parole determinations on
19 individual cases pursuant to this act shall be made by the majority
20 vote of a quorum of the appropriate board panel established
21 pursuant to this section.

22 c. The chairman of the board shall be the chief executive
23 officer of the board and, after consulting with the board, shall be
24 responsible for designating the time and place of all board
25 meetings, for appointing the board's employees, for organizing,
26 controlling and directing the work of the board and its employees,
27 and for preparation and justification of the board's budget. Only the
28 employees in those titles and positions as are designated by the
29 **【Commissioner of the Department of Personnel】** Civil Service
30 Commission shall serve at the pleasure of the chairman and shall
31 not be subject to the provisions of Title 11A of the New Jersey
32 Statutes. All other employees, including hearing officers, shall be
33 in the career service and subject to the provisions of Title 11A of
34 the New Jersey Statutes. All such career service employees who are
35 employed by the State Parole Board on September 5, 2001, and in
36 the case of hearing officers, those who have been employed by the
37 State Parole Board for a period of at least one year prior to the
38 effective date of P.L.2005, c.344, shall have permanent career
39 service status with seniority awarded from the date of their
40 appointments. Parole officers assigned to supervise adult parolees
41 and all supervisory titles associated with the supervision of adult
42 parolees in the parole officer series shall be classified employees
43 subject to the provisions of Title 11A of the New Jersey Statutes.
44 Parole officers assigned to supervise adult parolees and all
45 supervisory titles associated with the supervision of adult parolees
46 in the parole officer job classification series shall be
47 organizationally assigned to the State Parole Board with a sworn
48 member of the Division of Parole appointed to act as director of

1 parole supervision. The director of parole supervision shall report
2 directly to the Chairman of the State Parole Board or to such person
3 as the chairman may designate.

4 d. The board shall promulgate such reasonable rules and
5 regulations, consistent with this act, as may be necessary for the
6 proper discharge of its responsibilities. The chairman shall file
7 such rules and regulations with the Secretary of State. The
8 provisions of the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and
10 regulations concerning policy and administration, but not to other
11 actions taken under this act, such as parole hearings, parole
12 revocation hearings and review of parole cases. In determination of
13 its rules and regulations concerning policy and administration, the
14 board shall consult the Governor, the Commissioner of Corrections
15 and the Juvenile Justice Commission established pursuant to section
16 2 of P.L.1995, c.284 (C.52:17B-170).

17 e. The board, in conjunction with the Department of
18 Corrections and the Juvenile Justice Commission, shall develop a
19 uniform information system in order to closely monitor the parole
20 process. Such system shall include participation in the Uniform
21 Parole Reports of the National Council on Crime and Delinquency.

22 f. The board shall transmit a report of its work for the
23 preceding fiscal year, including information on the causes and
24 extent of parole recidivism, to the Governor, the Legislature and the
25 Juvenile Justice Commission annually. The report also may include
26 relevant information on compliance with established time frames in
27 the processing of parole eligibility determinations, the effectiveness
28 of any pertinent legislative or administrative measures, and any
29 recommendations to enhance board operations or to effectuate the
30 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-
31 123.45 et seq.).

32 g. The board shall give public notice prior to considering any
33 adult inmate for release.

34 h. The board shall give notice to the appropriate prosecutor's
35 office and to the committing court prior to the initial consideration
36 of any juvenile inmate for release.

37 (cf: P.L.2005, c.344, s.1)

38

39 91. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
40 read as follows:

41 9. The commission shall:

42 a. Issue the New Jersey Unified Workforce Investment Plan
43 pursuant to the provisions of the Workforce Investment Act of
44 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
45 P.L.1989, c.293 (C.34:15C-7);

46 b. Establish performance standards for workforce investment
47 programs pursuant to the Workforce Investment Act of 1998,

- 1 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
2 P.L.1989, c.293 (C.34:15C-8);
- 3 c. Act to ensure the full participation of Workforce Investment
4 Boards in the planning and supervision of local workforce
5 investment systems. The commission shall be responsible to
6 oversee and develop appropriate standards to ensure Workforce
7 Investment Board compliance with State and federal law, the State
8 plan, and other relevant requirements regarding membership,
9 staffing, meetings, and functions;
- 10 d. Foster and coordinate initiatives of the Department of
11 Education and Commission on Higher Education to enhance the
12 contributions of public schools and institutions of higher education
13 to the implementation of the State workforce investment policy;
- 14 e. Examine federal and State laws and regulations to assess
15 whether those laws and regulations present barriers to achieving any
16 of the goals of this act. The commission shall, from time to time as
17 it deems appropriate, issue to the Governor and the Legislature
18 reports on its findings, including recommendations for changes in
19 State or federal laws or regulations concerning workforce
20 investment programs or services, including, when appropriate,
21 recommendations to merge other State advisory structures and
22 functions into the commission;
- 23 f. Perform the duties assigned to a State Workforce Investment
24 Board pursuant to subsection (d) of section 111 of the Workforce
25 Investment Act of 1998, Pub.L.105-220 (29U.S.C. s.2821);
- 26 g. Have the authority to enter into agreements with the head of
27 each State department or commission which administers or funds
28 education, employment or training programs, including, but not
29 limited to, the Departments of Labor and Workforce Development,
30 Community Affairs, Education, and Human Services and the
31 Commission on Higher Education, the New Jersey Commerce
32 Commission, and the Juvenile Justice Commission, which
33 agreements are for the purpose of assigning planning, policy
34 guidance and oversight functions to each Workforce Investment
35 Board with respect to any workforce investment program funded or
36 administered by the State department or commission within the
37 Workforce Investment Board's respective labor market area or local
38 area, as the case may be; and
- 39 h. Establish guidelines to be used by the Workforce Investment
40 Boards in performing the planning, policy guidance, and oversight
41 functions assigned to the boards under any agreement reached by
42 the commission with a department or commission pursuant to
43 subsection g. of this section. The commission shall approve all
44 local Workforce Investment Board plans that meet the criteria
45 established by the commission for the establishment of One-Stop
46 systems. The Department of Labor and Workforce Development
47 shall approve the operational portion of the plans for programs
48 administered by the department.

1 The commission shall have access to all files and records of
2 other State agencies and may require any officer or employee
3 therein to provide such information as it may deem necessary in the
4 performance of its functions.

5 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
6 construed as affecting the authority of the **【Commissioner of
7 Personnel】** State Treasurer to review and approve training programs
8 for State employees pursuant to N.J.S.11A:6-25.

9 (cf: P.L.2007, c.253, s.20)

10

11 92. Section 36 of P.L.1987, c.444 (C.38A:3-2h) is amended to
12 read as follows:

13 36. Each director shall receive such salary as may be established
14 by the Adjutant General with the approval of the **【Commissioner of
15 Personnel】** Civil Service Commission and the Director of the
16 Division of Budget and Accounting.

17 (cf: P.L.1987, c.444, s.36)

18

19 93. Section 5 of P.L.2003, c.13 (C.39:2A-5) is amended to read
20 as follows:

21 5. a. Upon the abolishment of the division, all career service
22 employees serving in the division on that date shall be employees of
23 the commission and shall be transferred to the commission pursuant
24 to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
25 seq.) and shall retain their present career service employment status
26 and their collective bargaining status, including all rights of tenure,
27 retirement, pension, disability, leave of absence, or similar benefits.
28 Future employees of the commission shall be hired consistent with
29 the provisions of Title 11A of the New Jersey Statutes and the rules
30 promulgated thereunder.

31 b. Upon action of the commission, all agency employees shall
32 become employees of the commission. Such employees shall be
33 assigned to appropriate titles by the **【Department of Personnel】**
34 Civil Service Commission. Those private motor vehicle agency
35 employees who were employed by the agency on or before January
36 1, 2003 and who are assigned to career service titles upon
37 employment with the commission shall, upon completion of the
38 special probationary period described in section 7 of this act, attain
39 permanent, regular appointments in their respective titles. No
40 special probationary period shall be required for those who have
41 previously completed a probationary period during their previous
42 State service employment. Except for managerial and confidential
43 employees as defined by the "New Jersey Employer - Employee
44 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), such
45 employees shall be covered under the State of New Jersey's
46 collective bargaining agreements and shall obtain all employment
47 and collective bargaining rights consistent therewith.

1 c. Officers and employees of the commission shall be enrolled
2 in the Public Employees' Retirement System and shall be eligible to
3 participate in the State Health Benefits Program established
4 pursuant to the "New Jersey State Health Benefits Program Act,"
5 P.L.1961, c.49 (C.52:14-17.25 et seq.).
6 (cf: P.L.2003, c.13, s.5)
7

8 94. Section 7 of P.L.2003, c.13 (C.39:2A-7) is amended to read
9 as follows:

10 7. Notwithstanding the provisions of Title 11A of the New
11 Jersey Statutes and the rules promulgated thereunder to the
12 contrary, all employees entering or returning to State service other
13 than those on a Special Reemployment List as employees of the
14 commission following employment with a private motor vehicle
15 agency, who have been employed with the private motor vehicle
16 agency on or before January 1, 2003, and assigned to the career
17 service shall be subject to a special probationary period unless they
18 have already completed a probationary period during their previous
19 State service employment. The special probationary period shall
20 have a duration of six months from the date that the employees
21 enter or return to State service as employees of the commission.
22 Each employee's work performance shall be evaluated to determine
23 whether the employee can satisfactorily perform the duties of the
24 title to which the employee is appointed and progress reports shall
25 be provided to the employee as provided by the rules of the [Merit
26 System Board in the Department of Personnel] Civil Service
27 Commission. An employee who is determined to have satisfactorily
28 performed the duties of the employee's career service title shall
29 attain permanent status in that title at the conclusion of the special
30 probationary period. An employee who is determined not to have
31 satisfactorily performed the duties of that title during or at the
32 conclusion of the special probationary period shall be immediately
33 separated from State service and shall not have any right of appeal
34 regarding the separation to the [Merit System Board] Civil Service
35 Commission.

36 (cf: P.L.2003, c.13, s.7)
37

38 95. R.S.39:5-41 is amended to read as follows:

39 39:5-41. a. All fines, penalties and forfeitures imposed and
40 collected under authority of law for any violations of R.S.39:4-63
41 and R.S.39:4-64 shall be forwarded by the judge to whom the same
42 have been paid to the proper financial officer of a county, if the
43 violation occurred within the jurisdiction of that county's central
44 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
45 municipality wherein the violation occurred, to be used by the
46 county or municipality to help finance litter control activities in
47 addition to or supplementing existing litter pickup and removal
48 activities in the municipality.

1 b. Except as otherwise provided by subsection a. of this
2 section, all fines, penalties and forfeitures imposed and collected
3 under authority of law for any violations of the provisions of this
4 Title, other than those violations in which the complaining witness
5 is the chief administrator, a member of his staff, a member of the
6 State Police, a member of a county police department and force or a
7 county park police system in a county that has established a central
8 municipal court, an inspector of the Board of Public Utilities, or a
9 law enforcement officer of any other State agency, shall be
10 forwarded by the judge to whom the same have been paid as
11 follows: one-half of the total amount collected to the financial
12 officer, as designated by the local governing body, of the respective
13 municipalities wherein the violations occurred, to be used by the
14 municipality for general municipal use and to defray the cost of
15 operating the municipal court; and one-half of the total amount
16 collected to the proper financial officer of the county wherein they
17 were collected, to be used by the county as a fund for the
18 construction, reconstruction, maintenance and repair of roads and
19 bridges, snow removal, the acquisition and purchase of rights-of-
20 way, and the purchase, replacement and repair of equipment for use
21 on said roads and bridges therein. Up to 25% of the money
22 received by a municipality pursuant to this subsection, but not more
23 than the actual amount budgeted for the municipal court, whichever
24 is less, may be used to upgrade case processing.

25 All fines, penalties and forfeitures imposed and collected under
26 authority of law for any violations of the provisions of this Title, in
27 which the complaining witness is a member of a county police
28 department and force or a county park police system in a county
29 that has established a central municipal court, shall be forwarded by
30 the judge to whom the same have been paid to the financial officer,
31 designated by the governing body of the county, for all violations
32 occurring within the jurisdiction of that court, to be used for general
33 county use and to defray the cost of operating the central municipal
34 court.

35 Whenever any county has deposited moneys collected pursuant
36 to this section in a special trust fund in lieu of expending the same
37 for the purposes authorized by this section, it may withdraw from
38 said special trust fund in any year an amount which is not in excess
39 of the amount expended by the county over the immediately
40 preceding three-year period from general county revenues for said
41 purposes. Such moneys withdrawn from the trust fund shall be
42 accounted for and used as are other general county revenues.

43 c. (Deleted by amendment, P.L.1993, c.293.)

44 d. Notwithstanding the provisions of subsections a. and b. of
45 this section, \$1 shall be added to the amount of each fine and
46 penalty imposed and collected through a court under authority of
47 any law for any violation of the provisions of Title 39 of the
48 Revised Statutes or any other motor vehicle or traffic violation in

1 this State and shall be forwarded by the person to whom the same
2 are paid to the State Treasurer. In addition, upon the forfeiture of
3 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
4 The State Treasurer shall annually deposit those moneys so
5 forwarded in the "Body Armor Replacement" fund established
6 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
7 in the fiscal year next following the effective date of this act, the
8 State Treasurer annually shall allocate from those moneys so
9 forwarded an amount not to exceed \$400,000 to the Department of
10 **【Personnel】** the Treasury to be expended exclusively for the
11 purposes of funding the operation of the "Law Enforcement Officer
12 Crisis Intervention Services" telephone hotline established and
13 maintained under the provisions of **【P.L.1998, c.149 (C.11A:2-25 et**
14 **al.)】** sections 115 and 116 of P.L. , c. (C.)(pending before the
15 Legislature as this bill).

16 e. Notwithstanding the provisions of subsections a. and b. of
17 this section, \$1 shall be added to the amount of each fine and
18 penalty imposed and collected through a court under authority of
19 any law for any violation of the provisions of Title 39 of the
20 Revised Statutes or any other motor vehicle or traffic violation in
21 this State and shall be forwarded by the person to whom the same
22 are paid to the State Treasurer. The State Treasurer shall annually
23 deposit those moneys so forwarded in the "New Jersey Spinal Cord
24 Research Fund" established pursuant to section 9 of P.L.1999, c.201
25 (C.52:9E-9). In order to comply with the provisions of Article VIII,
26 Section II, paragraph 5 of the State Constitution, a municipal or
27 county agency which forwards moneys to the State Treasurer
28 pursuant to this subsection may retain an amount equal to 2% of the
29 moneys which it collects pursuant to this subsection as
30 compensation for its administrative costs associated with
31 implementing the provisions of this subsection.

32 f. Notwithstanding the provisions of subsections a. and b. of
33 this section, \$1 shall be added to the amount of each fine and
34 penalty imposed and collected through a court under authority of
35 any law for any violation of the provisions of Title 39 of the
36 Revised Statutes or any other motor vehicle or traffic violation in
37 this State and shall be forwarded by the person to whom the same
38 are paid to the State Treasurer. The State Treasurer shall annually
39 deposit those moneys so forwarded in the "Autism Medical
40 Research and Treatment Fund" established pursuant to section 1 of
41 P.L.2003, c.144 (C.30:6D-62.2).

42 g. Notwithstanding the provisions of subsections a. and b. of
43 this section, \$2 shall be added to the amount of each fine and
44 penalty imposed and collected by a court under authority of any law
45 for any violation of the provisions of Title 39 of the Revised
46 Statutes or any other motor vehicle or traffic violation in this State
47 and shall be forwarded by the person to whom the same are paid to
48 the State Treasurer. The State Treasurer shall annually deposit

1 those moneys so forwarded in the "New Jersey Forensic DNA
2 Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to
3 depositing the moneys into the fund, the State Treasurer shall
4 forward to the Administrative Office of the Courts an amount not to
5 exceed \$475,000 from moneys initially collected pursuant to this
6 subsection to be used exclusively to establish a collection
7 mechanism and to provide funding to update the Automated Traffic
8 System Fund created pursuant to N.J.S.2B:12-30 to implement the
9 provisions of this subsection.

10 The authority to impose additional fines and penalties under this
11 subsection shall take effect 90 days after the effective date of
12 P.L.2003, c.183 and shall expire five years thereafter. Not later
13 than the 180th day prior to such expiration, the Attorney General
14 shall prepare and submit to the Governor and the Legislature a
15 report on the collection and use of DNA samples under P.L.1994,
16 c.136. The report shall cover the period beginning on that effective
17 date and ending four years thereafter. The report shall indicate
18 separately, for each one-year period during those four years that
19 begins on that effective date or an anniversary thereof, the number
20 of each type of biological sample taken and the total cost of taking
21 that type of sample, and also the number of identifications and
22 exonerations achieved through the use of the samples. In addition,
23 the report shall evaluate the effectiveness, including cost
24 effectiveness, of having the samples available to further police
25 investigations and other forensic purposes.

26 h. Notwithstanding the provisions of subsections a. and b. of
27 this section, \$1 shall be added to the amount of each fine and
28 penalty imposed and collected under authority of any law for any
29 violation of the provisions of Title 39 of the Revised Statutes or any
30 other motor vehicle or traffic violation in this State and shall be
31 forwarded by the person to whom the same are paid to the State
32 Treasurer. The State Treasurer shall annually deposit those moneys
33 so forwarded in the "New Jersey Brain Injury Research Fund"
34 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
35 The Administrative Office of the Courts may retain an amount
36 equal to \$475,000 from the moneys which it initially collects
37 pursuant to this subsection, prior to depositing any moneys in the
38 "New Jersey Brain Injury Research Fund," in order to meet the
39 expenses associated with utilizing the Automated Traffic System
40 Fund created pursuant to N.J.S.2B:12-30 to implement the
41 provisions of this subsection and serve other statutory purposes.

42 i. Notwithstanding the provisions of subsections a. and b. of
43 this section, all fines and penalties imposed and collected under
44 authority of law for any violation related to the unlawful operation
45 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
46 17.1) shall be forwarded by the judge to whom the same have been
47 paid to the State Treasurer, if the complaining witness is the chief
48 administrator, a member of his staff, a member of the State Police,

1 an inspector of the Board of Public Utilities, or a law enforcement
2 officer or other official of any other State agency; or, if the
3 complaining witness is not one of the foregoing, one-half to the
4 chief financial officer of the county and one-half to the chief
5 financial officer of the municipality wherein the violation occurred.
6 (cf: P.L.2007, c.178, s.2)

7
8 96. Section 4 of P.L.1997, c.265 (C.40A:12A-22.4) is amended
9 to read as follows:

10 4. a. Upon receipt of an applicant's criminal history record
11 information, an authority shall notify the applicant, in writing, as to
12 whether he is qualified or disqualified for employment pursuant to
13 this act. If the applicant is disqualified for employment, the
14 conviction or convictions which constitute the basis for the
15 disqualification shall be identified in the written notice.

16 b. An applicant to a housing authority which is subject to the
17 provisions of Title 11A of the New Jersey Statutes shall have 20
18 days from the date of written notice of disqualification to file an
19 appeal with the **【Department of Personnel】** Civil Service
20 Commission for a review on the accuracy of the criminal history
21 record information or to establish his or her rehabilitation under
22 subsection b. of section 2 of P.L.1997, c.265 (C.40A:12A-22.2)
23 pursuant to regulations promulgated by the **【Merit System Board】**
24 Civil Service Commission.

25 c. The **【Department of Personnel】** Civil Service Commission
26 or an authority shall not maintain an applicant's criminal history
27 record information or evidence of rehabilitation submitted under
28 this section for more than six months from the date the applicant is
29 hired or the date of the final disposition of the applicant's
30 disqualification, as the case may be.

31 This section shall not prohibit the **【Department of Personnel】**
32 Civil Service Commission from maintaining a copy of the decision
33 on the applicant's appeal, or the entire record in the case of a
34 judicial appeal.

35 (cf: P.L.1997,c.265, s.4)

36
37 97. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended
38 to read as follows:

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

44 I. Residents of the municipality.

45 II. Other residents of the county in which the municipality is
46 situate.

47 III. Other residents of the State.

48 IV. All other qualified applicants.

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

9 Preference in appointment second to that accorded to veterans
10 pursuant to current law but superseding that accorded non-veterans
11 shall be accorded all duly qualified applicants whose natural or
12 adoptive parent was killed in the lawful discharge of official duties
13 while serving as a member of any paid fire department or paid
14 member of any part-paid fire department in the State at any time
15 prior to the closing date for the filing of an application, provided
16 that required documentation is submitted with the application by the
17 closing date.

18 When a veteran and a non-veteran whose parent was killed in the
19 lawful discharge of official duties while serving as a member of any
20 paid fire department, or paid member of any part-paid fire
21 department are duly qualified applicants for a position, first
22 preference shall be given to the veteran.

23 b. In any municipality which classifies qualified applicants
24 pursuant to subsection a. of this section, the appointing authority
25 shall first appoint all those in Class I and then those in each
26 succeeding class in the order above listed, and shall appoint a
27 person or persons in any such class only to a vacancy or vacancies
28 remaining after all qualified applicants in the preceding class or
29 classes have been appointed or have declined an offer of
30 appointment.

31 c. In any such municipality operating under the provisions of
32 Title 11A of the New Jersey Statutes, the classes of qualified
33 applicants defined in subsection a. of this section shall be
34 considered as separate and successive lists of eligibles, and the
35 **【Department of Personnel】** Civil Service Commission shall, when
36 requested to certify eligibles for positions specified in this section,
37 make such certifications from said classes separately and
38 successively, and shall certify no persons from any such class until
39 all persons in the preceding class or classes have been appointed or
40 have declined offers of appointment.

41 d. This section shall apply only to initial appointments and not
42 to promotional appointments of persons already members of the fire
43 department.

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

48 (cf: P.L.2005, c.290, s.1)

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

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

7 I. Residents of the municipality.

8 II. Other residents of the county in which the municipality is
9 situate.

10 III. Other residents of the State.

11 IV. All other qualified applicants.

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

20 Preference in appointment second to that accorded to veterans
21 pursuant to current law but superceding that accorded non-veterans
22 shall be accorded all duly qualified applicants whose natural or
23 adoptive parent was killed in the lawful discharge of official duties
24 while serving as a law enforcement officer in any law enforcement
25 agency in the State at any time prior to the closing date for the
26 filing of an application, provided that required documentation is
27 submitted with the application by the closing date. This paragraph
28 shall not, however, be applicable if the municipality has entered
29 into a consent decree with the United States Department of Justice
30 concerning the hiring practices of the municipality.

31 When a veteran and a non-veteran whose parent was killed in the
32 lawful discharge of official duties while serving as a law
33 enforcement officer in any law enforcement agency in the State are
34 duly qualified applicants for a position, first preference shall be
35 given to the veteran.

36 As used in this section, "law enforcement officer" means any
37 person who is employed as a permanent full-time member of an
38 enforcement agency, who is statutorily empowered to act for the
39 detection, investigation, arrest and conviction of persons violating
40 the criminal laws of this State and statutorily required to
41 successfully complete a training course approved, or certified as
42 being substantially equivalent to such an approved course, by the
43 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
44 66 et seq.); and "law enforcement agency" means a department,
45 division, bureau, commission, board or other authority of the State
46 or of any political subdivision thereof which has by statute or
47 ordinance the responsibility of detecting and enforcing the general
48 criminal laws of this State.

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

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

19 d. This section shall apply only to initial appointments and not
20 to promotional appointments of persons already members of the
21 police department.

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

26 (cf: P.L.2005, c.290, s.2)

27

28 99. Section 1 of P.L.1979, c.461 (C.40A:14-127.1) is amended
29 to read as follows:

30 1. a. Notwithstanding the provisions of any other law to the
31 contrary, any former State trooper, sheriff's officer or deputy, or
32 county or municipal police officer who has separated from service
33 voluntarily or involuntarily other than by removal for cause on
34 charges of misconduct or delinquency, shall be deemed to meet the
35 maximum age requirement for appointment established by
36 N.J.S.40A:14-127, if his actual age, less the number of years of his
37 previous service as a law enforcement officer, would meet the
38 maximum age requirement established by said section, but no
39 person may be appointed who is over the age of 45 as of the date of
40 his reappointment; except that in the case of a State trooper,
41 sheriff's officer or deputy, or county or municipal police officer
42 whose separation from service was involuntary due to a lay-off or
43 reduction in force, such person shall be deemed to meet the
44 maximum age requirement for appointment by complying with the
45 procedure established hereinbefore without regard to his actual age
46 at the time of reappointment.

47 b. For the purposes of meeting the maximum age requirement
48 for appointment established by N.J.S.40A:14-127 and for the

1 purpose of taking any civil service examination for appointment as
2 a municipal police officer, the **[Commissioner of Personnel]** Civil
3 Service Commission, for good cause shown, may deem an
4 individual a former State trooper, sheriff's officer or deputy, or
5 county or municipal police officer in accordance with subsection a.
6 of this section, even though that individual's separation from current
7 service will not occur except upon a new appointment.

8 (cf: P.L.1993, c.319, s.1)

9

10 100. Section 1 of P.L.1996, c.140 (C.40A:14-182) is amended to
11 read as follows:

12 1. a. The provisions of any other law to the contrary
13 notwithstanding, the appointing authority of a municipality which,
14 pursuant to N.J.S.40A:14-7, has established and maintains a paid or
15 part-paid fire department and force or the board of fire
16 commissioners in the case of a fire district established pursuant to
17 the provisions of N.J.S.40A:14-70 et seq., may appoint as a
18 member or officer of that fire department or force any person who:

19 (1) was serving as a civilian federal firefighter in good standing
20 at any U.S. military installation in the State;

21 (2) satisfactorily completed such firefighter training as is
22 required for employment as a civilian federal firefighter; and

23 (3) was, as a consequence of the closure of a federal military
24 installation in this State, terminated as a civilian federal firefighter
25 within 48 months prior to the appointment.

26 b. A municipality may employ such a person notwithstanding
27 that:

28 (1) Title 11A, Civil Service, of the New Jersey Statutes is
29 operative in that municipality;

30 (2) the municipality has available to it an eligible or regular
31 reemployment list of persons eligible for such appointments; and

32 (3) the appointed person is not on any eligible list. A
33 municipality which has adopted Title 11A, Civil Service, may not
34 employ such a person if a special reemployment list is in existence
35 for the firefighter title to be filled.

36 c. If a municipality determines to appoint a person pursuant to
37 the provisions of this act, it shall give first priority in making such
38 appointments to residents of the municipality and second priority to
39 residents of the county not residing in the municipality.

40 d. The seniority, seniority-related privileges and rank a civilian
41 federal firefighter possessed while employed at a federal military
42 installation shall not be transferable to a position in a municipal fire
43 department and force obtained pursuant to the provisions of this
44 section.

45 e. To effectuate the purposes of this section, the **[Department of**
46 **Personnel]** Civil Service Commission shall prepare and circulate, to
47 those municipalities which have established and maintain fire
48 departments and forces pursuant to N.J.S.40A:14-7, and to boards

1 of fire commissioners in the case of fire districts established
2 pursuant to the provisions of N.J.S.40A:14-70 et seq., a list of
3 civilian federal firefighters eligible for appointment under the
4 provisions of this section. The **【Department of Personnel】** Civil
5 Service Commission shall also circulate the list to municipalities
6 and fire districts that have not adopted Title 11A, Civil Service, of
7 the New Jersey Statutes.

8 Placement on the list compiled by the department shall be
9 governed by length of service as a federal firefighter. A federal
10 firefighter may apply for placement on the list at the time he or she
11 receives a notice of termination of position or a priority placement
12 program notice, and shall remain on the list for a period of four
13 years.

14 (cf: P.L.1996, c.140, s.1)

15

16 101. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to
17 read as follows:

18 11. a. When a local unit contracts, through a shared service or
19 joint meeting, to have another local unit or a joint meeting provide a
20 service it is currently providing using public employees and one or
21 more of the local units have adopted Title 11A, Civil Service, then
22 the agreement shall include an employment reconciliation plan in
23 accordance with this section that and, if one or more of the local
24 units have adopted Title 11A, Civil Service, shall specifically set
25 forth the intended jurisdiction of the **【Department of Personnel】**
26 Civil Service Commission. An employment reconciliation plan
27 shall be subject to the following provisions:

28 (1) a determination of those employees, if any, that shall be
29 transferred to the providing local unit, retained by the recipient
30 local unit, or terminated from employment for reasons of economy
31 or efficiency, subject to the provisions of any existing collective
32 bargaining agreements within the local units.

33 (2) any employee terminated for reasons of economy or
34 efficiency by the local unit providing the service under the shared
35 service agreement shall be given a terminal leave payment of not
36 less than a period of one month for each five-year period of past
37 service as an employee with the local unit, or other enhanced
38 benefits that may be provided or negotiated. For the purposes of
39 this paragraph, "terminal leave payment" means a single, lump sum
40 payment, paid at termination, calculated using the regular base
41 salary at the time of termination. Unless otherwise negotiated or
42 provided by the employer, a terminal leave benefit shall not include
43 extended payment, or payment for retroactive salary increases,
44 bonuses, overtime, longevity, sick leave, accrued vacation or other
45 time benefit, or any other benefit.

46 (3) the **【Department of Personnel】** Civil Service Commission
47 shall place any employee that has permanent status pursuant to Title
48 11A, Civil Service, of the New Jersey Statutes that is terminated for

1 reasons of economy or efficiency at any time by either local unit on
2 a special reemployment list for any civil service employer within
3 the county of the agreement or any political subdivision therein.

4 (4) when a proposed shared service agreement affects
5 employees in local units subject to Title 11A, Civil Service, of the
6 New Jersey Statutes, an employment reconciliation plan shall be
7 filed with the **【Department of Personnel】** Civil Service
8 Commission prior to the approval of the shared service agreement.
9 The department shall review it for consistency with this section
10 within 45 days of receipt and it shall be deemed approved, subject
11 to approval of the shared service agreement by the end of that time,
12 unless the department has responded with a denial or conditions that
13 must be met in order for it to be approved.

14 (5) when an action is required of the **【Department of Personnel】**
15 Civil Service Commission by this section, parties to a planned
16 shared service agreement may consult with that department in
17 advance of the action and the department shall provide such
18 technical support as may be necessary to assist in the preparation of
19 an employment reconciliation plan or any other action required of
20 the department by this section.

21 b. If all the local units that are parties to the agreement are
22 subject to the provisions of Title 11A, Civil Service, of the New
23 Jersey Statutes, the **【Department of Personnel】** Civil Service
24 Commission shall create an implementation plan for the agreement
25 that will: (1) transfer employees with current status in current title
26 unless reclassified, or (2) reclassify employees into job titles that
27 best reflect the work to be performed. The **【Department of**
28 **Personnel】** Civil Service Commission shall review whether any
29 existing hiring or promotional lists should be merged, inactivated,
30 or re-announced. Non-transferred employees shall be removed or
31 suspended only for good cause and after the opportunity for a
32 hearing before the **【Merit System Board】** Civil Service
33 Commission; provided, however, that they may be laid-off in
34 accordance with the provisions of N.J.S.11A:8-1 et seq., and the
35 regulations promulgated thereunder. The final decision of which
36 employees shall transfer to the new employer is vested solely with
37 the local unit that will provide the service and subject to the
38 provisions of any existing collective bargaining agreements within
39 the local units.

40 c. If the local unit that will provide the service pursuant to a
41 shared service agreement is subject to Title 11A, Civil Service, of
42 the New Jersey Statutes, but the local unit to receive the service is
43 not subject to that Title, and the contracting local units desire that
44 some or all employees of the recipient local unit are to be
45 transferred to the providing local unit, the **【Department of**
46 **Personnel】** Civil Service Commission shall vest only those
47 employees who have been employed for one year or more in
48 permanent status pursuant to N.J.S.11A:9-9 in appropriate titles,

1 seniority, and tenure with the providing local unit based on the
2 duties of the position. The final decision of which employees shall
3 transfer to the new employer is vested solely with the local unit that
4 will provide the service and subject to the provisions of any existing
5 collective bargaining agreements within the local units.

6 d. If the local unit that will provide the service is not subject to
7 the provisions of Title 11A, Civil Service, of the New Jersey
8 Statutes, but the local unit that will receive the service is subject to
9 that Title and the parties desire that some or all employees of the
10 recipient local unit are to be transferred to the providing local unit,
11 the transferred employees shall be granted tenure in office and shall
12 only be removed or suspended for good cause and after a hearing;
13 provided, however, that they may be laid-off in accordance with the
14 provisions of N.J.S.11A:8-1 et seq., and the regulations
15 promulgated thereunder. The transferred employees shall be
16 subject to layoff procedures prior to the transfer to the new entity.
17 Once transferred, they will be subject to any employment contracts
18 and provisions that exist for the new entity. The final decision of
19 which employees shall transfer to the new employer is vested solely
20 with the local unit that will provide the service and subject to the
21 provisions of any existing collective bargaining agreements within
22 the local units.

23 (cf: P.L.2007, c.63, s.11)

24
25 102. Section 19 of P.L.2007, c.63 (C.40A:65-19) is amended to
26 read as follows:

27 19. a. When a local unit agrees to participate in a joint meeting
28 that will provide a service that the local unit is currently providing
29 itself through public employees, the agreement shall include an
30 employment reconciliation plan in accordance with this section. An
31 employment reconciliation plan shall be subject to the following
32 provisions:

33 (1) a determination of those employees, if any, that shall be
34 transferred to the joint meeting, retained by the contracting local
35 unit, or terminated from employment for reasons of economy or
36 efficiency subject to the provisions of any collective bargaining
37 agreements within the local units.

38 (2) any employee terminated for reasons of economy or
39 efficiency by the contracting local unit providing the service or by
40 the joint meeting shall be given a terminal leave payment of not less
41 than a period of one month for each five-year period of past service
42 as an employee with the local unit, or other enhanced benefits that
43 may be provided or negotiated. Unless otherwise negotiated or
44 provided by the employer, a terminal leave benefit shall not include
45 extended payment, or payment for retroactive salary increases,
46 bonuses, overtime, longevity, sick leave, accrued vacation or other
47 time benefit, or any other benefit.

1 (3) the **【Department of Personnel】** Civil Service Commission
2 shall place any employee that has permanent status pursuant to Title
3 11A, Civil Service, of the New Jersey Statutes that is terminated for
4 reasons of economy or efficiency at any time by either local unit on
5 a special reemployment list for any civil service employer within
6 the county of the agreement or any political subdivision therein.

7 (4) when a proposed joint contract affects employees in local
8 units that operate under the provisions of Title 11A, Civil Service,
9 of the New Jersey Statutes, an employment reconciliation plan shall
10 be filed with the **【Department of Personnel】** Civil Service
11 Commission prior to the approval of the joint meeting agreement.
12 That department shall review the plan for consistency with this
13 section within 45 days of receipt and it shall be deemed approved,
14 subject to approval of the joint meeting agreement by the end of
15 that time, unless that department has responded with a denial or
16 conditions that must be met in order for it to be approved.

17 (5) when an action is required of the **【Department of Personnel】**
18 Civil Service Commission by this section, parties to a proposed
19 joint contract may consult with the department in advance of the
20 action and the department shall provide such technical support as
21 may be necessary to assist in the preparation of an employment
22 reconciliation plan or any other action required of the department
23 by this section.

24 b. If both the local unit and joint meeting operate under the
25 provisions of Title 11A, Civil Service, of the New Jersey Statutes,
26 the **【Department of Personnel】** Civil Service Commission shall
27 create an implementation plan for employees to be hired by the joint
28 meeting that will: (1) transfer employees with current status in
29 current title unless reclassified or (2) reclassify employees, if
30 necessary, into job titles that best reflect the work to be performed.
31 The **【Department of Personnel】** Civil Service Commission shall
32 review whether any existing hiring or promotional lists should be
33 merged, inactivated, or re-announced. Non-transferred employees
34 shall be removed or suspended only for good cause and after the
35 opportunity for a hearing before the **【Merit System Board】** Civil
36 Service Commission; provided, however, that they may be laid-off
37 in accordance with the provisions of N.J.S.11A:8-1 et seq., and the
38 regulations promulgated thereunder. The final decision of which
39 employees shall transfer to the new employer is vested solely with
40 the local unit that will provide the service and subject to the
41 provisions of any existing collective bargaining agreements within
42 the local units.

43 c. If the joint meeting operates under the provisions of Title
44 11A, Civil Service, of the New Jersey Statutes, and a local unit
45 receiving the service is not subject to that Title, and the parties
46 desire that some or all employees of the local unit be transferred to
47 the joint meeting, the **【Department of Personnel】** Civil Service
48 Commission shall vest only those employees who have been

1 employed one year or more in permanent status pursuant to
2 N.J.S.40A:9-9 in appropriate titles, seniority, and tenure with the
3 providing local unit based on the duties of the position. The final
4 decision of which employees shall transfer to the new employer is
5 vested solely with the joint meeting and subject to the agreements
6 affecting the parties, provided that those agreements do not conflict
7 with the provisions of any existing collective bargaining agreements
8 within the local units.

9 d. (1) If the joint meeting does not operate under the provisions
10 of Title 11A, Civil Service, of the New Jersey Statutes, and the
11 local unit receiving the service is subject to that Title, and the
12 parties desire that some or all employees of the recipient local unit
13 are to be transferred to the joint meeting, then the transferred
14 employees shall be granted tenure in office and shall be removed or
15 suspended only for good cause and after a hearing. The transferred
16 employees shall be subject to layoff procedures prior to the transfer
17 to the new entity. Once transferred, they will be subject to any
18 employment contracts and provisions that exist for the new entity.
19 The final decision of which employees shall transfer to the joint
20 meeting is vested solely with the joint meeting and subject to the
21 provisions of any existing collective bargaining agreements within
22 the local units.

23 (2) A joint meeting established after the effective date of
24 sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.) that affects
25 both employees in local units subject to Title 11A, Civil Service, of
26 the New Jersey Statutes and employees in local units not subject to
27 that Title, shall determine whether the employees of the joint
28 meeting shall be subject to the Title. If the joint meeting
29 determines that the employees shall not be subject to Title 11A,
30 Civil Service, of the New Jersey Statutes, then the employees from
31 the local units in which the Title is in effect shall have the same
32 rights as employees transferred pursuant to paragraph (1) of this
33 subsection.

34 (cf: P.L.2007, c.63, s.19)

35

36 103. Section 27 of P.L.2007, c.63 (C.40A:65-27) is amended to
37 read as follows:

38 27. a. Once a consolidation has been approved by the affected
39 municipal governing bodies or voters, the division shall create a
40 task force of State departments, offices and agencies, as it deems
41 appropriate, and representatives of affected negotiations units, to
42 facilitate the consolidation and provide technical assistance.

43 b. When a consolidation plan provides that the consolidated
44 municipality will be subject to the provisions of Title 11A, Civil
45 Service, of the New Jersey Statutes the **【Department of Personnel】**
46 Civil Service Commission is specifically authorized to create a
47 consolidation implementation plan to vest non-civil service

1 employees, based on the education and experience of the
2 individuals, in appropriate titles and tenure.

3 c. Whenever a referendum question to decide if a consolidated
4 municipality shall be subject to the provisions of Title 11A, Civil
5 Service, of the New Jersey Statutes fails, the employees of a
6 municipality already subject to that Title shall be given non-civil
7 service titles in the new entity and previously held tenure shall be
8 vacated.

9 d. The Public Employment Relations Commission is authorized
10 to provide technical advice, pursuant to section 12 of P.L.1968,
11 c.303 (C.34:13A-8.3), to assist a new municipality and existing
12 labor unions to integrate separate labor agreements into
13 consolidated agreements and to adjust the structure of collective
14 negotiations units, as the commission determines appropriate for the
15 consolidated municipality.

16 (cf: P.L.2007, c.63, s.27)

17

18 104. Section 12 of P.L.1971, c.182 (C.52:13D-23) is amended to
19 read as follows:

20 12. (a) (1) The head of each State agency, or the principal
21 officer in charge of a division, board, bureau, commission or other
22 instrumentality within a department of State Government
23 designated by the head of such department for the purposes
24 hereinafter set forth, shall within six months from the date of
25 enactment, promulgate a code of ethics to govern and guide the
26 conduct of the members of the Legislature, the State officers and
27 employees or the special State officers and employees in the agency
28 to which said code is applicable. Such code shall conform to the
29 general standards hereinafter set forth in this section, but it shall be
30 formulated with respect to the particular needs and problems of the
31 agency to which said code is to apply and, when applicable, shall be
32 a supplement to the uniform ethics code promulgated pursuant to
33 paragraph (2) of this subsection. Notwithstanding any other
34 provisions of this section, the New Jersey members to any interstate
35 agency to which New Jersey is a party and the officers and
36 employees of any State agency which fails to promulgate a code of
37 ethics shall be deemed to be subject to a code of ethics the
38 provisions of which shall be paragraphs (1) through (6) of
39 subsection (e) of this section.

40 (2) Within 180 days following the effective date of this act,
41 P.L.2005, c.382, the State Ethics Commission shall promulgate a
42 uniform ethics code to govern and guide the conduct of State
43 officers and employees and special State officers and employees in
44 State agencies in the Executive Branch. Such code shall conform to
45 the general standards hereinafter set forth in this section, shall be
46 the primary code of ethics for State agencies once it is adopted and
47 a code promulgated pursuant to paragraph (1) of this subsection
48 shall be a supplement to the primary code. The head of each State

1 agency, or the principal officer in charge of a division, board,
2 bureau, commission or other instrumentality within a department of
3 State Government designated by the head of such department shall
4 revise each code of ethics promulgated prior to the uniform code to
5 recognize the uniform code as the primary code.

6 (b) A code of ethics formulated pursuant to subsection (a) of
7 this section to govern and guide the conduct of the State officers
8 and employees or the special State officers and employees in any
9 State agency in the Executive Branch, or any portion of such a
10 code, shall not be effective unless it has first been approved by the
11 State Ethics Commission. When a proposed code is submitted to
12 the said commission it shall be accompanied by an opinion of the
13 Attorney General as to its compliance with the provisions of this act
14 and any other applicable provision of law. Nothing contained herein
15 shall prevent officers of State agencies in the Executive Branch
16 from consulting with the Attorney General or with the State Ethics
17 Commission at any time in connection with the preparation or
18 revision of such codes of ethics.

19 (c) A code of ethics formulated pursuant to this section to
20 govern and guide the conduct of the members of the Legislature,
21 State officers and employees or special State officers and
22 employees in any State agency in the Legislative Branch, or any
23 portion of such code, shall not be effective unless it has first been
24 approved by the Legislature by concurrent resolution. When a
25 proposed code is submitted to the Legislature for approval it shall
26 be accompanied by an opinion of the chief counsel as to its
27 compliance with the provisions of this act and any other applicable
28 provisions of law. Nothing contained herein shall prevent officers
29 of State agencies in the Legislative Branch from consulting with the
30 Chief Legislative Counsel or the Joint Legislative Committee on
31 Ethical Standards at any time in connection with the preparation or
32 revision of such codes of ethics.

33 (d) Violations of a code of ethics promulgated pursuant to this
34 section shall be cause for removal, suspension, demotion or other
35 disciplinary action by the State officer or agency having the power
36 of removal or discipline. When a person who is in the classified
37 civil service is charged with a violation of such a code of ethics, the
38 procedure leading to such removal or discipline shall be governed
39 by any applicable provisions of the Civil Service Act, N.J.S. 11A:1-
40 1 et seq., and the Rules of the **[Department of Personnel]** Civil
41 Service Commission. No action for removal or discipline shall be
42 taken under this subsection except upon the referral or with the
43 approval of the State Ethics Commission or the Joint Legislative
44 Committee on Ethical Standards, whichever is authorized to
45 exercise jurisdiction with respect to the complaint upon which such
46 action for removal or discipline is to be taken.

47 (e) A code of ethics for officers and employees of a State
48 agency shall conform to the following general standards:

1 (1) No State officer or employee or special State officer or
2 employee should have any interest, financial or otherwise, direct or
3 indirect, or engage in any business or transaction or professional
4 activity, which is in substantial conflict with the proper discharge of
5 his duties in the public interest.

6 (2) No State officer or employee or special State officer or
7 employee should engage in any particular business, profession,
8 trade or occupation which is subject to licensing or regulation by a
9 specific agency of State Government without promptly filing notice
10 of such activity with the State Ethics Commission, if he is an officer
11 or employee in the Executive Branch, or with the Joint Legislative
12 Committee on Ethical Standards, if he is an officer or employee in
13 the Legislative Branch.

14 (3) No State officer or employee or special State officer or
15 employee should use or attempt to use his official position to secure
16 unwarranted privileges or advantages for himself or others.

17 (4) No State officer or employee or special State officer or
18 employee should act in his official capacity in any matter wherein
19 he has a direct or indirect personal financial interest that might
20 reasonably be expected to impair his objectivity or independence of
21 judgment.

22 (5) No State officer or employee or special State officer or
23 employee should undertake any employment or service, whether
24 compensated or not, which might reasonably be expected to impair
25 his objectivity and independence of judgment in the exercise of his
26 official duties.

27 (6) No State officer or employee or special State officer or
28 employee should accept any gift, favor, service or other thing of
29 value under circumstances from which it might be reasonably
30 inferred that such gift, service or other thing of value was given or
31 offered for the purpose of influencing him in the discharge of his
32 official duties.

33 (7) No State officer or employee or special State officer or
34 employee should knowingly act in any way that might reasonably
35 be expected to create an impression or suspicion among the public
36 having knowledge of his acts that he may be engaged in conduct
37 violative of his trust as a State officer or employee or special State
38 officer or employee.

39 (8) Rules of conduct adopted pursuant to these principles should
40 recognize that under our democratic form of government public
41 officials and employees should be drawn from all of our society,
42 that citizens who serve in government cannot and should not be
43 expected to be without any personal interest in the decisions and
44 policies of government; that citizens who are government officials
45 and employees have a right to private interests of a personal,
46 financial and economic nature; that standards of conduct should
47 separate those conflicts of interest which are unavoidable in a free

1 society from those conflicts of interest which are substantial and
2 material, or which bring government into disrepute.

3 (f) The code of ethics for members of the Legislature shall
4 conform to subsection (e) hereof as nearly as may be possible.

5 (cf: P.L.2005, c.382, s.10)

6

7 105. Section 13 of P.L.1971, c.182 (52:13D-24) is amended to
8 read as follows:

9 13. a. No State officer or employee, special State officer or
10 employee, or member of the Legislature shall solicit, receive or
11 agree to receive, whether directly or indirectly, any compensation,
12 reward, employment, gift, honorarium, out-of-State travel or
13 subsistence expense or other thing of value from any source other
14 than the State of New Jersey, for any service, advice, assistance,
15 appearance, speech or other matter related to the officer, employee,
16 or member's official duties, except as authorized in this section.

17 b. A State officer or employee, special State officer or
18 employee, or member of the Legislature may, in connection with
19 any service, advice, assistance, appearance, speech or other matter
20 related to the officer, employee, or member's official duties, solicit,
21 receive or agree to receive, whether directly or indirectly, from
22 sources other than the State, the following:

23 (1) reasonable fees for published books on matters within the
24 officer, employee, or member's official duties;

25 (2) reimbursement or payment of actual and reasonable
26 expenditures for travel or subsistence and allowable entertainment
27 expenses associated with attending an event in New Jersey if
28 expenditures for travel or subsistence and entertainment expenses
29 are not paid for by the State of New Jersey;

30 (3) reimbursement or payment of actual and reasonable
31 expenditures for travel or subsistence outside New Jersey, not to
32 exceed \$500.00 per trip, if expenditures for travel or subsistence
33 and entertainment expenses are not paid for by the State of New
34 Jersey. The \$500 per trip limitation shall not apply if the
35 reimbursement or payment is made by (a) a nonprofit organization
36 of which the officer, employee, or member is, at the time of
37 reimbursement or payment, an active member as a result of the
38 payment of a fee or charge for membership to the organization by
39 the State or the Legislature in the case of a member of the
40 Legislature; (b) a nonprofit organization that does not contract with
41 the State to provide goods, materials, equipment, or services; or (c)
42 any agency of the federal government, any agency of another state
43 or of two or more states, or any political subdivision of another
44 state.

45 Members of the Legislature shall obtain the approval of the
46 presiding officer of the member's House before accepting any
47 reimbursement or payment of expenditures for travel or subsistence
48 outside New Jersey.

1 As used in this subsection, "reasonable expenditures for travel or
2 subsistence" means commercial travel rates directly to and from an
3 event and food and lodging expenses which are moderate and
4 neither elaborate nor excessive; and "allowable entertainment
5 expenses" means the costs for a guest speaker, incidental music and
6 other ancillary entertainment at any meal at an event, provided they
7 are moderate and not elaborate or excessive, but does not include
8 the costs of personal recreation, such as being a spectator at or
9 engaging in a sporting or athletic activity which may occur as part
10 of that event.

11 c. This section shall not apply to the solicitation or acceptance
12 of contributions to the campaign of an announced candidate for
13 elective public office, except that campaign contributions may not
14 be accepted if they are known to be given in lieu of a payment
15 prohibited pursuant to this section.

16 d. (1) Notwithstanding any other provision of law, a designated
17 State officer as defined in paragraph (2) of this subsection shall not
18 solicit, receive or agree to receive, whether directly or indirectly,
19 any compensation, salary, honorarium, fee, or other form of income
20 from any source, other than the compensation paid or reimbursed to
21 him or her by the State for the performance of official duties, for
22 any service, advice, assistance, appearance, speech or other matter,
23 except for investment income from stocks, mutual funds, bonds,
24 bank accounts, notes, a beneficial interest in a trust, financial
25 compensation received as a result of prior employment or
26 contractual relationships, and income from the disposition or rental
27 of real property, or any other similar financial instrument and
28 except for reimbursement for travel as authorized in subsections (2)
29 and (3) of paragraph b. of this section. To receive such income, a
30 designated State officer shall first seek review and approval by the
31 State Ethics Commission to ensure that the receipt of such income
32 does not violate the "New Jersey Conflicts of Interest Law,"
33 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of
34 ethics, and does not undermine the full and diligent performance of
35 the designated State officer's duties.

36 (2) For the purposes of this subsection, "designated State
37 officer" shall include: the Governor, the Adjutant General, the
38 Secretary of Agriculture, the Attorney General, the Commissioner
39 of Banking and Insurance, the Secretary and Chief Executive
40 Officer of the Commerce and Economic Growth Commission, the
41 Commissioner of Community Affairs, the Commissioner of
42 Corrections, the Commissioner of Education, the Commissioner of
43 Environmental Protection, the Commissioner of Health and Senior
44 Services, the Commissioner of Human Services, the Commissioner
45 of Children and Families, the Commissioner of Labor and
46 Workforce Development, **the Commissioner of Personnel,** the
47 President of the State Board of Public Utilities, the Secretary of
48 State, the Superintendent of State Police, the Commissioner of

1 Transportation, the State Treasurer, the head of any other
2 department in the Executive Branch, and the following members of
3 the staff of the Office of the Governor: Chief of Staff, Chief of
4 Management and Operations, Chief of Policy and Communications,
5 Chief Counsel to the Governor, Director of Communications, Policy
6 Counselor to the Governor, and any deputy or principal
7 administrative assistant to any of the aforementioned members of
8 the staff of the Office of the Governor listed in this subsection.

9 e. A violation of this section shall not constitute a crime or
10 offense under the laws of this State.

11 (cf: P.L.2006, c.47, s.188)

12

13 106. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
14 read as follows:

15 1. Notwithstanding the provisions of the annual appropriations
16 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
17 shall fix and establish the annual salary, not to exceed \$133,330 in
18 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
19 in calendar year 2002 and thereafter, for each of the following
20 officers:

21 Title

22 Agriculture Department

23 Secretary of Agriculture

24 Children and Families Department

25 Commissioner of Children and Families

26 Community Affairs Department

27 Commissioner of Community Affairs

28 Corrections Department

29 Commissioner of Corrections

30 Education Department

31 Commissioner of Education

32 Environmental Protection Department

33 Commissioner of Environmental Protection

34 Health and Senior Services Department

35 Commissioner of Health and Senior Services

36 Human Services Department

37 Commissioner of Human Services

38 Banking and Insurance Department

39 Commissioner of Banking and Insurance

40 Labor and Workforce Development Department

41 Commissioner of Labor and Workforce Development

42 Law and Public Safety Department

43 Attorney General

44 Military and Veterans' Affairs Department

45 Adjutant General

46 **【Personnel Department**

47 **Commissioner of Personnel】**

48 State Department

1 Secretary of State
2 Transportation Department
3 Commissioner of Transportation
4 Treasury Department
5 State Treasurer
6 Members, Board of Public Utilities
7 Public Advocate Department
8 Public Advocate
9 (cf: P.L.2007, c.253, s.23)
10

11 107. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
12 read as follows:

13 2. The salary ranges for the following positions shall be as
14 established by the **【Department of Personnel】** Civil Service
15 Commission with the approval of the Director, Division of Budget
16 and Accounting. The salary rate for any such position shall be the
17 salary step in such range next above the salary currently being paid;
18 provided, however, that any sums appropriated for salaries may be
19 made available for salary adjustments therein arising from various
20 exigencies of the State service and for normal merit salary
21 increments as the **【Commissioner of Personnel, the】** Civil Service
22 Commission, the State Treasurer and the Director of the Division of
23 Budget and Accounting shall determine; and provided, further, that
24 nothing in this act shall reduce the salary rate for any such position
25 below that which is being paid on the effective date of this act:

26 **【Personnel Department**
27 **Chief Examiner and Secretary】**
28 **Community Affairs Department**
29 Assistant Commissioner of Community Affairs
30 Director, Division of State and Regional Planning
31 Director, Division of Local Government Services
32 Director, Division of Housing and Urban Renewal
33 Director, Office of Aging Programs
34 Director, Office on Women
35 **Environmental Protection Department**
36 Director, Division of Water Resources
37 Director, Division of Parks and Forestry
38 Director of Fish, Game and Shell Fisheries
39 Director, Division of Marine Services
40 Director, Division of Environmental Quality
41 **Health and Senior Services Department**
42 Director, Division, of Narcotic and Drug Abuse Control
43 **Corrections Department**
44 Chairman, State Parole Board
45 Associate Member, State Parole Board
46 Public Defender
47 **Labor and Workforce Development Department**
48 Director, Workplace Standards

1 Law and Public Safety Department
2 Colonel and Superintendent, State Police
3 State Medical Examiner
4 Director, Division of Alcoholic Beverage Control
5 State Superintendent of Weights and Measures
6 Public Utilities Department
7 Director, Office of Cable Television
8 Executive Director, Public Broadcasting
9 State Department
10 Transportation Department
11 Assistant Commissioner for Highways
12 Assistant Commissioner for Public Transportation
13 Chief Administrator, New Jersey Motor Vehicle
14 Commission
15 Treasury Department
16 Director, Division of Budget and Accounting
17 Director, Division of Taxation
18 Director, Division of Purchase and Property
19 Director, Division of Pensions and Benefits
20 Director, Division of State Lottery.

21 (cf: P.L.2005, c.240, s.2)

22

23 108. Section 3 of P.L.1961, c.49 (C.52:14-17.27) is amended to
24 read as follows:

25 3. There is hereby created a State Health Benefits Commission,
26 consisting of five members: the State Treasurer; the Commissioner
27 of Banking and Insurance; the **[Commissioner of Personnel]**
28 Chairperson of the Civil Service Commission; a State employees'
29 representative chosen by the Public Employees' Committee of the
30 AFL-CIO; and, through June 30, 2008, when employers of
31 employees, as defined in section 32 of P.L.2007, c.103 (C.52:14-
32 17.46.2), will no longer be eligible to participate in the State Health
33 Benefits Program authorized by P.L.1961, c.49, a representative
34 chosen by the New Jersey Education Association, which represents
35 the largest number of employees of employers other than the State
36 participating in the State Health Benefits Program. Beginning July
37 1, 2008, the fifth member of the commission shall be a local
38 employees' representative chosen by the Public Employees'
39 Committee of the AFL-CIO.

40 The treasurer shall be chairman of the commission and the health
41 benefits program authorized by P.L.1961, c.49 shall be administered
42 in the Treasury Department. The Director of the Division of
43 Pensions and Benefits shall be the secretary of the commission. The
44 commission shall establish a health benefits program for the
45 employees of the State, the cost of which shall be paid as specified
46 in section 6 of P.L.1961, c.49. The commission shall establish rules
47 and regulations as may be deemed reasonable and necessary for the
48 administration of P.L.1961, c.49.

1 The Attorney General shall be the legal advisor of the
2 commission.

3 The members of the commission shall serve without
4 compensation but shall be reimbursed for any necessary
5 expenditures. The public employee members shall not suffer loss of
6 salary or wages during service on the commission.

7 The commission shall publish annually a report showing the
8 fiscal transactions of the program for the preceding year and stating
9 other facts pertaining to the plan. The commission shall submit the
10 report to the Governor and furnish a copy to every employer for use
11 of the participants and the public.

12 (cf: P.L.2007, c.103, s.20)

13

14 109. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
15 read as follows:

16 2. As used in this act:

17 "Approved school" shall mean a school approved and authorized
18 by the Police Training Commission to give police training courses
19 or a training course for State and county corrections officers and
20 juvenile detention officers as prescribed in this act.

21 "Commission" shall mean the Police Training Commission or
22 officers or employees thereof acting on its behalf.

23 "County" shall mean any county which within its jurisdiction has
24 or shall have a law enforcement unit as defined in this act.

25 "Law enforcement unit" shall mean any police force or
26 organization in a municipality or county which has by statute or
27 ordinance the responsibility of detecting crime and enforcing the
28 general criminal laws of this State.

29 "Municipality" shall mean a city of any class, township, borough,
30 village, camp meeting association, or any other type of municipality
31 in this State which, within its jurisdiction, has or shall have a law
32 enforcement unit as defined in this act.

33 "Permanent appointment" shall mean an appointment having
34 permanent status as a police officer in a law enforcement unit as
35 prescribed by Title 11A of the New Jersey Statutes, **[Merit System**
36 **Board]** Civil Service Commission Rules and Regulations, or of any
37 other law of this State, municipal ordinance, or rules and
38 regulations adopted thereunder.

39 "Police officer" shall mean any employee of a law enforcement
40 unit, including sheriff's officers and county investigators in the
41 office of the county prosecutor, other than civilian heads thereof,
42 assistant prosecutors and legal assistants, persons appointed
43 pursuant to the provisions of R.S.40:47-19, persons whose duties do
44 not include any police function, court attendants, State and county
45 corrections officers, juvenile corrections officers and juvenile
46 detention officers.

47 (cf: P.L.1995, c.280, s.54)

1 110. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
2 read as follows:

3 4. a. The advisory council to the Juvenile Justice Commission
4 shall consist of the following members:

5 (1) The Commissioner of the Department of Labor and
6 Workforce Development, the Commissioner of the Department of
7 Health, the Commissioner of the Department of Community
8 Affairs, the **【**Commissioner of the Department of Personnel**】**
9 Chairperson of the Civil Service Commission, the Public Defender
10 and a county prosecutor selected by and serving at the pleasure of
11 the Governor or a person designated by one of the forenamed
12 officers to serve in that officer's place;

13 (2) Nine members who shall be selected for their knowledge,
14 competence, experience or interest in the juvenile justice system.
15 Appointments shall be made as follows: three by the President of
16 the Senate, no more than two of whom shall be of the same political
17 party; three by the Speaker of the General Assembly, no more than
18 two of whom shall be of the same political party and three by the
19 Governor, no more than two of whom shall be of the same political
20 party.

21 b. The term of office of each public member of the advisory
22 council shall be three years; except that of the first members
23 appointed, one appointed by the Governor, one by the President of
24 the Senate and one by the Speaker of the General Assembly shall be
25 appointed for a term of one year, one appointed by the Governor,
26 one by the President of the Senate and one by the Speaker of the
27 General Assembly shall be appointed for a term of two years and
28 the remaining three members shall be appointed for a term of three
29 years. Each member shall serve until a successor has been
30 appointed and qualified, and vacancies shall be filled in the same
31 manner as the original appointments for the remainder of the
32 unexpired term. A member is eligible for reappointment to the
33 council.

34 c. The Governor shall appoint the chair of the advisory council
35 from among the members of the council. The chair shall serve at
36 the pleasure of the Governor during the Governor's term of office
37 and until the appointment and qualification of the chair's successor.
38 The members of the council shall elect a vice-chair from among the
39 members of the council.

40 d. The members of the council shall receive no compensation
41 for their services.

42 (cf: P.L.1995, c.284, s.4)

43
44 111. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
45 read as follows:

46 6. a. The Juvenile Justice Commission shall employ, within the
47 limits of available funds, juvenile corrections officers to staff each
48 State secure juvenile facility and to provide security for other State

1 juvenile facilities and programs including parole programs as
2 deemed appropriate and to perform all other duties related to
3 enforcement of confinement and conditions of release including
4 execution of warrants and legal process. Juvenile corrections
5 officers shall be in the competitive division of the career service
6 established pursuant to N.J.S.11A:3-2, "policemen" within the
7 meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members
8 of the Police and Firemen's Retirement System of New Jersey
9 established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2),
10 and shall be "employees" within the meaning of section 3 of
11 P.L.1941, c.100 (C.34:13A-3).

12 b. Except as provided in subsection c. of this section, no person
13 shall be appointed as a juvenile corrections officer unless that
14 person:

15 (1) Is a citizen of the United States;

16 (2) Is able to read, write and speak the English language well
17 and intelligently;

18 (3) Has a high school diploma or its equivalent;

19 (4) Is sound in body and of good health;

20 (5) Is of good moral character;

21 (6) Has not been convicted of any offense which would make
22 the person unfit to perform the duties of a juvenile corrections
23 officer;

24 (7) Has successfully completed the training course approved by
25 the Police Training Commission and required by section 5 of
26 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
27 provisions of that section; and

28 (8) Meets such other qualifications, including education and
29 training, as may be specified by the commission in consultation
30 with the **【Department of Personnel】** Civil Service Commission.

31 c. (1) Pending appointment of a full complement of juvenile
32 corrections officers who meet the requirements of subsection b. of
33 this section, the commission and the Commissioner of Corrections
34 shall arrange through agreement for the assignment of corrections
35 officers necessary to fill the positions transferred pursuant to
36 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
37 assigned to the commission pursuant to such an agreement shall be
38 under the supervision of the commission during the period of
39 assignment as provided by the agreement between the commission
40 and the Commissioner of Corrections. The primary concerns of all
41 agreements governing assignment and supervision shall be public
42 safety and safety within the facilities and programs. No officer
43 assigned pursuant to such an agreement shall, by virtue of such
44 assignment, be considered an employee of the commission or lose
45 or suffer any diminution of any right, power, privilege or benefit to
46 which the employee would otherwise be entitled pursuant to the
47 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
48 Revised Statutes, or Title 43 of the Revised Statutes, including any

1 rights, powers, privileges or benefits as to salary, seniority,
2 promotion, re-employment, retirement, pension or representation
3 for purposes of collective bargaining;

4 (2) Notwithstanding the provisions of subsection b. of this
5 section, a corrections officer assigned to the commission pursuant
6 to this section shall not be considered ineligible for the position of
7 juvenile corrections officer solely because the officer does not meet
8 any educational or training requirement the commission may
9 establish and may be appointed as a juvenile corrections officer if
10 the officer applies for such position within 18 months of the
11 effective date of this act. A juvenile corrections officer appointed
12 pursuant to this subsection shall not be deprived of any right or
13 protection provided by Title 11A of the New Jersey Statutes or any
14 pension or retirement system and, notwithstanding any law or
15 regulation to the contrary, shall be eligible to compete for vacant
16 positions within the Department of Corrections with full credit for
17 experience, service and rank earned as an employee of the
18 Department of Corrections and such credit for experience, service
19 and rank earned as an employee of the commission as the
20 Commissioner of Corrections, after consultation with the
21 Commissioner of Personnel, deems appropriate.

22 d. Each juvenile corrections officer shall by virtue of such
23 employment and in addition to any other power or authority, be
24 empowered to act as an officer for the detection, apprehension,
25 arrest and adjudication of offenders against the law and, subject to
26 regulations promulgated by the commission and conditions set forth
27 in N.J.S.2C:39-6, shall have the authority to possess and carry a
28 firearm.

29 (cf: P.L.1995, c.284, s.6)

30

31 112. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to
32 read as follows:

33 8. a. The appointing authority of any municipality shall appoint
34 a construction official and any necessary subcode officials to
35 administer and enforce the code. The appointing authority may, by
36 resolution or order as appropriate, set the total number of weekly
37 hours of operation of the construction official's office and the total
38 number of weekly work hours of the construction official,
39 commensurate with the compensation paid to the construction
40 official. The appointing authority shall not set the specific work
41 hours of the construction official. The appointing authority shall
42 also appoint a construction board of appeals to hear and decide
43 appeals from decisions made by said construction official and
44 subcode officials, in the administration and enforcement of the
45 code. Nothing herein, however, shall prevent a municipality from
46 accepting inspections as to compliance with the code or any
47 subcode thereof made by an inspection authority approved by the
48 State of New Jersey pursuant to law.

1 b. To establish tenure rights or any other right or protection
2 provided by the "State Uniform Construction Code Act" or Title
3 11A, Civil Service, of the New Jersey Statutes, or any pension law
4 or retirement system, the job title "construction official" shall be
5 equivalent to that job title which, prior to the adoption of the State
6 Uniform Construction Code as provided in section 5 of the "State
7 Uniform Construction Code Act," entailed the chief administrative
8 responsibility to enforce all construction codes which had been
9 adopted by the municipal governing body, the enforcement of
10 which was not the responsibility of an authorized private inspection
11 agency; and the job title "subcode official" shall be equivalent to
12 that job title which, prior to the adoption of the State Uniform
13 Construction Code, entailed subordinate administrative
14 responsibility to enforce one or more of the following construction
15 codes: building, plumbing, electrical or fire code.

16 Any person, in a municipality operating under Title 11A, Civil
17 Service, of the New Jersey Statutes, who, prior to the adoption of
18 the State Uniform Construction Code, held the equivalent of the job
19 title "construction" official or "subcode" official, but who no longer
20 holds his position as a result of a determination that his old job title
21 was not equivalent to that of "construction" official or "subcode"
22 official, shall be offered reappointment as a construction official or
23 subcode official, as the case may be, and shall be granted permanent
24 classified status in such position. Tenure shall continue for (1) any
25 construction official or subcode official who is serving under tenure
26 as otherwise provided by law on the effective date of this act or
27 within one year thereafter, or (2) any person certified pursuant to
28 subsection c. of this section and who subsequently gains such
29 tenure.

30 A construction official or subcode official appointed in a
31 municipality operating under the provisions of Title 11A, Civil
32 Service, of the New Jersey Statutes, who, at the time of adoption of
33 the State Uniform Construction Code, January 1, 1977, or prior to
34 January 1, 1981, had permanent classified status or was employed
35 as a construction official or subcode official or in another position
36 in the unclassified service, shall be included in the classified service
37 without civil service examination in his respective title of
38 construction official or subcode official. Any individual employed
39 by a municipality, who, in his employment with the municipality
40 between January 1, 1977 and prior to January 1, 1981, was charged
41 with the chief administrative responsibility to enforce all existing
42 municipal construction codes, shall be deemed as appointed to the
43 position of construction official for the purposes of this act. Any
44 individual employed by a municipality, who, in his employment
45 with the municipality between January 1, 1977 and prior to January
46 1, 1981, was charged with chief responsibility to enforce the
47 municipal building, plumbing, fire, or electrical code, shall be
48 deemed as appointed to the position of subcode official for the

1 purposes of this act. No person, on or after January 1, 1981, shall
2 be appointed as construction or subcode official in a municipality
3 operating under Title 11A, Civil Service, of the New Jersey Statutes
4 without having passed an examination administered by the [Merit
5 System Board] Civil Service Commission certifying the merit and
6 fitness of the person to hold such position; provided that, whenever
7 a noncivil service municipality adopts the provisions of that Title,
8 construction code officials and subcode officials of such
9 municipality appointed prior to the filing of the petition for the
10 adoption of civil service, shall attain permanent status in the
11 classified service without examination. Any construction or
12 subcode official appointed after January 1, 1981 on a provisional
13 basis in a municipality which has adopted the provisions of Title
14 11A, Civil Service, of the New Jersey Statutes, may not be removed
15 from office except for just cause after a fair and impartial hearing
16 has been held at the local level, with no further appeal to the [Merit
17 System Board] Civil Service Commission; provided, however, that
18 such a construction or subcode official may be removed to permit
19 the appointment of a person certified for appointment by the [Merit
20 System Board] Civil Service Commission.

21 A construction official or subcode official in a noncivil service
22 municipality shall be appointed for a term of four years and shall,
23 upon appointment to a second consecutive term or on or after the
24 commencement of a fifth consecutive year of service, including
25 years of service in an equivalent job title held prior to the adoption
26 of the State Uniform Construction Code, be granted tenure and shall
27 not be removed from office except for just cause after a fair and
28 impartial hearing.

29 A construction or subcode official, to be eligible for appointment
30 in civil service or noncivil service municipalities, shall be certified
31 by the State of New Jersey in accordance with subsection c. of this
32 section and shall have had at least three years' experience in
33 construction, design or supervision as a licensed engineer or
34 registered architect; or five years' experience in construction,
35 design, or supervision as an architect or engineer with a bachelor's
36 degree from an accredited institution of higher education; or 10
37 years' experience in construction, design or supervision as a
38 journeyman in a trade or as a contractor. A subcode official shall,
39 pursuant to any subcode which he administers, pass upon:

40 (1) matters relative to the mode, manner of construction or
41 materials to be used in the erection or alteration of buildings or
42 structures, except as to any such matter foreclosed by State
43 approval pursuant to this act, and (2) actual execution of the
44 approved plans and the installation of the materials approved by the
45 State. The construction official in each municipality shall be the
46 chief administrator of the "enforcing agency." He shall have the
47 power to overrule a determination of a subcode official based on an
48 interpretation of a substantive provision of the subcode which such

1 subcode official administers, only if the construction official is
2 qualified to act pursuant to this act as a subcode official for such
3 subcode. He may serve as subcode official for any subcode which
4 he is qualified under this act to administer. A subcode official or
5 municipal engineer may serve as a construction official if otherwise
6 qualified under the provisions of this act. The municipal enforcing
7 agency shall require compliance with the provisions of the code, of
8 all rules lawfully adopted and promulgated thereunder and of laws
9 relating to the construction, alteration, repair, removal, demolition
10 and integral equipment and location, occupancy and maintenance
11 of buildings and structures, except as may be otherwise provided
12 for.

13 Two or more municipalities may provide by ordinance, subject to
14 regulations established by the commissioner, for the joint
15 appointment of a construction official and subcode official for the
16 purpose of enforcing the provisions of the code in the same manner.

17 c. No person shall act as a construction official or subcode
18 official for any municipality unless the commissioner determines
19 that said person is so qualified, except for the following:

20 (1) a municipal construction official or subcode official holding
21 office under permanent civil service status, or tenure as otherwise
22 provided by law on the effective date of this act or within one year
23 thereafter and (2) a municipal construction official or subcode
24 official holding office without such permanent civil service status
25 or tenure on the effective date of this act or within one year
26 thereafter; provided said construction official or subcode official
27 not having such permanent civil service status or tenure shall be
28 certified in accordance with this act within four years of the
29 effective date thereof; provided further that a person holding on the
30 effective date of this act a valid plumbing inspector's license from
31 the Department of Health and Senior Services pursuant to Title 26
32 of the Revised Statutes may serve as a plumbing subcode official
33 and a person holding on the effective date of this act a valid
34 electrical inspector's license from the Board of Public Utilities
35 pursuant to Title 48 of the Revised Statutes may serve as an
36 electrical subcode official. The commissioner, after consultation
37 with the code advisory board, may authorize the preparation and
38 conducting of oral, written and practical examinations to determine
39 if a person is qualified by this act to be eligible to be a construction
40 official or subcode official or, in the alternative, may accept
41 successful completion of programs of training as proof of
42 qualification within the meaning of this act. Upon a determination
43 of qualification the commissioner shall issue or cause to be issued a
44 certificate to the construction official or subcode official or trainee
45 stating that he is so certified. The commissioner, after consultation
46 with the code advisory board, may establish classes of certification
47 that will recognize the varying complexities of code enforcement in
48 the municipalities within the State. The commissioner shall, after

1 consultation with the code advisory board, provide for educational
2 programs designed to train and assist construction officials and
3 subcode officials in carrying out their responsibilities.

4 Whenever the commissioner is required by the terms of this
5 subsection to consult with the code advisory board and the matter in
6 question concerns plumbing subcode officials, the commissioner
7 shall also consult with the Public Health Council and Commissioner
8 of Health and Senior Services.

9 d. The commissioner, after consultation with the code advisory
10 board, may periodically require that each construction official and
11 subcode official demonstrate a working knowledge of innovations
12 in construction technology and materials, recent changes in and
13 additions to the relevant portions of the State Uniform Construction
14 Code, and current standards of professional ethics and legal
15 responsibility; or, in the alternative, the commissioner, after
16 consultation with the code advisory board, may accept successful
17 completion of appropriate programs of training as proof of such
18 working knowledge.

19 (cf: P.L.2000, c.126, s.29)

20

21 113. Section 10 of P.L.1989, c.222 (C.App.A:9-42.1b) is
22 amended to read as follows:

23 10. The deputy emergency management coordinator position
24 shall be filled by the governing body in each county by: a. the
25 appointment of a qualified individual; b. the selection of a qualified
26 volunteer; or, if appropriate, c. the selection of an individual
27 pursuant to the rules and regulations of the [Department of
28 Personnel] Civil Service Commission of the State of New Jersey.

29 (cf: P.L.1989, c.222, s.10)

30

31 114. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
32 read as follows:

33 24. a. (1) There is established in the Department of
34 Environmental Protection the Office of Green Acres. The
35 commissioner may appoint an administrator or director who shall
36 supervise the office, and the department may employ such other
37 personnel and staff as may be required to carry out the duties and
38 responsibilities of the department and the office pursuant to this act,
39 all without regard to the provisions of Title 11A, Civil Service, of
40 the New Jersey Statutes. Persons appointed or employed as
41 provided pursuant to this subsection shall be compensated in a
42 manner similar to other employees in the Executive Branch, and
43 their compensation shall be determined by the [Commissioner of
44 Personnel] Civil Service Commission.

45 (2) The Green Acres Program in the Department of
46 Environmental Protection, together with all of its functions, powers
47 and duties, are continued and transferred to and constituted as the
48 Office of Green Acres in the Department of Environmental

1 Protection. Whenever, in any law, rule, regulation, order, contract,
2 document, judicial or administrative proceeding or otherwise,
3 reference is made to the Green Acres Program, the same shall mean
4 and refer to the Office of Green Acres in the Department of
5 Environmental Protection. This transfer shall be subject to the
6 provisions of the "State Agency Transfer Act," P.L.1971, c.375
7 (C.52:14D-1 et seq.).

8 b. The duties and responsibilities of the office shall be as
9 follows:

10 (1) Administer all provisions of this act pertaining to funding
11 the acquisition and development of lands for recreation and
12 conservation purposes as authorized pursuant to Article VIII,
13 Section II, paragraph 7 of the State Constitution;

14 (2) Continue to administer all grant and loan programs for the
15 acquisition and development of lands for recreation and
16 conservation purposes, including the Green Trust, established or
17 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1
18 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155
19 (C.13:8A-35 et seq.); or any Green Acres bond act; and

20 (3) Adopt, with the approval of the commissioner and pursuant
21 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
22 1 et seq.), rules and regulations:

23 (a) establishing application procedures for grants and loans for
24 the acquisition and development of lands for recreation and
25 conservation purposes, criteria and policies for the evaluation and
26 priority ranking of projects for eligibility to receive funding for
27 recreation and conservation purposes using constitutionally
28 dedicated moneys, any conditions that may be placed on the award
29 of a grant or loan for recreation and conservation purposes pursuant
30 to this act, and any restrictions that may be placed on the use of
31 lands acquired or developed with a grant or loan for recreation and
32 conservation purposes pursuant to this act. The criteria and policies
33 established pursuant to this subparagraph for the evaluation and
34 priority ranking of projects for eligibility to receive funding for
35 recreation and conservation purposes using constitutionally
36 dedicated moneys may be based upon, but need not be limited to,
37 such factors as: protection of the environment, natural resources,
38 water resources, watersheds, aquifers, wetlands, floodplains and
39 flood-prone areas, stream corridors, beaches and coastal resources,
40 forests and grasslands, scenic views, biodiversity, habitat for
41 wildlife, rare, threatened, or endangered species, and plants; degree
42 of likelihood of development; promotion of greenways; provision
43 for recreational access and use; protection of geologic, historic,
44 archaeological, and cultural resources; relative cost; parcel size; and
45 degree of public support; and

46 (b) addressing any other matters deemed necessary to implement
47 and carry out the goals and objectives of Article VIII, Section II,
48 paragraph 7 of the State Constitution and this act with respect to the

1 acquisition and development of lands for recreation and
2 conservation purposes; and

3 (4) Establishing criteria and policies for the evaluation and
4 priority ranking of State projects to acquire and develop lands for
5 recreation and conservation purposes using constitutionally
6 dedicated moneys, which criteria and policies may be based upon,
7 but need not be limited to, such factors as: protection of the
8 environment, natural resources, water resources, watersheds,
9 aquifers, wetlands, floodplains and flood-prone areas, stream
10 corridors, beaches and coastal resources, forests and grasslands,
11 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
12 endangered species, and plants; degree of likelihood of
13 development; promotion of greenways; provision for recreational
14 access and use; protection of geologic, historic, archaeological, and
15 cultural resources; relative cost; parcel size; and degree of public
16 support.

17 (cf: P.L.2002, c.76, s.2)

18

19 115. (New section) a. The Department of Health and Senior
20 Services shall maintain a toll-free information "Law Enforcement
21 Officer Crisis Intervention Services" telephone hotline on a 24-hour
22 basis.

23 The hotline shall receive and respond to calls from law
24 enforcement officers and sheriff's officers who have been involved
25 in any event or incident which has produced personal or job-related
26 depression, anxiety, stress, or other psychological or emotional
27 tension, trauma, or disorder for the officer and officers who have
28 been wounded in the line of duty. The operators of the hotline shall
29 seek to identify those officers who should be referred to further
30 debriefing and counseling services, and to provide such referrals.
31 In the case of wounded officers, those services may include peer
32 counseling, diffusing, debriefing, group therapy and individual
33 therapy as part of a coordinated assistance program, to be known as
34 the "Blue Heart Law Enforcement Assistance Program," designed
35 and implemented by the University of Medicine and Dentistry of
36 New Jersey's University Behavioral Healthcare Unit.

37 b. The operators of the hotline shall be trained by the
38 Department of Health and Senior Services and, to the greatest
39 extent possible, shall be persons, who by experience or education,
40 are: (1) familiar with post trauma disorders and the emotional and
41 psychological tensions, depressions, and anxieties unique to law
42 enforcement officers and sheriff's officers; or (2) trained to provide
43 counseling services involving marriage and family life, substance
44 abuse, personal stress management and other emotional or
45 psychological disorders or conditions which may be likely to
46 adversely affect the personal and professional well-being of a law
47 enforcement officer and a sheriff's officer.

1 c. To ensure the integrity of the telephone hotline and to
2 encourage officers to utilize it, the commissioner shall provide for
3 the confidentiality of the names of the officers calling, the
4 information discussed by that officer and the operator, and any
5 referrals for further debriefing or counseling; provided, however,
6 the commissioner may, by rule and regulation, (1) establish
7 guidelines providing for the tracking of any officer who exhibits a
8 severe emotional or psychological disorder or condition which the
9 operator handling the call reasonably believes might result in harm
10 to the officer or others and (2) establish a confidential registry of
11 wounded New Jersey law enforcement officers.

12

13 116. (New section) The Commissioner of Health and Senior
14 Services shall prepare a list of appropriately licensed or certified
15 psychiatrists, psychologists, and social workers; other appropriately
16 trained and qualified counselors; and experienced former law
17 enforcement officers who are willing to accept referrals and to
18 participate in the debriefing and counseling offered law
19 enforcement officers and sheriff's officers under the provisions of
20 sections 115 to 116 of P.L. , c. (C.)(pending before the
21 Legislature as this bill).

22

23 117. (New section) The State Treasurer shall develop programs
24 to improve efficiency and effectiveness of the public service,
25 including, but not limited to, employee training, development,
26 assistance and incentives; may establish an internship program; and
27 assist the Governor in general work force planning, personnel
28 matters and labor relations.

29

30 118. a. There is established a Civil Service Reform Task Force
31 within the Department of the Treasury. The task force shall be
32 comprised of the following members: the Chair of the Civil Service
33 Commission, or his designee, who shall serve ex officio; the State
34 Treasurer, or his designee, who shall serve ex officio; and seven
35 public members to be appointed by the Governor.

36 The majority of the public members shall, to the extent
37 practicable, have expertise in civil service or public sector
38 personnel management matters.

39 Vacancies in the membership of the task force shall be filled in
40 the same manner as the original appointments were made.

41 The task force shall organize as soon as may be practicable, but
42 no later than the 30th day after the appointment of its members, and
43 shall select a chairperson from among the public members. The
44 chairperson shall appoint a secretary who need not be a member of
45 the task force. The public members shall serve without
46 compensation, but may be reimbursed for necessary expenses
47 incurred in the performance of their duties.

1 The Department of the Treasury shall provide such staff and
2 resources as the task force requires to carry out its duties.

3 The task force is entitled to the assistance and services of the
4 employees of any State department, board, bureau, commission or
5 agency as it may require and as may be available to it for its
6 purposes, and to incur traveling and other miscellaneous expenses
7 necessary to perform its duties, within the limits of funds
8 appropriated or otherwise made available to it for its purpose.

9 The task force may meet and hold hearings at such places as it
10 shall designate.

11 b. The task force shall study and evaluate the current civil
12 service system and develop recommendations with regard to its
13 reform.

14 c. The task force shall report to the Governor, the Civil Service
15 Commission, and the Legislature on its findings and
16 recommendations within 12 months following its organizational
17 meeting. The task force shall expire 30 days after the submission of
18 its report.

19

20 119. The following statutes are repealed:

21

22 N.J.S.11A:2-8

23 N.J.S.11A:2-9

24 N.J.S.11A:2-10

25 N.J.S.11A:12-4

26 N.J.S.11A:12-5

27 Sections 1, 2, and 3 of P.L.1998, c.149 (C.11A:2-25 through 11A:2-
28 27)

29

30 120. This act shall take effect immediately and any actions
31 necessary to implement this act may be taken any time thereafter.
32 General implementation shall be completed no later than 12 months
33 following enactment.

34

35

36

37

38 _____
39 Abolishes Department of Personnel; transfers functions, powers,
40 and duties primarily to new Civil Service Commission in but not of
41 Department of Labor and Workforce Development; creates Civil
Service Reform Task Force.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2803
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JUNE 30, 2008

SUMMARY

- Synopsis:** Abolishes Department of Personnel; transfers functions, powers, and duties primarily to new Civil Service Commission in but not of Department of Labor and Workforce Development; creates Civil Service Reform Task Force.
- Type of Impact:** Expenditure reduction, General Fund.
- Agencies Affected:** Department of Personnel, Department of Treasury, Department of Health and Senior Services.

Executive Estimate

Fiscal Impact	<u>Fiscal Year 2009</u>	<u>Fiscal Year 2010</u>	<u>Fiscal Year 2011</u>
State Savings	\$1,008,000	\$1,058,400	\$1,111,320

- The Office of Legislative Services (OLS) estimates that Assembly Bill No. 2803 will result in a \$1,008,000 expenditure reduction from the State General Fund for FY 2009, with additional savings in future years, which represents first year savings adjusted by an estimated growth factor of 5 percent.
- The bill creates a new Civil Service Commission allocated in, but not of, the Department of Labor and Workforce Development to assume the functions, powers, and duties of the current Merit System Board and Commissioner of Personnel.
- This bill abolishes the Department of Personnel and transfers most of its functions to the Civil Service Commission. The planning and research functions of the Department of Personnel, the Division of Equal Employment Opportunity and Affirmative Action and the Equal Employment Opportunity Advisory Commission are transferred to the Department of Treasury. The Working Well NJ State employee wellness program and the toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline are transferred to the Department of Health and Senior Services.

- The bill creates a temporary Civil Service Reform Task Force within the Department of the Treasury which will study, evaluate, develop recommendations for reform, and report its findings regarding the current civil service system to the Governor, the Civil Service Commission, and the Legislature within 12 months following its organizational meeting.

BILL DESCRIPTION

Assembly Committee Substitute for Assembly Bill No. 2803 of 2008 abolishes the Department of Personnel as a principal department in the Executive Branch of State government. The offices and terms of the Commissioner of Personnel and the deputy and assistant commissioners and division and office directors are terminated. The bill transfers the functions of the Merit System Board, renamed the Civil Service Commission, to be located in, but not of, the Department of Labor and Workforce Development to assume the functions, powers, and duties of the current Merit System Board and Commissioner of Personnel. The current members of the Merit System Board will continue as members of the Civil Service Commission, except for the Commissioner of Personnel who will be replaced as a member of the Civil Service Commission by an appointment by the Governor with the advice and consent of the Senate. The planning and research unit functions of the Department of Personnel the Division of Equal Employment Opportunity and Affirmative Action, and the Equal Employment Opportunity Advisory Commission are transferred to the Department of Treasury. The Working Well NJ State employee wellness program and the toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline are transferred to the Department of Health and Senior Services.

The bill amends current law to give the Civil Service Commission the authority to develop a plan for the consolidation and coordination of personnel and related functions, including, but not limited to, classification, compensation, and workforce planning, in the Executive Branch of State government and for transfer to the commission such employees, positions, funding, facilities, equipment, powers, and duties from throughout the Executive Branch of State government as necessary and appropriate to effectuate such consolidation and coordination. The commission is to submit the plan to the Governor for review and approval. With the approval of the Governor, the commission would direct the implementation of the plan. The consolidation would not apply to those functions which the commission determines are unique to each department or agency in its capacity as an appointing authority.

The State Treasurer is provided the responsibility and authority to develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives, establish an internship program, and assist the Governor in general work force planning, personnel matters and labor relations.

The bill creates a temporary Civil Service Reform Task Force within the Department of the Treasury. The task force will be comprised of the following members: the Chair of the Civil Service Commission, or his designee, who shall serve ex officio; the State Treasurer, or his designee, who shall serve ex officio; and seven public members to be appointed by the Governor. The majority of the public members must, to the extent practicable, have expertise in civil service or public sector personnel management matters. The task force will study and evaluate the current civil service system and develop recommendations with regard to its reform. The task force must report to the Governor, the Civil Service Commission, and the Legislature on its findings and recommendations within 12 months following its organizational meeting. The task force will expire 30 days after the submission of its report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to the Office of Management and Budget in the Department of the Treasury, savings to the State from the elimination of the Department of Personnel are estimated to total \$1,008,000 in FY 2009.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that Assembly Bill No. 2803 will result in a \$1,008,000 expenditure reduction from the State General Fund for FY 2009 based upon the budget which proposed the elimination of the Department of Personnel. The OLS further estimates future year expenditure reductions, representing the value of first year expenditure reductions adjusted by a 5 percent growth factor. This growth factor estimates what costs would have increased by due to wage increases, fringe benefit cost growth and inflation. The OLS notes that the Budget in Brief indicated that the anticipated savings are the result of administrative efficiencies gained from consolidation. However, the Executive Branch has not provided any detailed breakdown of the efficiency or salary and benefits savings. The FY 2008 appropriation for the Department of Personnel totaled \$22.4 million.

Section: State Government

Analyst: Kimberly Anne McCord
Associate Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

SENATE, No. 1979

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JUNE 12, 2008

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Abolishes Department of Personnel; transfers functions, powers, and duties primarily to Department of Treasury and new Civil Service Commission in but not of Department of Labor and Workforce Development.

CURRENT VERSION OF TEXT

As introduced.



S1979 SWEENEY

2

1 AN ACT abolishing the Department of Personnel as a principal
2 department in the Executive Branch of State government and
3 transferring its functions, powers, and duties, and amending,
4 supplementing, and repealing various parts of the statutory law.

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

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

10 11A:2-1. **[Department of Personnel created.]** There is
11 established in, but not of, the Department of Labor and Workforce
12 Development in the Executive Branch of State government **[a**
13 principal department which shall be known as the Department of
14 Personnel, which shall consist of a Merit System Board, a
15 Commissioner of Personnel, subdivisions and officers and
16 employees as specifically referred to in this title and as may be
17 constituted or employed by virtue of the authority conferred by this
18 title or any other law] the Civil Service Commission. For the
19 purpose of complying with the provisions of Article V, Section IV,
20 paragraph 1 of the New Jersey Constitution, the Civil Service
21 Commission is allocated within the Department of Labor and
22 Workforce Development, but, notwithstanding this allocation, the
23 commission shall be independent of any supervision or control by
24 the department or by any officer or employee thereof. For the
25 purpose of this title, **["board"]** "commission" means **[Merit System**
26 Board, "commissioner" means the Commissioner of Personnel and
27 "department" means the Department of Personnel] the Civil Service
28 Commission.

29 (cf: N.J.S.11A:2-1)

30
31 2. N.J.S.11A:2-2 is amended to read as follows:

32 11A:2-2. Implementation. The **[department]** Department of the
33 Treasury and the Civil Service Commission, as appropriate, shall
34 implement and enforce this title.

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

36
37 3. N.J.S.11A:2-3 is amended to read as follows:

38 11A:2-3. Members; term; quorum; vacancies. The **[Merit**
39 **System Board]** Civil Service Commission shall consist of five
40 members**[, one of whom shall be the Commissioner of Personnel,**
41 who shall serve as the chairperson. The other members shall be]
42 appointed by the Governor with the advice and consent of the
43 Senate for staggered terms of four years and until the appointment
44 and qualification of their successors. No more than three of the five

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.

1 members shall be of the same political party. Three members of the
2 **【board】** commission shall constitute a quorum. The Governor shall
3 designate one member to serve as the chairperson of the
4 commission.

5 The holding over of an incumbent beyond the expiration of the
6 term of office shall reduce, in commensurate length, the term of
7 office of a successor. Vacancies shall be filled for the unexpired
8 terms, in the same manner as original appointments. No member
9 shall hold any other State or federal office or position.
10 (cf: N.J.S.11A:2-3)

11

12 4. N.J.S.11A:2-4 is amended to read as follows:

13 11A:2-4. Removal of a **【board】** commission member **【other**
14 **than commissioner】**. A **【board】** commission member **【other than**
15 **the commissioner】** may be removed from office by the Governor
16 for cause, upon notice and an opportunity to be heard. A **【board】**
17 commission member removed from office shall be entitled to
18 receive compensation only up to the date of removal.

19 (cf: N.J.S.11A:2-4)

20

21 5. N.J.S.11A:2-5 is amended to read as follows:

22 11A:2-5. Compensation. A **【board】** commission member**【,**
23 **other than the commissioner,】** shall receive a salary as fixed by law
24 and shall also be entitled to sums incurred for necessary expenses.

25 (cf: N.J.S.11A:2-5)

26

27 6. N.J.S.11A:2-6 is amended to read as follows:

28 11A:2-6. Powers and duties. In addition to other powers and
29 duties vested in it by this title or by any other law, the **【board】**
30 commission shall:

31 a. After a hearing, render the final administrative decision on
32 appeals concerning permanent career service employees or those in
33 their working test period in the following categories:

34 (1) Removal,

35 (2) Suspension or fine as prescribed in N.J.S. 11A:2-14,

36 (3) Disciplinary demotion, and

37 (4) Termination at the end of the working test period for
38 unsatisfactory performance;

39 b. On a review of the written record, render the final
40 administrative decision on other appeals except for those matters
41 listed or delegated to the **【commissioner】** State Treasurer pursuant
42 to subsection h. of N.J.S. 11A:2-11;

43 c. Provide for interim remedies or relief in a pending appeal
44 where warranted;

45 d. Adopt and enforce rules to carry out this title and to
46 effectively implement a comprehensive personnel management
47 system;

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1 e. Interpret the application of this title to any public body or
2 entity; and

3 f. Authorize and conduct such studies, inquiries, investigations
4 or hearings in the operation of this title as it deems necessary.
5 (cf: N.J.S.11A:2-6)

6

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

8 11A:2-7. Subpenas; oaths. The **【commissioner】** State Treasurer
9 or the **【board】** commission may subpoena and require the attendance
10 of witnesses in this State and the production of evidence or
11 documents relevant to any proceeding under this title. Those
12 persons may also administer oaths and take testimony. Subpenas
13 issued under this section shall be enforceable by order of the
14 Superior Court.

15 (cf: N.J.S.11A:2-7)

16

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

18 11A:2-11. Powers and duties of the **【commissioner】** State
19 Treasurer. In addition to other powers and duties vested in the
20 **【commissioner】** State Treasurer by this title or any other law, the
21 **【commissioner】** State Treasurer:

22 a. **【Shall be the principal executive and request officer of the**
23 **department, allocating the functions and activities of the department**
24 **among departmental subdivisions as the commissioner may**
25 **establish】** Deleted by amendment, P.L. , c. (pending before the
26 Legislature as this bill);

27 b. May appoint **【one deputy commissioner, who shall be in the**
28 **unclassified service, and may appoint other necessary】** employees
29 necessary to enforce or implement the provisions of this title. All
30 employees of the Department of the Treasury whose principal
31 duties relate to the enforcement or implementation of this title shall
32 be confidential employees for the purposes of the "New Jersey
33 Employer-Employee Relations Act," P.L. 1941, c. 100 (C. 34:13A-1
34 et seq.);

35 c. Shall maintain a management information system necessary to
36 carry out the provisions of this title;

37 d. Shall have the authority to audit payrolls, reports or
38 transactions for conformity with the provisions of this title;

39 e. Shall plan, evaluate, administer and implement personnel
40 programs and policies in State government and political
41 subdivisions operating under this title;

42 f. Shall establish and supervise the selection process and
43 employee performance evaluation procedures;

44 g. Shall develop programs to improve efficiency and
45 effectiveness of the public service, including, but not limited to,
46 employee training, development, assistance and incentives;

- 1 h. Shall set standards and procedures for review and render the
2 final administrative decision on a written record or after
3 recommendation by an independent reviewer assigned by the
4 **[commissioner of appeals]** State Treasurer from classification,
5 salary, layoff rights and in the State service noncontractual
6 grievances;
- 7 i. May establish pilot programs and other projects for a
8 maximum of one year outside of the provisions of this title;
- 9 j. Shall provide for a public employee interchange program
10 pursuant to the "Government Employee Interchange Act of 1967,"
11 P.L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide for an
12 employee interchange program between public and private sector
13 employees;
- 14 k. May establish an internship program;
- 15 l. Shall assist the Governor in general work force planning,
16 personnel matters and labor relations;
- 17 m. Shall establish and consult with advisory boards representing
18 political subdivisions, personnel officers, labor organizations and
19 other appropriate groups;
- 20 n. Shall make an annual report to the Governor and Legislature
21 and all other special or periodic reports as may be required. The
22 annual report shall indicate the number of persons, by title, who, on
23 March 31, June 30, September 30, and December 31 of each year,
24 held appointments to positions in the senior executive service and
25 the number of noncareer employees by title, who, on those same
26 dates, held appointments in positions in the senior executive
27 service;
- 28 o. Shall have the authority to assess costs for special or other
29 services; and
- 30 p. Shall recommend rules to the **[board]** Civil Service
31 Commission for the implementation of this title.
32 (cf: N.J.S.11A:2-11)

33
34 9. N.J.S.11A:2-12 is amended to read as follows:

35 11A:2-12. Delegation. The **[commissioner]** State Treasurer
36 may delegate to an appointing authority the responsibility for
37 classifying positions, administering examinations and other
38 technical personnel functions according to prescribed standards, but
39 the **[commissioner]** State Treasurer may not delegate any function
40 of the **[board]** Civil Service Commission.

41 This delegation shall be written and shall conform to the
42 provisions of this title. The **[commissioner]** State Treasurer may
43 assign staff of the **[department]** Department of the Treasury to an
44 appointing authority to assist the appointing authority in its
45 delegated personnel duties. The employees shall continue as
46 employees of the **[department]** Department of the Treasury. All
47 delegation shall be subject to supervision by the **[commissioner]**

1 State Treasurer and post-audit and may be cancelled, modified or
2 limited at any time by the **[commissioner]** State Treasurer. Such
3 delegation is to be performed in consultation with the advisory
4 board representing political subdivisions, and approved by an
5 affected appointing authority when the delegation requires
6 substantial costs. The **[commissioner]** State Treasurer, in
7 consultation with the advisory board representing political
8 subdivisions, shall recommend rules to the **[Merit System Board]**
9 Civil Service Commission to define substantial costs.

10 (cf: N.J.S.11A:2-12)

11

12 10. N.J.S.11A:2-13 is amended to read as follows:

13 11A:2-13. Opportunity for appointing authority hearing,
14 alternative procedures.

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

24 When the State of New Jersey and the majority representative
25 have agreed pursuant to the New Jersey Employer-Employee
26 Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a
27 procedure for appointing authority review before disciplinary action
28 in subsection a. (1), (2) and (3) of N.J.S. 11A: 2-6, which would be
29 otherwise appealable to the **[board]** Civil Service Commission
30 under N.J.S.11A:2-14, is taken against a permanent employee in the
31 career service or a person serving a working test period, such
32 procedure shall be the exclusive procedure for review before the
33 appointing authority.

34 This section shall not prohibit the immediate suspension of an
35 employee without a hearing if the appointing authority determines
36 that the employee is unfit for duty or is a hazard to any person if
37 allowed to remain on the job or that an immediate suspension is
38 necessary to maintain safety, health, order or effective direction of
39 public services. In addition, where a suspension is based on a
40 formal charge of a crime of the first, second or third degree, or a
41 crime of the fourth degree if committed on the job or directly
42 related to the job, the suspension may be immediate and continue
43 until a disposition of the charge. The **[board]** Civil Service
44 Commission shall establish, by rule, procedures for hearings and
45 suspensions with or without pay.

46 (cf: P.L.2004, c.104, s.1)

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

2 11A:2-14. Notice to employee of right to appeal, alternative
3 procedures.

4 Except as otherwise provided herein, within 20 days of the
5 hearing provided in N.J.S. 11A:2-13, the appointing authority shall
6 make a final disposition of the charges against the employee and
7 shall furnish the employee with written notice. If the appointing
8 authority determines that the employee is to be removed, demoted
9 or receive a suspension or a fine greater than five days, the
10 employee shall have a right to appeal to the **[board]** Civil Service
11 Commission. The suspension or fine of an employee for five days
12 or less shall be appealable if an employee's aggregate number of
13 days suspended or fined in any one calendar year is 15 days or
14 more. Where an employee receives more than three suspensions or
15 fines of five or less days in a calendar year, the last suspension or
16 fine is appealable.

17 When the State of New Jersey and the majority representative
18 have agreed pursuant to the New Jersey Employer-Employee
19 Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a
20 disciplinary review procedure that provides for binding arbitration
21 of disputes involving disciplinary action in subsection a. (1), (2)
22 and (3) of N.J.S. 11A:2-6, which would be otherwise appealable to
23 the **[board]** Civil Service Commission under N.J.S.11A:2-14, being
24 taken against a permanent employee in the career service or a
25 person serving a working test period, such procedure shall be the
26 exclusive procedure for any appeal of such disciplinary action.
27 (cf: P.L.2004, c.104, s.2)

28

29 12. N.J.S.11A:2-15 is amended to read as follows:

30 11A:2-15. Appeal procedure. Any appeal from adverse actions
31 specified in N.J.S. 11A:2-13 and subsection a.(4) of N.J.S. 11A:2-6
32 shall be made in writing to the **[board]** Civil Service Commission
33 no later than 20 days from receipt of the final written determination
34 of the appointing authority. If the appointing authority fails to
35 provide a written determination, an appeal may be made directly to
36 the **[board]** Civil Service Commission within reasonable time.
37 (cf: N.J.S.11A:2-15)

38

39 13. N.J.S.11A:2-16 is amended to read as follows:

40 11A:2-16. Appeal procedure for suspension or fine of five days
41 or less. If a State employee receives a suspension or fine of five
42 days or less, the employee may request review by the **[board]** Civil
43 Service Commission under standards and procedures established by
44 the **[board]** Civil Service Commission or appeal pursuant to an
45 alternate appeal procedure where provided by a negotiated contract
46 provision. If an employee of a political subdivision receives a
47 suspension or fine of five days or less, the employee may request

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1 review under standards and procedures established by the political
2 subdivision or appeal pursuant to an alternate appeal procedure
3 where provided by a negotiated contract provision.

4 (cf: N.J.S.11A:2-16)

5

6 14. N.J.S.11A:2-18 is amended to read as follows:

7 11A:2-18. Representation. An employee may be represented at
8 any hearing before an appointing authority or the **[board]** Civil
9 Service Commission by an attorney or authorized union
10 representative.

11 (cf: N.J.S.11A:2-18)

12

13 15. N.J.S.11A:2-19 is amended to read as follows:

14 11A:2-19. Authority to increase or decrease penalty imposed.
15 The **[board]** Civil Service Commission may increase or decrease
16 the penalty imposed by the appointing authority, but removal shall
17 not be substituted for a lesser penalty.

18 (cf: N.J.S.11A:2-19)

19

20 16. N.J.S.11A:2-20 is amended to read as follows:

21 11A:2-20. Forms of disciplinary action. The **[board]** Civil
22 Service Commission shall establish by rule the general causes
23 which constitute grounds for disciplinary action and the kinds of
24 disciplinary action which may be taken by appointing authorities
25 against permanent career service employees or those serving in their
26 working test periods. Unless offered by the appointing authority
27 and selected by an employee as a disciplinary option, a fine may
28 only be imposed by an appointing authority as a form of restitution
29 or in lieu of a suspension when a suspension would be detrimental
30 to the public health, safety or welfare. When a fine is assessed, it
31 may either be paid in a lump sum or deducted from the employee's
32 salary over time as provided by **[board]** Civil Service Commission
33 rule. Except as provided for in N.J.S. 11A:2-13, an appointing
34 authority may not impose a suspension or fine greater than six
35 months.

36 (cf: N.J.S.11A:2-20)

37

38 17. N.J.S.11A:2-22 is amended to read as follows:

39 11A:2-22. Back pay, benefits, seniority and reasonable attorney
40 fees. The **[board]** Civil Service Commission may award back pay,
41 benefits, seniority and reasonable attorney fees to an employee as
42 provided by rule.

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

44

45 18. N.J.S.11A:2-24 is amended to read as follows:

46 11A:2-24. Protection against reprisals. An appointing authority
47 shall not take or threaten to take any action against an employee in

1 the career, senior executive or unclassified service in retaliation for
2 an employee's lawful disclosure of information on the violation of
3 any law or rule, governmental mismanagement or abuse of
4 authority. An employee who is the subject of a reprisal action by an
5 appointing authority for the lawful disclosure of information may
6 appeal such action to the **[board]** Civil Service Commission.
7 (cf: N.J.S.11A:2-24)
8

9 19. Section 1 of P.L.2006, c.77 (C.11A:2-28) is amended to read
10 as follows:

11 1. a. The **[Commissioner of the]** Department of **[Personnel]**
12 the Treasury shall provide, by regulation, for intergovernmental
13 transfers by law enforcement officers, including county sheriff and
14 corrections officers, as part of the department's intergovernmental
15 transfer program. These law enforcement officers, county sheriff
16 and corrections officers shall be granted all privileges under the
17 intergovernmental transfer program, including the option to waive
18 all accumulated sick leave and seniority rights.

19 b. The waiver of accumulated sick leave and seniority rights
20 shall require the consent in writing of the receiving jurisdiction, the
21 affected employee, and the Department of **[Personnel]** the
22 Treasury.

23 c. The sending jurisdiction shall not pay supplemental
24 compensation for accumulated sick leave to any law enforcement
25 officer, county sheriff or corrections officer, approved for an
26 intergovernmental transfer and shall certify, to the receiving
27 jurisdiction and the Department of **[Personnel]** the Treasury, that
28 no supplemental compensation was paid.
29 (cf: P.L.2006, c.77, s.1)
30

31 20. N.J.S.11A:3-1 is amended to read as follows:

32 11A:3-1. Classification. The **[board]** Civil Service Commission
33 shall assign and reassign titles among the career service, senior
34 executive service and unclassified service. The **[commissioner]**
35 State Treasurer shall:

36 a. Establish, administer, amend and continuously review a State
37 classification plan governing all positions in State service and
38 similar plans for political subdivisions;

39 b. Establish, consolidate and abolish titles;

40 c. Ensure the grouping in a single title of positions with similar
41 qualifications, authority and responsibility;

42 d. Assign and reassign titles to appropriate positions; and

43 e. Provide a specification for each title.

44 (cf: N.J.S.11A:3-1)
45

46 21. N.J.S.11A:3-2 is amended to read as follows:

1 11A:3-2. Career service. The career service shall have two
2 divisions, the competitive division and the noncompetitive division.
3 The **[commissioner]** State Treasurer shall assign and reassign such
4 titles to each division and may provide for movement, including
5 promotion, of employees from one division to the other.

6 (cf: N.J.S.11A:3-2)

7
8 22. N.J.S.11A:3-3 is amended to read as follows:

9 11A:3-3. Senior executive service. A senior executive service
10 shall be established in State government and include those positions
11 having substantial managerial, policy influencing or policy
12 executing responsibilities as determined by the **[board]** Civil
13 Service Commission. Titles included in a collective negotiations
14 unit shall not be included in the senior executive service. The total
15 number of senior executive service employees shall not exceed
16 1,200. The **[board]** Civil Service Commission shall adopt rules
17 providing for the selection, placement, transfer, development,
18 compensation, separation and performance appraisal of senior
19 executive service employees, and for the reinstatement of career
20 service employees to the career service. The senior executive
21 service shall not be subject to the provisions of this title unless
22 otherwise specified. The senior executive service shall include
23 noncareer and career service employees. The number of noncareer
24 employees shall not exceed 15% of the entire senior executive
25 service work force.

26 Where an employee holds permanent career service status in a
27 position in a title that is assigned to the senior executive service, the
28 employee, with appointing authority approval, shall be provided the
29 option of joining the senior executive service. Permanent career
30 service employees who opt not to join the senior executive service
31 or who do not receive approval to join the senior executive service
32 shall have the right to reinstatement to the career service to a level
33 directly under the senior executive service. Permanent career
34 service employees who join the senior executive service and who
35 are later separated from the senior executive service shall have a
36 right of reinstatement to the career service to a level held prior to
37 entry in the senior executive service, unless the employee has been
38 separated, after opportunity for hearing, from the senior executive
39 service for reasons which constitute cause for removal from the
40 career service.

41 (cf: N.J.S.11A:3-3)

42
43 23. N.J.S.11A:3-4 is amended to read as follows:

44 11A:3-4. State unclassified service. The State unclassified
45 service shall not be subject to the provisions of this title unless
46 otherwise specified and shall include the following:

47 a. Appointments of the Governor;

- 1 b. Department heads and members of boards and commissions
2 authorized by law;
- 3 c. Employees in the legislative branch of State government;
- 4 d. Heads of institutions;
- 5 e. Superintendents, teachers and instructors in the public
6 schools, the agricultural experiment station and State institutions,
7 where certified teachers are employed under the supervision of and
8 qualified by the State Department of Education, and other
9 institutions maintained wholly or in part by the State;
- 10 f. Physicians, surgeons and dentists;
- 11 g. Assistant and Deputy Attorneys General and legal assistants
12 appointed by the Attorney General;
- 13 h. One secretary and one confidential assistant to each
14 department head, board, principal executive officer and
15 commission. Each certification and appointment hereunder shall be
16 recorded in the minutes of the [board] Civil Service Commission;
- 17 i. Employees in the military or naval service of the State;
- 18 j. Student assistants;
- 19 k. Domestic employees in the Governor's household; and
- 20 l. All other titles as provided by law or as the [board] Civil
21 Service Commission may determine.
22 (cf: N.J.S.11A:3-4)
23

24 24. N.J.S.11A:3-5 is amended to read as follows:

25 11A:3-5. Political subdivision unclassified service. The
26 political subdivision unclassified service shall not be subject to the
27 provisions of this title unless otherwise specified and shall include
28 the following:

- 29 a. Elected officials;
- 30 b. One secretary and one confidential assistant to each mayor;
- 31 c. Members of boards and commissions authorized by law;
- 32 d. Heads of institutions;
- 33 e. Physicians, surgeons and dentists;
- 34 f. Attorneys of a county, municipality or school district
35 operating under this title;
- 36 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public
37 schools and county superintendents and members and business
38 managers of boards of education;
- 39 h. Principal executive officers;
- 40 i. One secretary, clerk or executive director to each department,
41 board and commission authorized by law to make the appointment;
- 42 j. One secretary or clerk to each county constitutional officer,
43 principal executive officer, and judge;
- 44 k. One deputy or first assistant to a principal executive officer
45 who is authorized by statute to act for and in place of the principal
46 executive officer;
- 47 l. No more than 12 county department heads and the heads of
48 divisions within such departments; provided that the total number of

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- 1 unclassified positions created by the county administrative code
2 pursuant to this subsection shall not exceed 20;
- 3 m. One secretary or confidential assistant to each unclassified
4 department or division head established in subsection l.;
- 5 n. Employees of county park commissions, appointed pursuant
6 to R.S.40:37-96 through R.S.40:37-174, in counties of the second
7 class;
- 8 o. Directors of free public libraries in cities of the first class
9 having a population of more than 300,000;
- 10 p. One secretary to the municipal council in cities of the first
11 class having a population of less than 300,000;
- 12 q. One secretary and one confidential aide for each member of
13 the board of freeholders other than the director, and one secretary
14 and two confidential aides for the freeholder director, of any county
15 of the second class with a population of at least 470,000 which has
16 not adopted the provisions of the "Optional County Charter Law,"
17 P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or
18 confidential aide for each member of the board of freeholders of
19 any other county which has not adopted the provisions of the
20 "Optional County Charter Law";
- 21 r. In school districts organized pursuant to N.J.S.18A:17-1 et
22 seq., the executive controller, public information officer and the
23 executive directors of board affairs, personnel, budget, purchasing,
24 physical facilities, data processing, financial affairs, and internal
25 audit;
- 26 s. The executive director, assistant executive director, director
27 of staff operations, director of administration, director of
28 redevelopment and the urban initiatives coordinator of a local
29 housing authority;
- 30 t. The sheriff's investigators of any county appointed pursuant to
31 P.L.1987, c.113 (C.40A:9-117a);
- 32 u. Any title as provided by statute or as the **[board]** Civil
33 Service Commission may determine in accordance with criteria
34 established by rule;
- 35 v. One confidential aide for each county clerk, in addition to the
36 titles included under subsection j. of this section; and
- 37 w. Two deputy municipal clerks in cities of the first class having
38 a population of not less than 240,000 persons or more than 250,000
39 persons according to the 2000 federal decennial census.
40 (cf: P.L.2002, c.59, s.1)

41

42 25. N.J.S.11A:3-6 is amended to read as follows:

- 43 11A:3-6. Public hearing required when moving title from career
44 to unclassified service. Whenever the **[board]** Civil Service
45 Commission considers moving a title from the career service to the
46 unclassified service, the **[board]** Civil Service Commission shall
47 first hold a public hearing before reaching a determination.
48 (cf: N.J.S.11A:3-6)

1 26. N.J.S.11A:3-7 is amended to read as follows:

2 11A:3-7. a. The **【commissioner】** State Treasurer shall
3 administer an equitable State employee compensation plan which
4 shall include pay schedules and standards and procedures for salary
5 adjustments other than as provided for in the State compensation
6 plan for the career, senior executive and unclassified services.

7 b. Prior to adoption or implementation of an amendment, change
8 or modification to the compensation plan for State employees which
9 amendment, change or modification affects public employees
10 represented by a majority representative selected or designated
11 pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3), the State
12 shall negotiate with the majority representative for an agreement on
13 the amendment, change or modification to the compensation plan.
14 The State shall negotiate in good faith with the majority
15 representative. A State employee compensation plan shall not be
16 amended, changed or modified except pursuant to a written
17 agreement entered into between the State and the majority
18 representative following negotiations.

19 c. When an employee has erroneously received a salary
20 overpayment, the **【commissioner】** State Treasurer may waive
21 repayment based on a review of the case.

22 d. Employees of political subdivisions are to be paid in
23 reasonable relationship to titles and shall not be paid a base salary
24 below the minimum or above the maximum established salary for
25 an employee's title.

26 (cf: P.L.2001, c.240, s.1)

27

28 27. N.J.S.11A:3-8 is amended to read as follows:

29 11A:3-8. Payroll audits. The **【commissioner】** State Treasurer
30 may audit State payrolls and the payrolls of political subdivisions to
31 determine compliance with this title. The **【commissioner】** State
32 Treasurer may order and enforce immediate compliance as
33 necessary.

34 (cf: N.J.S.11A:3-8)

35

36 28. N.J.S.11A:4-1 is amended to read as follows:

37 11A:4-1. Examinations. The **【commissioner】** State Treasurer
38 shall provide for:

39 a. The announcement and administration of examinations which
40 shall test fairly the knowledge, skills and abilities required to
41 satisfactorily perform the duties of a title or group of titles. The
42 examinations may include, but are not limited to, written, oral,
43 performance and evaluation of education and experience;

44 b. The rating of examinations;

45 c. The security of the examination process and appropriate
46 sanctions for a breach of security;

1 d. The selection of special examiners to act as subject matter
2 specialists or to provide other assistance. Employees of the State or
3 political subdivisions may be so engaged as part of their official
4 duties during normal working hours with the approval of their
5 appointing authority. Extra compensation may be provided for such
6 service outside normal working hours; and

7 e. The right to appeal adverse actions relating to the examination
8 and appointment process, which shall include but not be limited to
9 rejection of an application, failure of an examination and removal
10 from an eligible list.

11 (cf: N.J.S.11A:4-1)

12

13 29. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to
14 read as follows:

15 1. a. Except as provided in subsection b. of this section
16 concerning law enforcement officer and firefighter examinations,
17 the **【Commissioner of the Department of Personnel】** State
18 Treasurer shall establish a \$15 fee for each application for an open
19 competitive or promotional examination. Persons receiving public
20 assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.),
21 P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55
22 et seq.) shall not be required to pay this fee if they apply for an
23 open competitive examination. Receipts derived from application
24 fees established by this subsection shall be appropriated to the
25 **【department】** Department of the Treasury.

26 b. The **【commissioner】** State Treasurer shall establish a fee for
27 each application for an open competitive or promotional
28 examination for a law enforcement officer or firefighter title. The
29 fee shall not exceed the cost of developing, procuring and
30 administering the examination, including the processing of any
31 appeals or reviews associated with the examination. Persons
32 receiving public assistance benefits pursuant to P.L.1947, c.156
33 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or
34 P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this
35 fee if they apply for an open competitive examination. Receipts
36 derived from application fees established by this subsection shall be
37 appropriated to the **【department】** Department of the Treasury for
38 use in developing, procuring and administering law enforcement
39 officer and firefighter examinations, including the processing of any
40 appeals or reviews associated with those examinations.

41 c. In addition to the fees established in subsections a. and b. of
42 this section, the **【commissioner】** State Treasurer shall establish a
43 \$15 fee for each application for an open competitive or promotional
44 examination for a position in State service. Persons receiving
45 public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107
46 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38
47 (C.44:10-55 et seq.) shall not be required to pay this fee if they

1 apply for an open competitive examination. Receipts derived from
2 the application fee established pursuant to this subsection shall be
3 appropriated annually to the **[department]** Department of the
4 Treasury for the costs of the displaced workers pool program. This
5 fee shall not be assessed and collected unless the **[commissioner]**
6 State Treasurer implements a displaced workers pool program. If
7 the displaced workers pool program is terminated at any time by the
8 **[commissioner]** State Treasurer, the assessment and collection of
9 this additional fee shall also be terminated.

10 (cf: P.L.2002, c.34, s.11)

11

12 30. Section 2 of P.L.1992, c.197 (C.11A:4-1.2) is amended to
13 read as follows:

14 2. The **[Commissioner of the Department of Personnel]** State
15 Treasurer shall promulgate, pursuant to the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
17 regulations to effectuate the purposes of this act.

18 (cf: P.L.1992, c.197, s.2)

19

20 31. N.J.S.11A:4-2 is amended to read as follows:

21 11A:4-2. Holding of examinations. A vacancy shall be filled by
22 a promotional examination when considered by the **[commissioner]**
23 State Treasurer to be in the best interest of the career service.

24 (cf: N.J.S.11A:4-2)

25

26 32. N.J.S.11A:4-3 is amended to read as follows:

27 11A:4-3. Admission to examinations. If it appears that an
28 eligible list is not likely to provide full certification for existing or
29 anticipated vacancies from among qualified residents of this State,
30 or of political subdivisions where required by law, the
31 **[commissioner]** State Treasurer may admit other qualified
32 nonresident applicants. Where residency preference is provided
33 pursuant to any other statute, the **[commissioner]** State Treasurer
34 may limit applicants to such classes as are necessary to establish a
35 sufficient pool of eligibles.

36 (cf: N.J.S.11A:4-3)

37

38 33. N.J.S.11A:4-4 is amended to read as follows:

39 11A:4-4. Eligible lists and certifications. The **[commissioner]**
40 State Treasurer shall provide for:

41 a. The establishment and cancellation of eligible lists;

42 b. The certification of an eligible list to positions in other
43 appropriate titles; and

44 c. The consolidation of eligible lists which may include, but is
45 not limited to, the combining of names of eligibles by scores.

46 (cf: N.J.S.11A:4-4)

1 34. N.J.S.11A:4-5 is amended to read as follows:

2 11A:4-5. Use of eligible list. Once the examination process has
3 been initiated due to the appointment of a provisional or an
4 appointing authority's request for a list to fill a vacancy, the affected
5 appointing authority shall be required to make appointments from
6 the list if there is a complete certification, unless otherwise
7 permitted by the **[commissioner]** State Treasurer for valid reason
8 such as fiscal constraints. If the **[commissioner]** State Treasurer
9 permits an appointing authority to leave a position vacant in the
10 face of a complete list, the **[commissioner]** State Treasurer may
11 order the appointing authority to reimburse the **[department]**
12 Department of the Treasury for the costs of the selection process.

13 (cf: N.J.S.11A:4-5)

14

15 35. N.J.S.11A:4-6 is amended to read as follows:

16 11A:4-6. Duration of lists. The **[commissioner]** State Treasurer
17 shall set the duration of an eligible list, which shall not be more
18 than three years from the date of its establishment, except that it
19 may be extended by the **[commissioner]** State Treasurer for good
20 cause and a list shall not have a duration of more than four years.
21 Notwithstanding the duration of a list, the **[commissioner]** State
22 Treasurer may revive a list to implement a court order or decision
23 of the **[board or commissioner]** Civil Service Commission or the
24 State Treasurer in the event of a successful appeal instituted during
25 the life of the list or to correct an administrative error. The
26 **[commissioner]** State Treasurer may revive a list to effect the
27 appointment of an eligible whose working test period was
28 terminated by a layoff.

29 (cf: N.J.S.11A:4-6)

30

31 36. N.J.S.11A:4-8 is amended to read as follows:

32 11A:4-8. Certification and appointment. The **[commissioner]**
33 State Treasurer shall certify the three eligibles who have received
34 the highest ranking on an open competitive or promotional list
35 against the first provisional or vacancy. For each additional
36 provisional or vacancy against whom a certification is issued at that
37 time, the **[commissioner]** State Treasurer shall certify the next
38 ranked eligible. If more than one eligible has the same score, the tie
39 shall not be broken and they shall have the same rank. If three or
40 more eligibles can be certified as the result of the ranking without
41 resorting to all three highest scores, only those eligibles shall be so
42 certified.

43 A certification that contains the names of at least three interested
44 eligibles shall be complete and a regular appointment shall be made
45 from among those eligibles. An eligible on an incomplete list shall
46 be entitled to a provisional appointment if a permanent appointment
47 is not made.

1 Eligibles on any type of reemployment list shall be certified and
2 appointed in the order of their ranking and the certification shall not
3 be considered incomplete.

4 (cf: N.J.S.11A:4-8)

5
6 37. N.J.S.11A:4-9 is amended to read as follows:

7 11A:4-9. Types of eligible lists. The **【commissioner】** State
8 Treasurer may establish the following types of eligible lists:

9 a. Open competitive, which shall include all qualified eligibles
10 without regard to whether they are currently employed by the State
11 or a political subdivision;

12 b. Promotional, which shall include qualified permanent
13 eligibles;

14 c. Regular reemployment, which shall include former permanent
15 employees who resigned in good standing and whose reemployment
16 is certified by the appointing authority as in the best interest of the
17 service. The name of any such employee shall not remain on a
18 reemployment list for more than three years from the date of
19 resignation, unless otherwise extended pursuant to N.J.S. 11A:4-6;

20 d. Police or fire reemployment, which shall include former
21 permanent uniformed members of a police or fire department who
22 have resigned in good standing and whose reemployment is
23 certified by the appointing authority as in the best interest of the
24 service; and

25 e. Special reemployment, which shall include permanent
26 employees laid off or demoted in lieu of layoff from permanent
27 titles.

28 (cf: N.J.S.11A:4-9)

29
30 38. N.J.S.11A:4-11 is amended to read as follows:

31 11A:4-11. Removal on criminal record. Upon the request of an
32 appointing authority, the **【commissioner】** State Treasurer may
33 remove an eligible with a criminal record from a list when the
34 criminal record includes a conviction for a crime which adversely
35 relates to the employment sought. The following factors may be
36 considered in such determination:

37 a. Nature and seriousness of the crime;

38 b. Circumstances under which the crime occurred;

39 c. Date of the crime and age of the eligible when the crime was
40 committed;

41 d. Whether the crime was an isolated event; and

42 e. Evidence of rehabilitation.

43 The presentation to an appointing authority of a pardon or
44 expungement shall prohibit an appointing authority from rejecting
45 an eligible based on such criminal conviction, except for law
46 enforcement, fire fighter or correction officer and other titles as
47 determined by the **【commissioner】** State Treasurer.

48 (cf: N.J.S.11A:4-11)

1 39. N.J.S.11A:4-13 is amended to read as follows:

2 11A:4-13. Types of appointment. The **[commissioner]** State
3 Treasurer shall provide for the following types of appointment:

4 a. Regular appointments shall be to a title in the competitive
5 division of the career service upon examination and certification or
6 to a title in the noncompetitive division of the career service upon
7 appointment. The appointments shall be permanent after
8 satisfactory completion of a working test period;

9 b. Provisional appointments shall be made only in the
10 competitive division of the career service and only in the absence of
11 a complete certification, if the appointing authority certifies that in
12 each individual case the appointee meets the minimum
13 qualifications for the title at the time of appointment and that failure
14 to make a provisional appointment will seriously impair the work of
15 the appointing authority. In no case shall any provisional
16 appointment exceed a period of 12 months;

17 c. Temporary appointments may be made, without regard to the
18 provisions of this chapter, to temporary positions established for a
19 period aggregating not more than six months in a 12-month period
20 as approved by the **[commissioner]** State Treasurer. These
21 positions include, but are not limited to, seasonal positions.
22 Positions established as a result of a short-term grant may be
23 established for a maximum of 12 months. Appointees to temporary
24 positions shall meet the minimum qualifications of a title;

25 d. Emergency appointments shall not exceed 30 days and shall
26 only be permitted where nonappointment will result in harm to
27 persons or property;

28 e. Senior executive service appointments shall be made pursuant
29 to N.J.S. 11A:3-3; and

30 f. Unclassified appointments shall be made pursuant to N.J.S.
31 11A:3-4 and N.J.S. 11A:3-5.

32 (cf: N.J.S.11A:4-13)

33

34 40. N.J.S.11A:4-14 is amended to read as follows:

35 11A:4-14. Promotion. The **[commissioner]** State Treasurer
36 shall establish the minimum qualifications for promotion and shall
37 provide for the granting of credit for performance and seniority
38 where appropriate.

39 (cf: N.J.S.11A:4-14)

40

41 41. N.J.S.11A:4-15 is amended to read as follows:

42 11A:4-15. Working test period. The purpose of the working test
43 period is to permit an appointing authority to determine whether an
44 employee satisfactorily performs the duties of a title. A working
45 test period is part of the examination process which shall be served
46 in the title to which the certification was issued and appointment
47 made. The **[commissioner]** State Treasurer shall provide for:

- 1 a. A working test period following regular appointment of four
2 months, which may be extended to six months at the discretion of
3 the **【commissioner】** State Treasurer, except that the working test
4 period for political subdivision employees shall be three months and
5 the working test period for entry level law enforcement, correction
6 officer, and firefighter titles shall be 12 months;
- 7 b. Progress reports to be made by the appointing authority and
8 provided to the employee at such times during the working test
9 period as provided by rules of the **【board】** Civil Service
10 Commission and a final progress report at the end of the entire
11 working test period shall be provided to the employee and the
12 **【commissioner】** State Treasurer;
- 13 c. Termination of an employee at the end of the working test
14 period and termination of an employee for cause during the working
15 test period; and
- 16 d. The retention of permanent status in the lower title by a
17 promoted employee during the working test period in the higher
18 title and the right to return to such permanent title if the employee
19 does not satisfactorily complete the working test period, but
20 employees removed for cause during a working test period shall not
21 be so returned.
22 (cf: N.J.S.11A:4-15)

23
24 42. N.J.S.11A:4-16 is amended to read as follows:

25 11A:4-16. Transfer, reassignment and lateral title change. The
26 rules of the **【board】** Civil Service Commission shall define and
27 establish the procedures for transfer, reassignment and lateral title
28 change. Employees shall be granted no less than 30 days' notice of
29 transfer, except with employee consent or under emergent
30 circumstances as established by rules of the **【board】** Civil Service
31 Commission. The **【commissioner】** State Treasurer shall provide for
32 relocation assistance for State employees who are transferred or
33 reassigned to a new work location due to a phasedown or closing of
34 a State operation, subject to available appropriations. Transfers,
35 reassignments, or lateral title changes shall not be utilized as part of
36 a disciplinary action, except following an opportunity for hearing.
37 Nothing herein shall prohibit transfers, reassignments, or lateral
38 title changes made in good faith. The burden of proof
39 demonstrating lack of good faith shall be on the employee.
40 (cf: N.J.S.11A:4-16)

41
42 43. Section 3 of P.L.2000, c.127 (C.11A:5-1.1) is amended to
43 read as follows:

44 3. The Adjutant General of the Department of Military and
45 Veterans' Affairs shall be responsible for determining whether any
46 person seeking to be considered a "veteran" or a "disabled veteran"
47 under N.J.S.11A:5-1, for the purpose of receiving civil service

1 preference, meets the criteria set forth therein and adjudicating an
2 appeal from any person disputing this determination. The
3 determination of the Adjutant General shall apply only
4 prospectively from the date of initial determination or date of
5 determination from an appeal, as appropriate, and shall be binding
6 upon the **[Department of Personnel]** Department of the Treasury.
7 (cf: P.L.2000, c.127, s.3)

8
9 44. N.J.S.11A:5-8 is amended to read as follows:

10 11A:5-8. Preference in appointment in noncompetitive division.
11 From among those eligible for appointment in the noncompetitive
12 division, preference shall be given to a qualified veteran. Before an
13 appointing authority shall select a nonveteran and not appoint a
14 qualified veteran, the appointing authority shall show cause before
15 the **[board]** Civil Service Commission why a veteran should not be
16 appointed. In all cases, a disabled veteran shall have preference
17 over all others.

18 (cf: N.J.S.11A:5-8)

19
20 45. N.J.S.11A:5-10 is amended to read as follows:

21 11A:5-10. Hearing on dismissal of veteran. Before any
22 department head shall dismiss any veteran, as provided in N.J.S.
23 11A:5-9, such department head shall show cause before the **[board]**
24 Civil Service Commission why such veteran should not be retained,
25 at which time such veteran or veterans may be privileged to attend.
26 The **[board]** Civil Service Commission shall be the sole judge of
27 the facts constituting such qualification.

28 (cf: N.J.S.11A:5-10)

29
30 46. N.J.S.11A:5-11 is amended to read as follows:

31 11A:5-11. Veterans not to be discriminated against because of
32 physical defects. Veterans suffering from any physical defect
33 caused by wounds or injuries received in the line of duty in the
34 military or naval forces of the United States during war service set
35 forth in N.J.S. 11A:5-1 shall not be discriminated against in an
36 examination, classification or appointment because of the defect,
37 unless this defect, in the opinion of the **[board]** Civil Service
38 Commission, would incapacitate the veteran from properly
39 performing the duties of the office, position or employment for
40 which applied.

41 (cf: N.J.S.11A:5-11)

42
43 47. N.J.S.11A:5-12 is amended to read as follows:

44 11A:5-12. Employment or promotion of persons awarded Medal
45 of Honor, Distinguished Service Cross, Air Force Cross or Navy
46 Cross. Any individual who has served in the Army, Air Force,
47 Navy, or Marine Corps of the United States and who has been

1 awarded the Medal of Honor, the Distinguished Service Cross, Air
2 Force Cross or Navy Cross, while a resident of this State, and any
3 individual who has served in the United States Coast Guard and
4 who has been awarded the Medal of Honor or the Navy Cross while
5 a resident of this State, shall be appointed or promoted without
6 complying with the rules of the **[board]** Civil Service Commission.
7 The appointing authority to whom the individual applies for
8 appointment or promotion shall, at its discretion, appoint or
9 promote that person. Upon promotion or appointment, that person
10 shall become subject to the rules of the **[board]** Civil Service
11 Commission. A person who qualifies under this section shall not be
12 limited to only one appointment or promotion.

13 (cf: N.J.S.11A:5-12)

14

15 48. N.J.S.11A:5-13 is amended to read as follows:

16 11A:5-13. World War soldiers in employment of a county,
17 municipality or school district; promotion. A soldier who served in
18 the Army of the United States during the war between the United
19 States and Germany, who holds the French Medaille Militaire, the
20 Croix de Guerre with Palm, Croix de Guerre with Silver Star, Croix
21 de Guerre with Bronze Star and who was on March 26, 1926,
22 employed by any county, municipality or school district operating
23 under the provisions of this title shall be eligible for promotion
24 without complying with any of the rules or regulations of the
25 **[board]** Civil Service Commission. The head, or person in charge
26 of the office in which the person is employed, may promote such
27 employee for the good of the service as may in his judgment seem
28 proper.

29 (cf: N.J.S.11A:5-13).

30

31 49. N.J.S.11A:5-15 is amended to read as follows:

32 11A:5-15. Enforcement. The **[board]** Civil Service
33 Commission may promulgate rules for the proper administration
34 and enforcement of this chapter.

35 Nothing herein contained shall be construed to amend, modify or
36 supersede N.J.S. 40A:14-25, N.J.S. 40A:14-115 or N.J.S. 40A:14-
37 143.

38 (cf: N.J.S.11A:5-15)

39

40 50. N.J.S.11A:6-1 is amended to read as follows:

41 11A:6-1. Leaves. The **[board]** Civil Service Commission shall
42 designate the types of leaves and adopt rules for State employees in
43 the career and senior executive services regarding procedures for
44 sick leave, vacation leave and other designated leaves with or
45 without pay as the **[board]** Civil Service Commission may
46 designate. Any political subdivision subject to the provisions of
47 this title shall prepare procedures regarding these items.

1 In all cases, a leave of absence with or without pay shall not
2 exceed a period of one year at any one time unless renewal or
3 extension is granted upon written approval of the [commissioner]
4 State Treasurer.

5 (cf: N.J.S.11A:6-1)

6
7 51. Section 1 of P.L.1993, c.297 (C.11A:6-1.1) is amended to
8 read as follows:

9 1. The [Commissioner of the Department of Personnel] State
10 Treasurer shall establish a voluntary furlough program for State
11 employees under which days of leave without pay, singly or
12 consecutively, may be taken. The seniority rights and health
13 benefits coverage of an employee who participates in this furlough
14 program shall continue and shall not be adversely affected by
15 participation.

16 (cf: P.L.1993, c.297, s.1)

17

18 52. N.J.S.11A:6-2 is amended to read as follows:

19 11A:6-2. Vacation leave; full-time State employees. Vacation
20 leave for full-time State employees in the career and senior
21 executive service shall be at least:

22 a. Up to one year of service, one working day for each month of
23 service;

24 b. After one year and up to five years of continuous service, 12
25 working days;

26 c. After five years and up to 12 years of continuous service, 15
27 working days;

28 d. After 12 years and up to 20 years of continuous service, 20
29 working days;

30 e. Over 20 years of continuous service, 25 working days;

31 f. Vacation not taken in a given year because of business
32 demands shall accumulate and be granted during the next
33 succeeding year only; except that vacation leave not taken by an
34 employee in the career and senior executive service in a given year
35 because of duties directly related to a state of emergency declared
36 by the Governor shall accumulate until, pursuant to a plan
37 established by the employee's appointing authority and approved by
38 the [Commissioner of Personnel] State Treasurer, the leave is used
39 or the employee is compensated for that leave, which shall not be
40 subject to collective negotiation or collective bargaining; and

41 g. Vacation not taken in a given year because of business
42 demands shall accumulate and be granted during the next
43 succeeding year only; except that vacation leave not taken by an
44 employee in the unclassified service in a given year because of
45 duties directly related to a state of emergency declared by the
46 Governor shall accumulate until, pursuant to a plan established by
47 the employee's appointing authority and approved by the
48 [Commissioner of Personnel] State Treasurer, the leave is used or

1 the employee is compensated for that leave, which shall not be
2 subject to collective negotiation or collective bargaining. Nothing
3 in this subsection shall affect any rights to vacation leave which is
4 subject to collective negotiation or collective bargaining.
5 (cf: P.L.2001, c.270, s.1)

6

7 53. N.J.S.11A:6-3 is amended to read as follows:

8 11A:6-3. Vacation leave; full-time political subdivision
9 employees. Vacation leave for full-time political subdivision
10 employees shall be at least:

11 a. Up to one year of service, one working day for each month of
12 service;

13 b. After one year and up to 10 years of continuous service, 12
14 working days;

15 c. After 10 years and up to 20 years of continuous service, 15
16 working days;

17 d. After 20 years of continuous service, 20 working days; and

18 e. Vacation not taken in a given year because of business
19 demands shall accumulate and be granted during the next
20 succeeding year only; except that vacation leave not taken in a
21 given year because of duties directly related to a state of
22 emergency declared by the Governor may accumulate at the
23 discretion of the appointing authority until, pursuant to a plan
24 established by the employee's appointing authority and approved by
25 the **【Commissioner of Personnel】** State Treasurer, the leave is used
26 or the employee is compensated for that leave, which shall not be
27 subject to collective negotiation or collective bargaining

28 (cf: P.L.2001, c.270, s.2)

29

30 54. N.J.S.11A:6-8 is amended to read as follows:

31 11A:6-8. Sick leave injury in State service. Leaves of absence
32 for career, senior executive and unclassified employees in State
33 service due to injury or illness directly caused by and arising from
34 State employment shall be governed by rules of the **【board】** Civil
35 Service Commission. Leaves of absence for career and unclassified
36 employees of a political subdivision directly caused by or arising
37 from employment shall be governed by rules of the political
38 subdivision. Any sick leave with pay shall be reduced by the
39 amount of workers' compensation or disability benefits, if any,
40 received for the same injury or illness.

41 (cf: N.J.S.11A:6-8)

42

43 55. N.J.S.11A:6-23 is amended to read as follows:

44 11A:6-23. Supplemental compensation; rules. The **【board】**
45 Civil Service Commission shall adopt rules for the implementation
46 of supplemental compensation, which shall include but need not be
47 limited to application and eligibility procedures.

48 (cf: N.J.S.11A:6-23)

1 56. N.J.S.11A:6-24 is amended to read as follows:

2 11A:6-24. State employees in the career, senior executive and
3 unclassified services in titles or circumstances designated by the
4 **【board】** Civil Service Commission shall be eligible for overtime
5 compensation and holiday pay. Overtime compensation and
6 holiday pay shall be either cash compensation at a rate representing
7 1 1/2 times the employee's hourly rate of base salary or
8 compensatory time off at a rate of 1 1/2 hours for each hour worked
9 beyond the regular workweek, at the discretion of the department
10 head, with the approval of the **【commissioner】** State Treasurer.

11 The **【board】** Civil Service Commission shall adopt rules for the
12 implementation of hours of work, overtime compensation and
13 holiday pay programs, which shall include but need not be limited
14 to application and eligibility procedures.

15 (cf: N.J.S.11A:6-24)

16

17 57. N.J.S.11A:6-25 is amended to read as follows:

18 11A:6-25. State training programs. The **【commissioner】** State
19 Treasurer may establish and shall review and approve training and
20 education programs for State employees in the career, senior
21 executive and unclassified services and shall supervise a State
22 training center with appropriate courses and fee schedules.
23 Particular training may be required by the **【commissioner】** State
24 Treasurer for certain employees, for which an assessment to State
25 departments may be imposed.

26 (cf: N.J.S.11A:6-25)

27

28 58. N.J.S.11A:6-26 is amended to read as follows:

29 11A:6-26. Employee career development. The **【commissioner】**
30 State Treasurer shall develop and stimulate employee career
31 development and improve management and efficiency in State
32 government through programs, for which an assessment to State
33 departments may be imposed, that include but are not limited to:

- 34 a. Career mobility and transferability;
35 b. Employee advisory services for counseling and rehabilitation;
36 c. Retirement planning; and
37 d. Interchange and internship programs.

38 (cf: N.J.S.11A:6-26)

39

40 59. N.J.S.11A:6-27 is amended to read as follows:

41 11A:6-27. Political subdivisions. The **【commissioner】** State
42 Treasurer may, at the request of any political subdivision, initiate
43 programs similar to those authorized in this chapter and provide
44 technical assistance to political subdivisions to improve the
45 efficiency and effectiveness of their personnel management
46 programs. The **【commissioner】** State Treasurer may require

1 reasonable reimbursement from a participating political subdivision.
2 (cf: N.J.S.11A:6-27)

3

4 60. N.J.S.11A:6-28 is amended to read as follows:

5 11A:6-28. Employee performance evaluations. The
6 **【commissioner】** State Treasurer shall establish an employee
7 performance evaluation system for State employees in the career
8 and senior executive services. The system shall utilize standards
9 and criteria related to job content and program goals.

10 Political subdivisions may adopt employee performance
11 evaluation systems for their employees.

12 The **【board】** Civil Service Commission shall adopt and enforce
13 rules with respect to the utilization of performance ratings in
14 promotion, layoff or other matters.

15 (cf: N.J.S.11A:6-28)

16

17 61. N.J.S.11A:6-29 is amended to read as follows:

18 11A:6-29. Awards committee. The New Jersey Employee
19 Awards Committee shall be established in the **【department under**
20 **the supervision of the commissioner】** Department of the Treasury.
21 The committee shall be composed of seven persons, each of whom
22 shall be employed in a different department within the Executive
23 Branch. Appointments to the committee shall be made by the
24 Governor, from nominations by the **【commissioner】** State
25 Treasurer, for staggered terms of three years or until a successor is
26 appointed. No member shall serve more than two consecutive full
27 terms. Members shall serve without compensation but shall be
28 entitled to sums incurred for necessary expenses. The
29 **【commissioner】** State Treasurer shall designate an employee of the
30 department as executive secretary to the committee.

31 (cf: N.J.S.11A:6-29)

32

33 62. N.J.S.11A:6-31 is amended to read as follows:

34 11A:6-31. Powers and duties of the committee. The committee
35 shall:

36 a. Adopt rules for the implementation of the awards programs,
37 subject to the approval of the **【commissioner】** State Treasurer;

38 b. Request and receive assistance from any department in State
39 government;

40 c. Prepare an annual report to the Governor from the
41 **【commissioner】** State Treasurer concerning the operation of the
42 awards program; and

43 d. Establish and supervise the awards committees in the
44 departments in State government.

45 (cf: N.J.S.11A:6-31)

46

47 63. N.J.S.11A:7-2 is amended to read as follows:

1 11A:7-2 Division of Equal Employment Opportunity and
2 Affirmative Action. A Division of Equal Employment Opportunity
3 and Affirmative Action is established in the **[department]**
4 Department of Law and Public Safety. The division shall have all
5 of the powers and shall exercise all of the functions and duties set
6 forth in this chapter, subject to the supervision and control of the
7 **[commissioner]** Attorney General.

8 (cf: N.J.S.11A:7-2)

9

10 64. N.J.S.11A:7-3 is amended to read as follows:

11 11A:7-3. Equal employment opportunity and affirmative action
12 program. The division shall develop, implement and administer an
13 equal employment opportunity and affirmative action program for
14 all State agencies. The program shall consider the particular
15 personnel requirements that are reasonably related to job
16 performance of each State agency. The director of the division
17 shall ensure that the affirmative action and equal employment goals
18 of each State agency for minorities, women and handicapped
19 persons shall be reasonably related to their population in the
20 relevant surrounding labor market areas. The director, in
21 accordance with applicable federal and State guidelines, shall:

22 a. Ensure each State agency's compliance with all laws and rules
23 relating to equal employment opportunity and seek correction of
24 discriminatory practices, policies and procedures;

25 b. Recommend appropriate sanctions for noncompliance to the
26 **[commissioner]** Attorney General who, with the concurrence of the
27 Governor, is authorized to implement sanctions;

28 c. Review State personnel practices, policies and procedures,
29 inclusive of recruitment, selection, and promotion, in order to
30 identify and eliminate artificial barriers to equal employment
31 opportunity;

32 d. Act as liaison with federal, State, and local enforcement
33 agencies;

34 e. Recommend appropriate legislation to the **[commissioner]**
35 Attorney General and perform other actions deemed necessary by
36 the **[commissioner]** Attorney General to implement this chapter;
37 and

38 f. Provide, under rules adopted by the **[board]** Department of
39 Law and Public Safety, for review of equal employment complaints.

40 (cf: N.J.S.11A:7-3)

41

42 65. N.J.S.11A:7-6 is amended to read as follows:

43 11A:7-6. Agency affirmative action officer. The head of each
44 State agency shall appoint at least one person with the responsibility
45 for equal employment opportunity as the affirmative action officer.
46 Unless otherwise permitted by the director with the approval of the
47 **[commissioner]** Attorney General, such person shall serve on a

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1 full-time basis and shall be responsible to the Division of Equal
2 Employment Opportunity and Affirmative Action.

3 (cf: N.J.S.11A:7-6)

4

5 66. N.J.S.11A:7-9 is amended to read as follows:

6 11A:7-9. Agency failure to achieve affirmative action goals;
7 penalties. If there is a failure by a State agency to achieve its
8 affirmative action goals or to demonstrate good faith efforts,
9 appropriate sanctions and penalties may be imposed by the
10 department in accordance with federal and State regulations, subject
11 to the concurrence of the Governor and the **[commissioner]**
12 Attorney General. These sanctions may include, but are not limited
13 to, placing a moratorium on departmental personnel actions in the
14 career, senior executive and unclassified services, and such other
15 sanctions as may be allowed by law.

16 (cf: N.J.S.11A:7-9)

17

18 67. N.J.S.11A:7-11 is amended to read as follows:

19 11A:7-11. Equal Employment Opportunity Advisory
20 Commission; creation. There is established in the **[department]**
21 Department of Law and Public Safety an Equal Employment
22 Opportunity Advisory Commission, which shall advise the
23 **[Division of Equal Employment Opportunity and Affirmative**
24 **Action]** Attorney General and recommend improvements in the
25 State's affirmative action efforts.

26 (cf: N.J.S.11A:7-11)

27

28 68. N.J.S.11A:7-13 is amended to read as follows:

29 11A:7-13. Accommodation for the handicapped and
30 examination waiver. The **[commissioner]** State Treasurer may
31 establish procedures for the reasonable accommodation of
32 handicapped persons in the employee selection process for the State
33 and the political subdivisions covered by this title. Pursuant to
34 rules adopted by the **[board]** Civil Service Commission, the
35 **[commissioner]** State Treasurer may waive an examination for an
36 applicant who suffers from a physical, mental or emotional
37 affliction, injury, dysfunction, impairment or disability which:

38 a. Makes it physically or psychologically not practicable for that
39 person to undergo the testing procedure for the title for which
40 applied, but

41 b. Does not prevent that person from satisfactorily performing
42 the responsibilities of the title under conditions of actual service;
43 and

44 c. In making such determination, the **[commissioner]** State
45 Treasurer may require the submission of sufficient and appropriate
46 medical documentation.

47 (cf: N.J.S.11A:7-13)

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

2 11A:8-1. a. A permanent employee may be laid off for economy,
3 efficiency or other related reason. A permanent employee shall
4 receive 45 days' written notice, unless in State government a greater
5 time period is ordered by the **[commissioner]** State Treasurer,
6 which shall be served personally or by certified mail, of impending
7 layoff or demotion and the reasons therefor. The notice shall expire
8 120 days after service unless extended by the **[commissioner]** State
9 Treasurer for good cause. At the same time the notice is served, the
10 appointing authority shall provide the **[commissioner]** State
11 Treasurer with a list of the names and permanent titles of all
12 employees receiving the notice. The **[board]** Civil Service
13 Commission shall adopt rules to implement employee layoff rights
14 consistent with the provisions of this section, upon recommendation
15 by the **[commissioner]** State Treasurer. The **[commissioner]** State
16 Treasurer shall consult with the advisory board representing labor
17 organizations prior to such recommendations.

18 b. Permanent employees in the service of the State or a political
19 subdivision shall be laid off in inverse order of seniority. As used in
20 this subsection, "seniority" means the length of continuous
21 permanent service in the jurisdiction, regardless of title held during
22 the period of service, except that for police and firefighting titles,
23 "seniority" means the length of continuous permanent service only
24 in the current permanent title and any other title that has lateral or
25 demotional rights to the current permanent title. Seniority for all
26 titles shall be based on the total length of calendar years, months
27 and days in continuous permanent service regardless of the length
28 of the employee's work week, work year or part-time status.

29 c. For purposes of State service, a "layoff unit" means a
30 department or autonomous agency and includes all programs
31 administered by that department or agency. For purposes of
32 political subdivision service, the "layoff unit" means a department
33 in a county or municipality, an entire autonomous agency, or an
34 entire school district, except that the **[commissioner]** State
35 Treasurer may establish broader layoff units.

36 d. For purposes of State service, "job location" means a county.
37 The **[commissioner]** State Treasurer shall assign a job location to
38 every facility and office within a State department or autonomous
39 agency. For purposes of local service, "job location" means the
40 entire political subdivision and includes any facility operated by the
41 political subdivision outside its geographic borders.

42 e. For purposes of determining lateral title rights in State and
43 political subdivision service, title comparability shall be determined
44 by the department based upon whether the: (1) titles have
45 substantially similar duties and responsibilities; (2) education and
46 experience requirements for the titles are identical or similar; (3)
47 employees in an affected title, with minimal training and

1 orientation, could perform the duties of the designated title by
2 virtue of having qualified for the affected title; and (4) special
3 skills, licenses, certifications or registration requirements for the
4 designated title are similar and do not exceed those which are
5 mandatory for the affected title. Demotional title rights shall be
6 determined by the [commissioner] State Treasurer based upon the
7 same criteria, except that the demotional title shall have lower but
8 substantially similar duties and responsibilities as the affected title.

9 f. In State service, a permanent employee in a position affected
10 by a layoff action shall be provided with applicable lateral and
11 demotional title rights first, at the employee's option, within the
12 municipality in which the facility or office is located and then to the
13 job locations selected by the employee within the department or
14 autonomous agency. The employee shall select individual job
15 locations in preferential order from the list of all job locations and
16 shall indicate job locations at which the employee will accept lateral
17 and demotional title rights. In local service, a permanent employee
18 in a position affected by a layoff action shall be provided lateral and
19 demotional title rights within the layoff unit.

20 g. Following the employee's selection of job location
21 preferences, lateral and demotional title rights shall be provided in
22 the following order:

23 (1) a vacant position that the appointing authority has previously
24 indicated it is willing to fill;

25 (2) a position held by a provisional employee who does not have
26 permanent status in another title, and if there are multiple
27 employees at a job location, the specific position shall be
28 determined by the appointing authority;

29 (3) a position held by a provisional employee who has permanent
30 status in another title, and if there are multiple provisional
31 employees at a job location, the specific position shall be
32 determined based on level of the permanent title held and seniority;

33 (4) the position held by the employee serving in a working test
34 period with the least seniority;

35 (5) in State service, and in local jurisdictions having a
36 performance evaluation program approved by the department, the
37 position held by the permanent employee whose performance rating
38 within the most recent 12 months in the employee's permanent title
39 was significantly below standards or an equivalent rating;

40 (6) in State service, and in local jurisdictions having a
41 performance evaluation program approved by the department, the
42 position held by the permanent employee whose performance rating
43 within the most recent 12 months in the employee's permanent title
44 was marginally below standards or an equivalent rating; and

45 (7) the position held by the permanent employee with the least
46 seniority.

47 h. A permanent employee shall be granted special reemployment
48 rights based on the employee's permanent title at the time of the

1 layoff action and the employee shall be certified for reappointment
2 after the layoff action to the same, lateral and lower related titles.
3 Special reemployment rights shall be determined by the
4 **【commissioner】** State Treasurer in the same manner as lateral and
5 demotional rights.

6 i. Notwithstanding the provisions above, at no time shall any
7 person on a military leave of absence for active service in the
8 Armed Forces of the United States in time of war or emergency be
9 laid off.
10 (cf: P.L.2007, c.239, s.3)

11

12 70. N.J.S.11A:8-3 is amended to read as follows:

13 11A:8-3. Alternatives to layoff. The **【commissioner】** State
14 Treasurer, in consultation with the advisory committee established
15 pursuant to subsection m. of N.J.S. 11A:2-11, may recommend
16 rules to the **【board】** Civil Service Commission on voluntary
17 reduced work time or other alternatives to layoffs. Employee
18 participation in the program shall not affect special reemployment
19 or retention rights.

20 (cf: N.J.S.11A:8-3)

21

22 71. N.J.S.11A:8-4 is amended to read as follows:

23 11A:8-4. Appeals. A permanent employee who is laid off or
24 demoted in lieu of layoff shall have a right to appeal the good faith
25 of such layoff or demotion to the **【board】** Civil Service
26 Commission. Appeals must be filed within 20 days of final notice
27 of such layoff or demotion. The burden of proof in such actions
28 shall be on the employee and rules adopted pursuant to N.J.S.
29 11A:2-22 would also be applicable to these appeals.

30 (cf: N.J.S.11A:8-4)

31

32 72. N.J.S.11A:9-7 is amended to read as follows:

33 11A:9-7. Results certified. The result of the election shall be
34 certified by the clerk of the political subdivision to the
35 **【commissioner】** State Treasurer.

36 (cf: N.J.S.11A:9-7)

37

38 73. N.J.S.11A:10-1 is amended to read as follows:

39 11A:10-1. Disapproval of salary. The **【board or the**
40 **commissioner】** Civil Service Commission may disapprove and
41 order the payment stopped of the salary of any person employed in
42 violation of this title or an order of the **【board or commissioner】**
43 Civil Service Commission and recover all disapproved salary from
44 such person. Any person or persons who authorize the payment of
45 a disapproved salary or have employment authority over the person
46 whose salary has been disapproved may be subject to penalties,
47 including, but not limited to, the disapproval of their salaries and

1 payment from their personal funds of improper expenditures of the
2 moneys as may be provided by the rules of the **[board]** Civil
3 Service Commission. This section shall not be limited by the
4 amounts set forth in N.J.S. 11A:10-3.

5 (cf: N.J.S.11A:10-1)

6

7 74. N.J.S.11A:10-2 is amended to read as follows:

8 11A:10-2. Criminal violation of title or order. Any person who
9 purposely or knowingly violates or conspires to violate any
10 provision of this title or **[board or commissioner]** Civil Service
11 Commission or State Treasurer order shall be guilty of a crime of
12 the fourth degree.

13 (cf: N.J.S.11A:10-2)

14

15 75. N.J.S.11A:10-3 is amended to read as follows:

16 11A:10-3. Noncompliance. The **[board or the commissioner]**
17 Civil Service Commission or State Treasurer may assess all
18 administrative costs incurred under N.J.S. 11A:4-5. Other costs,
19 charges and fines of not more than \$10,000.00 may be assessed for
20 noncompliance or violation of this title or any order of the **[board**
21 **or commissioner]** Civil Service Commission or State Treasurer.

22 (cf: P.L. N.J.S.11A:10-3)

23

24 76. N.J.S.11A:10-4 is amended to read as follows:

25 11A:10-4. Action for enforcement. The **[board, the**
26 **commissioner]** Civil Service Commission, State Treasurer, or other
27 party in interest may bring an action in the Superior Court for the
28 enforcement of this title or an order of the **[board or commissioner]**
29 Civil Service Commission or State Treasurer.

30 (c.f. P.L. N.J.S.11A:10-4)

31

32 77. N.J.S.11A:11-1 is amended to read as follows:

33 11A:11-1. **[Commissioner of Personnel and]** Merit System
34 Board. The functions, powers, and duties of the Merit System
35 Board as constituted in the Department of Personnel are continued
36 and transferred to the Civil Service Commission which is created
37 and allocated in, but not of, the Department of Labor and
38 Workforce Development by N.J.S.11A:2-1 as amended by P.L. , c.
39 (pending before the Legislature as this bill). The **[President of the**
40 **Civil Service Commission** on the effective date of this act shall
41 become the Commissioner of Personnel and the remaining
42 members of the **[Civil Service Commission]** Merit System Board,
43 other than the Commissioner of Personnel, on the effective date of
44 this act, P.L. , c. (pending before the Legislature as this bill),
45 shall continue as members of the **[Merit System Board]** Civil
46 Service Commission for the duration of their current terms and any

1 reappointments and until their successors are appointed, unless
2 removed for cause.

3 (cf: N.J.S.11A:11-1)

4

5 78. N.J.S.11A:11-2 is amended to read as follows:

6 11A:11-2. **【Department of Personnel.】** a. **【The Department of**
7 **Personnel shall replace the Department of Civil Service. Except as**
8 **otherwise stated in this title, all employees of the Department of**
9 **Civil Service shall become employees of the Department of**
10 **Personnel.**

11 **b.] The Department of Personnel is abolished as a principal**
12 **department in the Executive Branch of State government. The**
13 **offices and terms of the Commissioner of Personnel, the deputy**
14 **commissioner, assistant commissioners, and the directors of the**
15 **various divisions and offices of the Department of Personnel are**
16 **terminated, except as otherwise provided by P.L. , c. (pending**
17 **before the Legislature as this bill).**

18 **b. The functions, powers, and duties of the Department of**
19 **Personnel, the Commissioner of Personnel, the deputy**
20 **commissioner, assistant commissioners, and directors of the various**
21 **divisions and offices of the Department of Personnel are continued**
22 **and transferred as provided by P.L. , c. (pending before the**
23 **Legislature as this bill). The State Treasurer may allocate the**
24 **functions, powers, and duties transferred to the Department of the**
25 **Treasury or the State Treasurer by P.L. , c. (pending before the**
26 **Legislature as this bill) among such divisions or subdivisions in the**
27 **Department of the Treasury as the State Treasurer deems**
28 **appropriate or as the State Treasurer may establish.**

29 **c. The Division of Equal Employment Opportunity and**
30 **Affirmative Action as constituted in the Department of Personnel,**
31 **with its functions, powers, and duties, and those of the**
32 **Commissioner of Personnel and the Merit System Board with**
33 **regard to that division, is continued and transferred to the**
34 **Department of Law and Public Safety, except with regard to the**
35 **power to adjudicate complaints of violations of the State policy**
36 **against discrimination which power shall remain with the Civil**
37 **Service Commission. The functions, powers, and duties of the**
38 **Division of Equal Employment Opportunity and Affirmative Action**
39 **shall be allocated within the department as the Attorney General**
40 **shall determine.**

41 **The Equal Employment Opportunity Advisory Commission as**
42 **constituted in the Department of Personnel is continued and**
43 **transferred to the Department of Law and Public Safety to be**
44 **allocated within that department as the Attorney General shall**
45 **determine. The members of the Equal Employment Opportunity**
46 **Advisory Commission shall continue as members of the**
47 **commission for the duration of their current terms and any**
48 **reappointments and until their successors are appointed, unless**

1 removed for cause.

2 d. The Working Well NJ State employee wellness program as
3 constituted in the Department of Personnel is continued and
4 transferred to the Department of Health and Senior Services to be
5 allocated within that department as the commissioner shall
6 determine.

7 e. The toll-free information "Law Enforcement Officer Crisis
8 Intervention Services" telephone hotline as constituted in the
9 Department of Personnel is continued and transferred to the
10 Department of Law and Public Safety, pursuant to sections 115 to
11 116 of P.L. , c. (C.)(pending before the Legislature as this
12 bill), to be allocated within that department as the Attorney General
13 shall determine.

14 f. The New Jersey Employee Awards Committee as constituted
15 in the Department of Personnel is continued and transferred to the
16 Department of the Treasury to be allocated within that department
17 as the State Treasurer shall determine. The members of the New
18 Jersey Employee Awards Committee shall continue as members of
19 the committee for the duration of their current terms and any
20 reappointments and until their successors are appointed, unless
21 removed for cause.

22 g. The [commissioner] State Treasurer shall develop a plan for
23 the consolidation and coordination of personnel, training, and
24 related functions, including, but not limited to, classification,
25 compensation, and workforce planning, in the executive branch of
26 State government and for transfer to the Department of [Personnel]
27 the Treasury such employees, positions, funding, facilities,
28 equipment, powers, and duties from throughout the executive
29 branch of State government as necessary and appropriate to
30 effectuate such consolidation and coordination.

31 [c.] h. The [commissioner] State Treasurer shall submit the
32 plan prepared pursuant to subsection [b.] g. of this section to the
33 Governor for review and approval. With the approval of the
34 Governor and in accordance with regulations adopted by the
35 [commissioner] State Treasurer, the [commissioner] State
36 Treasurer, pursuant to the approved plan, shall direct the
37 consolidation and coordination of personnel, training and related
38 functions, including, but not limited to, classification, compensation
39 and workforce planning, in the executive branch of State
40 government and transfer to the Department of [Personnel] the
41 Treasury such employees, positions, funding, facilities, equipment,
42 powers, duties and functions from throughout the executive branch
43 of State government to effectuate such consolidation and
44 coordination. The [commissioner] State Treasurer shall organize
45 these functions in such units as the [commissioner] State Treasurer
46 determines are necessary [for the efficient operation of the
47 department] and in such a manner as will provide the appointing

1 authorities and all State employees with proper support in personnel
2 matters. The consolidation shall not apply to those functions which
3 the **[commissioner]** State Treasurer has determined are unique to
4 each department or agency in its capacity as an appointing
5 authority.

6 **[d.] i.** Each department, office, division, bureau or agency in
7 the executive branch of State government shall cooperate with the
8 **[commissioner]** State Treasurer and make available to the
9 **[commissioner]** State Treasurer such information, personnel and
10 assistance necessary to effectuate the purposes of **[this amendatory**
11 **act, P.L.1993, c.114]** P.L. , c. (pending before the Legislature as
12 this bill).

13 **[e.] j.** This section shall not be construed to permit or require
14 negotiations pursuant to the "New Jersey Employer-Employee
15 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or
16 regulation promulgated by the **[Commissioner of Personnel or the**
17 **Merit System Board]** State Treasurer or Civil Service Commission
18 pursuant to this section or any other section of this title.
19 (cf: P.L.1993, c.114, s.1)

20

21 79. N.J.S.11A:11-3 is amended to read as follows:

22 11A:11-3. Names. Any law, rule, regulation, order,
23 reorganization plan, contract, document, judicial or administrative
24 proceeding, appropriation or otherwise which refers to the
25 Department of [Civil Service shall mean the Department of]
26 Personnel[; Civil Service Commission], ~~Commissioner or~~
27 Personnel, or Merit System Board shall mean [Merit System Board;
28 and President of the Civil Service Commission or Chief Examiner
29 and Secretary, or both, shall mean Commissioner of Personnel] the
30 Department of the Treasury, State Treasurer, or Civil Service
31 Commission, as provided by P.L. , c. (pending before the
32 Legislature as this bill).

33 (cf: N.J.S.11A:11-3)

34

35 80. N.J.S.11A:11-4 is amended to read as follows:

36 11A:11-4. Rules. All rules of the **[Civil Service Commission]**
37 Merit System Board or the Department of Personnel in effect on the
38 effective date of P.L. , c. (pending before the Legislature as this
39 bill) shall remain in effect except as changed or modified by this
40 title or **[board]** action of the Civil Service Commission, State
41 Treasurer, Attorney General, or other authority, as appropriate.

42 (cf: N.J.S.11A:11-4)

43

44 81. N.J.S.11A:11-5 is amended to read as follows:

1 11A:11-5. Pending actions. Any action pending on the effective
2 date of **[this act]** P.L. , c. (pending before the Legislature as
3 this bill) shall continue under the prior law and rule.

4 (cf: N.J.S.11A:11-5)

5
6 82. N.J.S.11A:11-6 is amended to read as follows:

7 11A:11-6. Transfer. The transfers directed by **[this title]** P.L. ,
8 c. (pending before the Legislature as this bill), except as otherwise
9 provided, shall be made in accordance with the "State Agency
10 Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

11 (cf: N.J.S.11A:11-6)

12
13 83. N.J.S.11A:12-1 is amended to read as follows:

14 11A:12-1. Inconsistent laws. Any law or statute which is
15 inconsistent with any of the provisions of this title, as amended by
16 P.L. , c. (pending before the Legislature as this bill), are to the
17 extent of the inconsistency hereby superseded, except that the title
18 is not to be construed either to expand or to diminish collective
19 negotiation rights existing under the "New Jersey Employer-
20 Employee Relations Act," P.L.1941, c. 100 (C. 34:13A-1 et seq.).

21 (cf: N.J.S.11A:12-1)

22
23 84. N.J.S.2A:12-6 is amended to read as follows:

24 2A:12-6. The Administrative Director of the Courts is
25 authorized to distribute or cause to be distributed any bound
26 volumes of the New Jersey Reports and the New Jersey Superior
27 Court Reports heretofore or hereafter published and delivered to
28 him, as follows:

29 To each member of the Legislature, one copy of each volume of
30 such reports.

31 To the following named, for official use, to remain the property
32 of the State, the following number of copies of each volume of such
33 reports:

34 a. To the Governor, four copies;

35 b. To the Department of Law and Public Safety, for the Division
36 of Law, four copies; and the Division of Alcoholic Beverage
37 Control, one copy;

38 c. To the Department of the Treasury, for the State Treasurer,
39 one copy; the Division of Taxation, three copies; and the Division
40 of Local Government Services in the Department of Community
41 Affairs, one copy;

42 d. To the Department of State, one copy;

43 e. **[To the Department of Personnel, one copy]** (Deleted by
44 amendment, P.L. , c. (pending before the Legislature as this
45 bill));

46 f. To the Department of Banking and Insurance, two copies;

47 g. To the Board of Public Utilities in the Department of the
48 Treasury, one copy;

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- 1 h. To the Department of Labor and Workforce Development, for
2 the commissioner, one copy; the Division of Workers'
3 Compensation, five copies; the State Board of Mediation, one copy;
4 and the Division of Employment Security, three copies;
- 5 i. To the Department of Education, for the commissioner, one
6 copy;
- 7 j. To the Department of Transportation, one copy;
- 8 k. To the Department of Human Services, one copy; the
9 Department of Corrections, one copy; and the Department of
10 Children and Families, one copy;
- 11 l. To each judge of the federal courts in and for the district of
12 New Jersey, one copy;
- 13 m. To each justice of the Supreme Court, one copy;
- 14 n. To each judge of the Superior Court, one copy;
- 15 o. To the Administrative Director of the Courts, one copy;
- 16 p. To each standing master of the Superior Court, one copy;
- 17 q. (Deleted by amendment, P.L.1983, c.36.)
- 18 r. To the clerk of the Supreme Court, one copy;
- 19 s. To the clerk of the Superior Court, one copy;
- 20 t. (Deleted by amendment, P.L.1983, c.36.)
- 21 u. (Deleted by amendment, P.L.1983, c.36.)
- 22 v. (Deleted by amendment, P.L.1991, c.91.)
- 23 w. (Deleted by amendment, P.L.1991, c.91.)
- 24 x. To each county prosecutor, one copy;
- 25 y. To the Central Management Unit in the Office of Legislative
26 Services, one copy;
- 27 z. To each surrogate, one copy;
- 28 aa. To each county clerk, one copy;
- 29 ab. To each sheriff, one copy;
- 30 ac. To Rutgers, The State University, two copies; and the law
31 schools, five copies each;
- 32 ad. To the law school of Seton Hall University, five copies;
- 33 ae. To Princeton University, two copies;
- 34 af. To the Library of Congress, four copies;
- 35 ag. To the New Jersey Historical Society, one copy;
- 36 ah. To every library provided by the board of chosen freeholders
37 of any county at the courthouse in each county, one copy;
- 38 ai. To the library of every county bar association in this State,
39 one copy;
- 40 aj. To each incorporated library association in this State, which
41 has a law library at the county seat of the county in which it is
42 located, one copy;
- 43 ak. To each judge of the tax court, one copy;
- 44 al. The State Library, 60 copies, five of which shall be deposited
45 in the Law Library, and 55 of which shall be used by the State
46 Librarian to send one copy to the state library of each state and
47 territory of the United States, the same to be in exchange for the law
48 reports of such states and territories sent to the State Library, which

1 reports shall be deposited in and become part of the collection of
2 the Law Library.

3 The remaining copies of such reports shall be retained by the
4 administrative director for the use of the State and for such further
5 distribution as he may determine upon.

6 (cf: P.L.2006, c.47, s.21)

7

8 85. Section 14 of P.L.2006, c.47 (C.9:3A-14) is amended to read
9 as follows:

10 14. The Department of Children and Families shall not employ
11 any individual as a direct care staff member unless the
12 Commissioner of Children and Families has first determined,
13 consistent with the requirements and standards of this section, that
14 no criminal history record information exists on file in the Federal
15 Bureau of Investigation, Identification Division, or in the State
16 Bureau of Identification in the Division of State Police, which
17 would disqualify that individual from being employed at the
18 department. A criminal history record background check shall be
19 conducted at least once every two years for an individual employed
20 as a direct care staff member.

21 As used in this section, "direct care staff member" means an
22 individual employed at the department in a position which involves
23 unsupervised, regular contact with individuals receiving services
24 from the department.

25 a. An individual shall be disqualified from employment as a
26 direct care staff member if that individual's criminal history record
27 check reveals a record of conviction of any of the following crimes
28 and offenses:

29 (1) In New Jersey, any crime or disorderly persons offense:

30 (a) involving danger to the person, meaning those crimes and
31 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
32 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
33 or N.J.S.2C:15-1 et seq.; or

34 (b) against the family, children or incompetents, meaning those
35 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
36 seq.; or

37 (2) In any other state or jurisdiction, of conduct which, if
38 committed in New Jersey, would constitute any of the crimes or
39 disorderly persons offenses described in paragraph (1) of this
40 subsection.

41 b. Notwithstanding the provisions of subsection a. of this
42 section to the contrary, no individual shall be disqualified from
43 employment under this act on the basis of any conviction disclosed
44 by a criminal history record check performed pursuant to this
45 section if the individual has affirmatively demonstrated to the
46 Commissioner of Children and Families clear and convincing
47 evidence of his rehabilitation. In determining whether an individual

1 has affirmatively demonstrated rehabilitation, the following factors
2 shall be considered:

3 (1) The nature and responsibility of the position which the
4 convicted individual would hold;

5 (2) The nature and seriousness of the offense;

6 (3) The circumstances under which the offense occurred;

7 (4) The date of the offense;

8 (5) The age of the individual when the offense was committed;

9 (6) Whether the offense was an isolated or repeated incident;

10 (7) Any social conditions which may have contributed to the
11 offense; and

12 (8) Any evidence of rehabilitation, including good conduct in
13 prison or in the community, counseling or psychiatric treatment
14 received, acquisition of additional academic or vocational
15 schooling, successful participation in correctional work-release
16 programs, or the recommendation of persons who have had the
17 individual under their supervision.

18 c. If a prospective direct care staff member refuses to consent
19 to, or cooperate in, the securing of a criminal history record
20 background check, the commissioner shall not consider the
21 individual for employment as a direct care staff member. The
22 prospective staff member shall, however, retain any available right
23 of review by the **【Merit System Board in the Department of
24 Personnel】** Civil Service Commission.

25 d. If a current direct care staff member refuses to consent to, or
26 cooperate in, the securing of a criminal history record background
27 check, the commissioner shall immediately remove the individual
28 from his position as a direct care staff member and terminate the
29 individual's employment. The staff member shall, however, retain
30 any available right of review by the **【Merit System Board in the
31 Department of Personnel】** Civil Service Commission.

32 e. Notwithstanding the provisions of subsection a. of this
33 section to the contrary, the department may provisionally employ an
34 individual as a direct care staff member for a period not to exceed
35 six months if that individual's State Bureau of Identification
36 criminal history record background check does not contain any
37 information that would disqualify the individual from employment
38 at the department and if the individual submits to the commissioner
39 a sworn statement attesting that the individual has not been
40 convicted of any crime or disorderly persons offense as described in
41 this section, pending a determination that no criminal history record
42 background information which would disqualify the individual
43 exists on file in the Federal Bureau of Investigation, Identification
44 Division. An individual who is provisionally employed pursuant to
45 this subsection shall perform his duties under the direct supervision
46 of a superior who acts in a supervisory capacity over that individual
47 until the determination concerning the federal information is
48 complete.

1 f. All applicants or current direct care staff members from
2 whom criminal history record background checks are required shall
3 submit their fingerprints in a manner acceptable to the
4 commissioner. The commissioner is authorized to exchange
5 fingerprint data with and receive criminal history record
6 information from the Federal Bureau of Investigation and the
7 Division of State Police for use in making the determinations
8 required by this section. No criminal history record background
9 check shall be performed pursuant to this section unless the
10 applicant shall have furnished his written consent to the check.

11 g. (1) Upon receipt of an applicant or direct care staff member's
12 criminal history record information from the Federal Bureau of
13 Investigation or the Division of State Police, as applicable, the
14 commissioner shall notify the applicant or staff member, in writing,
15 of the applicant's or staff member's qualification or disqualification
16 for employment under this act. If the applicant or staff member is
17 disqualified, the conviction or convictions which constitute the
18 basis for the disqualification shall be identified in the written
19 notice.

20 (2) The applicant or staff member shall have 30 days from the
21 date of written notice of disqualification to petition the
22 commissioner for a hearing on the accuracy of the criminal history
23 record information or to establish his rehabilitation under
24 subsection b. of this section. The commissioner may refer any case
25 arising hereunder to the Office of Administrative Law for
26 administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1
27 et al.).

28 (3) The commissioner shall not maintain any individual's
29 criminal history record information or evidence of rehabilitation
30 submitted under this section for more than six months from the date
31 of a final determination by the commissioner as to the individual's
32 qualification or disqualification to be a direct care staff member
33 pursuant to this section.

34 h. The commissioner shall initiate a criminal history record
35 background check on all prospective direct care staff members.
36 Current direct care staff members who have had a criminal history
37 record background check conducted and stored in a manner
38 approved by the commissioner shall have up to two years from the
39 effective date of this act until the next criminal history background
40 check is conducted.

41 i. The department shall assume the cost of all criminal history
42 record background checks conducted on current and prospective
43 direct care staff members.

44 (cf: P.L.2006, c.47, s.14)

45

46 86. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
47 read as follows:

1 19. a. The President of Thomas Edison State College or the
2 designee thereof shall, with the advice of the State Librarian,
3 appoint all professional staff in the library, and fix the
4 compensation of all such persons thus appointed. The President of
5 Thomas Edison State College or the designee thereof shall appoint
6 such other personnel as that person may consider necessary for the
7 efficient performance of the work of the library and fix their
8 compensation. All persons thus appointed shall be subject to the
9 provisions of Title 11A, Civil Service, of the New Jersey Statutes.

10 b. For all purposes, the employees of the State Library shall be
11 considered employees of Thomas Edison State College.

12 c. Thomas Edison State College shall maintain, in a manner
13 acceptable to the Department of **【Personnel】** the Treasury, the
14 personnel records of all employees and positions currently on staff
15 and funded. All such records shall be subject to audit by the
16 Department of **【Personnel】** the Treasury.

17 d. The State shall be responsible for paying the entire employer
18 contribution of the pension and benefits costs for the State Library
19 employees whose salaries are funded from the direct State services
20 portion of the annual appropriation for the State Library.

21 (cf: P.L.2001, c.137, s.11)

22

23 87. Section 2 of P.L.1988, c.45 (C.30:4-3.5) is amended to read
24 as follows:

25 2. a. A facility shall not employ any individual unless the
26 Commissioner of the Department of Human Services has first
27 determined, consistent with the requirements and standards of this
28 act, that no criminal history record information exists on file in the
29 Federal Bureau of Investigation, Identification Division, or in the
30 State Bureau of Identification in the Division of State Police, which
31 would disqualify that individual from being employed at the
32 facility. A criminal history record background check shall be
33 conducted at least once every two years for an individual employed
34 at the facility. An individual shall be disqualified from employment
35 under this act if that individual's criminal history record check
36 reveals a record of conviction of any of the following crimes and
37 offenses:

38 (1) In New Jersey, any crime or disorderly persons offense:

39 (a) Involving danger to the person, meaning those crimes and
40 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
41 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
42 or N.J.S.2C:15-1 et seq.; or

43 (b) Against the family, children or incompetents, meaning those
44 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
45 seq.; or

46 (2) In any other state or jurisdiction, of conduct which, if
47 committed in New Jersey, would constitute any of the crimes or

1 disorderly persons offenses described in paragraph (1) of this
2 subsection.

3 b. Notwithstanding the provisions of subsection a. of this
4 section, no individual shall be disqualified from employment under
5 this act on the basis of any conviction disclosed by a criminal
6 history record check performed pursuant to this act if the individual
7 has affirmatively demonstrated to the Commissioner of Human
8 Services clear and convincing evidence of his rehabilitation. In
9 determining whether an individual has affirmatively demonstrated
10 rehabilitation, the following factors shall be considered:

11 (1) The nature and responsibility of the position which the
12 convicted individual would hold;

13 (2) The nature and seriousness of the offense;

14 (3) The circumstances under which the offense occurred;

15 (4) The date of the offense;

16 (5) The age of the individual when the offense was committed;

17 (6) Whether the offense was an isolated or repeated incident;

18 (7) Any social conditions which may have contributed to the
19 offense; and

20 (8) Any evidence of rehabilitation, including good conduct in
21 prison or in the community, counseling or psychiatric treatment
22 received, acquisition of additional academic or vocational
23 schooling, successful participation in correctional work-release
24 programs, or the recommendation of persons who have had the
25 individual under their supervision.

26 c. If a prospective employee of a facility refuses to consent to,
27 or cooperate in, the securing of a criminal history record
28 background check, the commissioner shall direct the principal
29 administrator not to consider the person for employment at the
30 facility. The prospective employee shall, however, retain any
31 available right of review by the **[Merit System Board in the**
32 **Department of Personnel]** Civil Service Commission.

33 d. If a current employee of a facility refuses to consent to, or
34 cooperate in, the securing of a criminal history record background
35 check, the commissioner shall direct the principal administrator to
36 immediately remove the person from his position at the facility and
37 to terminate the person's employment at the facility. The employee
38 shall, however, retain any available right of review by the **[Merit**
39 **System Board in the Department of Personnel]** Civil Service
40 Commission.

41 e. Notwithstanding the provisions of subsection a. of this section
42 to the contrary, a facility may provisionally employ an individual
43 for a period not to exceed six months if that individual's State
44 Bureau of Identification criminal history record background check
45 does not contain any information that would disqualify the
46 individual from employment at the facility and if the individual
47 submits to the commissioner a sworn statement attesting that the
48 individual has not been convicted of any crime or disorderly

1 persons offense as described in this act, pending a determination
2 that no criminal history record background information which
3 would disqualify the individual exists on file in the Federal Bureau
4 of Investigation, Identification Division. An individual who is
5 provisionally employed pursuant to this subsection shall perform
6 his duties at the facility under the direct supervision of a superior
7 who acts in a supervisory capacity over that individual until the
8 determination concerning the federal information is complete.

9 (cf: P.L.1997, c.71, s.1)

10

11 88. Section 1 of P.L.1974, c.44 (C.30:1-8.1) is amended to read
12 as follows:

13 1. The commissioner shall be assisted in the performance of his
14 duties by three deputy commissioners. Each deputy commissioner
15 shall be appointed by and shall serve at the pleasure of the
16 commissioner, and until his successor has been appointed and
17 qualified.

18 Each deputy commissioner shall exercise such powers and
19 perform such duties as the commissioner shall prescribe.

20 Unless otherwise provided by law, each deputy commissioner
21 shall receive such salary as may be established by the commissioner
22 with the approval of the **【Commissioner of Personnel and the**
23 **Director of the Division of Budget and Accounting】** Department of
24 the Treasury.

25 The commissioner may designate one of the deputy
26 commissioners to exercise the powers and perform the duties of the
27 commissioner during his disability or absence.

28 (cf: P.L.2004, c.130, s.44)

29

30 89. Section 6 of P.L.1990, c.73 (C.30:4-78.2) is amended to read
31 as follows:

32 6. If the commissioner determines that the plan submitted
33 pursuant to section 5 of this amendatory and supplementary act is
34 appropriate, the commissioner shall enter into negotiations with the
35 governing body of the county to provide for the State assumption of
36 the management and operation of the psychiatric facility, in which
37 case the State shall operate and maintain the psychiatric facility,
38 provided that the funding ratios shall not change.

39 Any agreement for the assumption shall include, but not be
40 limited to, such matters as personnel salaries, benefits, tenure or
41 other rights; debt obligations of the facility; existing vendor
42 contracts; lease, purchase or other arrangements for the State's
43 operation of the facility; purchase of services from the county;
44 capital improvements; staffing arrangements; and insurance
45 payments and receivables, including Medicare and Medicaid
46 payments. When negotiating an agreement the Commissioner of
47 Human Services shall consult with the State Department of
48 **【Personnel】** the Treasury concerning personnel salaries, benefits,

1 tenure or other rights. If the commissioner and the governing body
2 of the county agree to the State assumption of the management and
3 operation of a county psychiatric facility, any changes in salaries,
4 benefits, tenure or other rights of employees will recognize the
5 rights and responsibilities under appropriate collective bargaining
6 agreements.

7 (cf: P.L.1990, c.73, s.6)

8

9 90. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to
10 read as follows:

11 4. a. All policies and determinations of the Parole Board shall
12 be made by the majority vote of the members.

13 b. Except where otherwise noted, parole determinations on
14 individual cases pursuant to this act shall be made by the majority
15 vote of a quorum of the appropriate board panel established
16 pursuant to this section.

17 c. The chairman of the board shall be the chief executive
18 officer of the board and, after consulting with the board, shall be
19 responsible for designating the time and place of all board
20 meetings, for appointing the board's employees, for organizing,
21 controlling and directing the work of the board and its employees,
22 and for preparation and justification of the board's budget. Only the
23 employees in those titles and positions as are designated by the
24 **【Commissioner of the Department of Personnel】** State Treasurer
25 shall serve at the pleasure of the chairman and shall not be subject
26 to the provisions of Title 11A of the New Jersey Statutes. All other
27 employees, including hearing officers, shall be in the career service
28 and subject to the provisions of Title 11A of the New Jersey
29 Statutes. All such career service employees who are employed by
30 the State Parole Board on September 5, 2001, and in the case of
31 hearing officers, those who have been employed by the State Parole
32 Board for a period of at least one year prior to the effective date of
33 P.L.2005, c.344, shall have permanent career service status with
34 seniority awarded from the date of their appointments. Parole
35 officers assigned to supervise adult parolees and all supervisory
36 titles associated with the supervision of adult parolees in the parole
37 officer series shall be classified employees subject to the provisions
38 of Title 11A of the New Jersey Statutes. Parole officers assigned to
39 supervise adult parolees and all supervisory titles associated with
40 the supervision of adult parolees in the parole officer job
41 classification series shall be organizationally assigned to the State
42 Parole Board with a sworn member of the Division of Parole
43 appointed to act as director of parole supervision. The director of
44 parole supervision shall report directly to the Chairman of the State
45 Parole Board or to such person as the chairman may designate.

46 d. The board shall promulgate such reasonable rules and
47 regulations, consistent with this act, as may be necessary for the
48 proper discharge of its responsibilities. The chairman shall file

1 such rules and regulations with the Secretary of State. The
2 provisions of the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and
4 regulations concerning policy and administration, but not to other
5 actions taken under this act, such as parole hearings, parole
6 revocation hearings and review of parole cases. In determination of
7 its rules and regulations concerning policy and administration, the
8 board shall consult the Governor, the Commissioner of Corrections
9 and the Juvenile Justice Commission established pursuant to section
10 2 of P.L.1995, c.284 (C.52:17B-170).

11 e. The board, in conjunction with the Department of
12 Corrections and the Juvenile Justice Commission, shall develop a
13 uniform information system in order to closely monitor the parole
14 process. Such system shall include participation in the Uniform
15 Parole Reports of the National Council on Crime and Delinquency.

16 f. The board shall transmit a report of its work for the
17 preceding fiscal year, including information on the causes and
18 extent of parole recidivism, to the Governor, the Legislature and the
19 Juvenile Justice Commission annually. The report also may include
20 relevant information on compliance with established time frames in
21 the processing of parole eligibility determinations, the effectiveness
22 of any pertinent legislative or administrative measures, and any
23 recommendations to enhance board operations or to effectuate the
24 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-
25 123.45 et seq.).

26 g. The board shall give public notice prior to considering any
27 adult inmate for release.

28 h. The board shall give notice to the appropriate prosecutor's
29 office and to the committing court prior to the initial consideration
30 of any juvenile inmate for release.

31 (cf: P.L.2005, c.344, s.1)

32

33 91. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
34 read as follows:

35 9. The commission shall:

36 a. Issue the New Jersey Unified Workforce Investment Plan
37 pursuant to the provisions of the Workforce Investment Act of
38 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
39 P.L.1989, c.293 (C.34:15C-7);

40 b. Establish performance standards for workforce investment
41 programs pursuant to the Workforce Investment Act of 1998,
42 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
43 P.L.1989, c.293 (C.34:15C-8);

44 c. Act to ensure the full participation of Workforce Investment
45 Boards in the planning and supervision of local workforce
46 investment systems. The commission shall be responsible to
47 oversee and develop appropriate standards to ensure Workforce
48 Investment Board compliance with State and federal law, the State

- 1 plan, and other relevant requirements regarding membership,
2 staffing, meetings, and functions;
- 3 d. Foster and coordinate initiatives of the Department of
4 Education and Commission on Higher Education to enhance the
5 contributions of public schools and institutions of higher education
6 to the implementation of the State workforce investment policy;
- 7 e. Examine federal and State laws and regulations to assess
8 whether those laws and regulations present barriers to achieving any
9 of the goals of this act. The commission shall, from time to time as
10 it deems appropriate, issue to the Governor and the Legislature
11 reports on its findings, including recommendations for changes in
12 State or federal laws or regulations concerning workforce
13 investment programs or services, including, when appropriate,
14 recommendations to merge other State advisory structures and
15 functions into the commission;
- 16 f. Perform the duties assigned to a State Workforce Investment
17 Board pursuant to subsection (d) of section 111 of the Workforce
18 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);
- 19 g. Have the authority to enter into agreements with the head of
20 each State department or commission which administers or funds
21 education, employment or training programs, including, but not
22 limited to, the Departments of Labor and Workforce Development,
23 Community Affairs, Education, and Human Services and the
24 Commission on Higher Education, the New Jersey Commerce
25 Commission, and the Juvenile Justice Commission, which
26 agreements are for the purpose of assigning planning, policy
27 guidance and oversight functions to each Workforce Investment
28 Board with respect to any workforce investment program funded or
29 administered by the State department or commission within the
30 Workforce Investment Board's respective labor market area or local
31 area, as the case may be; and
- 32 h. Establish guidelines to be used by the Workforce Investment
33 Boards in performing the planning, policy guidance, and oversight
34 functions assigned to the boards under any agreement reached by
35 the commission with a department or commission pursuant to
36 subsection g. of this section. The commission shall approve all
37 local Workforce Investment Board plans that meet the criteria
38 established by the commission for the establishment of One-Stop
39 systems. The Department of Labor and Workforce Development
40 shall approve the operational portion of the plans for programs
41 administered by the department.
- 42 The commission shall have access to all files and records of
43 other State agencies and may require any officer or employee
44 therein to provide such information as it may deem necessary in the
45 performance of its functions.
- 46 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
47 construed as affecting the authority of the [Commissioner of

1 **Personnel】** State Treasurer to review and approve training programs
2 for State employees pursuant to N.J.S.11A:6-25.

3 (cf: P.L.2007, c.253, s.20)

4

5 92. Section 36 of P.L.1987, c.444 (C.38A:3-2h) is amended to
6 read as follows:

7 36. Each director shall receive such salary as may be established
8 by the Adjutant General with the approval of the **【Commissioner of**
9 **Personnel and the Director of the Division of Budget and**
10 **Accounting】** State Treasurer.

11 (cf: P.L.1987, c.444, s.36)

12

13 93. Section 5 of P.L.2003, c.13 (C.39:2A-5) is amended to read
14 as follows:

15 5. a. Upon the abolishment of the division, all career service
16 employees serving in the division on that date shall be employees of
17 the commission and shall be transferred to the commission pursuant
18 to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
19 seq.) and shall retain their present career service employment status
20 and their collective bargaining status, including all rights of tenure,
21 retirement, pension, disability, leave of absence, or similar benefits.
22 Future employees of the commission shall be hired consistent with
23 the provisions of Title 11A of the New Jersey Statutes and the rules
24 promulgated thereunder.

25 b. Upon action of the commission, all agency employees shall
26 become employees of the commission. Such employees shall be
27 assigned to appropriate titles by the Department of **【Personnel】** the
28 Treasury. Those private motor vehicle agency employees who were
29 employed by the agency on or before January 1, 2003 and who are
30 assigned to career service titles upon employment with the
31 commission shall, upon completion of the special probationary
32 period described in section 7 of this act, attain permanent, regular
33 appointments in their respective titles. No special probationary
34 period shall be required for those who have previously completed a
35 probationary period during their previous State service employment.
36 Except for managerial and confidential employees as defined by the
37 "New Jersey Employer - Employee Relations Act," P.L.1941, c.100
38 (C.34:13A-1 et seq.), such employees shall be covered under the
39 State of New Jersey's collective bargaining agreements and shall
40 obtain all employment and collective bargaining rights consistent
41 therewith.

42 c. Officers and employees of the commission shall be enrolled
43 in the Public Employees' Retirement System and shall be eligible to
44 participate in the State Health Benefits Program established
45 pursuant to the "New Jersey State Health Benefits Program Act,"
46 P.L.1961, c.49 (C.52:14-17.25 et seq.).

47 (cf: P.L.2003, c.13, s.5)

1 94. Section 7 of P.L.2003, c.13 (C.39:2A-7) is amended to read
2 as follows:

3 7. Notwithstanding the provisions of Title 11A of the New
4 Jersey Statutes and the rules promulgated thereunder to the
5 contrary, all employees entering or returning to State service other
6 than those on a Special Reemployment List as employees of the
7 commission following employment with a private motor vehicle
8 agency, who have been employed with the private motor vehicle
9 agency on or before January 1, 2003, and assigned to the career
10 service shall be subject to a special probationary period unless they
11 have already completed a probationary period during their previous
12 State service employment. The special probationary period shall
13 have a duration of six months from the date that the employees
14 enter or return to State service as employees of the commission.
15 Each employee's work performance shall be evaluated to determine
16 whether the employee can satisfactorily perform the duties of the
17 title to which the employee is appointed and progress reports shall
18 be provided to the employee as provided by the rules of the **【Merit**
19 **System Board in the Department of Personnel】** Civil Service
20 Commission. An employee who is determined to have satisfactorily
21 performed the duties of the employee's career service title shall
22 attain permanent status in that title at the conclusion of the special
23 probationary period. An employee who is determined not to have
24 satisfactorily performed the duties of that title during or at the
25 conclusion of the special probationary period shall be immediately
26 separated from State service and shall not have any right of appeal
27 regarding the separation to the **【Merit System Board】** Civil Service
28 Commission.

29 (cf: P.L.2003, c.13, s.7)

30

31 95. R.S.39:5-41 is amended to read as follows:

32 39:5-41. a. All fines, penalties and forfeitures imposed and
33 collected under authority of law for any violations of R.S.39:4-63
34 and R.S.39:4-64 shall be forwarded by the judge to whom the same
35 have been paid to the proper financial officer of a county, if the
36 violation occurred within the jurisdiction of that county's central
37 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
38 municipality wherein the violation occurred, to be used by the
39 county or municipality to help finance litter control activities in
40 addition to or supplementing existing litter pickup and removal
41 activities in the municipality.

42 b. Except as otherwise provided by subsection a. of this
43 section, all fines, penalties and forfeitures imposed and collected
44 under authority of law for any violations of the provisions of this
45 Title, other than those violations in which the complaining witness
46 is the chief administrator, a member of his staff, a member of the
47 State Police, a member of a county police department and force or a
48 county park police system in a county that has established a central

1 municipal court, an inspector of the Board of Public Utilities, or a
2 law enforcement officer of any other State agency, shall be
3 forwarded by the judge to whom the same have been paid as
4 follows: one-half of the total amount collected to the financial
5 officer, as designated by the local governing body, of the respective
6 municipalities wherein the violations occurred, to be used by the
7 municipality for general municipal use and to defray the cost of
8 operating the municipal court; and one-half of the total amount
9 collected to the proper financial officer of the county wherein they
10 were collected, to be used by the county as a fund for the
11 construction, reconstruction, maintenance and repair of roads and
12 bridges, snow removal, the acquisition and purchase of rights-of-
13 way, and the purchase, replacement and repair of equipment for use
14 on said roads and bridges therein. Up to 25% of the money
15 received by a municipality pursuant to this subsection, but not more
16 than the actual amount budgeted for the municipal court, whichever
17 is less, may be used to upgrade case processing.

18 All fines, penalties and forfeitures imposed and collected under
19 authority of law for any violations of the provisions of this Title, in
20 which the complaining witness is a member of a county police
21 department and force or a county park police system in a county
22 that has established a central municipal court, shall be forwarded by
23 the judge to whom the same have been paid to the financial officer,
24 designated by the governing body of the county, for all violations
25 occurring within the jurisdiction of that court, to be used for general
26 county use and to defray the cost of operating the central municipal
27 court.

28 Whenever any county has deposited moneys collected pursuant
29 to this section in a special trust fund in lieu of expending the same
30 for the purposes authorized by this section, it may withdraw from
31 said special trust fund in any year an amount which is not in excess
32 of the amount expended by the county over the immediately
33 preceding three-year period from general county revenues for said
34 purposes. Such moneys withdrawn from the trust fund shall be
35 accounted for and used as are other general county revenues.

36 c. (Deleted by amendment, P.L.1993, c.293.)

37 d. Notwithstanding the provisions of subsections a. and b. of
38 this section, \$1 shall be added to the amount of each fine and
39 penalty imposed and collected through a court under authority of
40 any law for any violation of the provisions of Title 39 of the
41 Revised Statutes or any other motor vehicle or traffic violation in
42 this State and shall be forwarded by the person to whom the same
43 are paid to the State Treasurer. In addition, upon the forfeiture of
44 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
45 The State Treasurer shall annually deposit those moneys so
46 forwarded in the "Body Armor Replacement" fund established
47 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
48 in the fiscal year next following the effective date of this act, the

1 State Treasurer annually shall allocate from those moneys so
2 forwarded an amount not to exceed \$400,000 to the Department of
3 **【Personnel】** Law and Public Safety to be expended exclusively for
4 the purposes of funding the operation of the "Law Enforcement
5 Officer Crisis Intervention Services" telephone hotline established
6 and maintained under the provisions of **【P.L.1998, c.149 (C.11A:2-**
7 **25 et al.)】** sections 115 and 116 of P.L. , c. (C.)(pending before
8 the Legislature as this bill).

9 e. Notwithstanding the provisions of subsections a. and b. of
10 this section, \$1 shall be added to the amount of each fine and
11 penalty imposed and collected through a court under authority of
12 any law for any violation of the provisions of Title 39 of the
13 Revised Statutes or any other motor vehicle or traffic violation in
14 this State and shall be forwarded by the person to whom the same
15 are paid to the State Treasurer. The State Treasurer shall annually
16 deposit those moneys so forwarded in the "New Jersey Spinal Cord
17 Research Fund" established pursuant to section 9 of P.L.1999, c.201
18 (C.52:9E-9). In order to comply with the provisions of Article VIII,
19 Section II, paragraph 5 of the State Constitution, a municipal or
20 county agency which forwards moneys to the State Treasurer
21 pursuant to this subsection may retain an amount equal to 2% of the
22 moneys which it collects pursuant to this subsection as
23 compensation for its administrative costs associated with
24 implementing the provisions of this subsection.

25 f. Notwithstanding the provisions of subsections a. and b. of
26 this section, \$1 shall be added to the amount of each fine and
27 penalty imposed and collected through a court under authority of
28 any law for any violation of the provisions of Title 39 of the
29 Revised Statutes or any other motor vehicle or traffic violation in
30 this State and shall be forwarded by the person to whom the same
31 are paid to the State Treasurer. The State Treasurer shall annually
32 deposit those moneys so forwarded in the "Autism Medical
33 Research and Treatment Fund" established pursuant to section 1 of
34 P.L.2003, c.144 (C.30:6D-62.2).

35 g. Notwithstanding the provisions of subsections a. and b. of
36 this section, \$2 shall be added to the amount of each fine and
37 penalty imposed and collected by a court under authority of any law
38 for any violation of the provisions of Title 39 of the Revised
39 Statutes or any other motor vehicle or traffic violation in this State
40 and shall be forwarded by the person to whom the same are paid to
41 the State Treasurer. The State Treasurer shall annually deposit
42 those moneys so forwarded in the "New Jersey Forensic DNA
43 Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to
44 depositing the moneys into the fund, the State Treasurer shall
45 forward to the Administrative Office of the Courts an amount not to
46 exceed \$475,000 from moneys initially collected pursuant to this
47 subsection to be used exclusively to establish a collection
48 mechanism and to provide funding to update the Automated Traffic

1 System Fund created pursuant to N.J.S.2B:12-30 to implement the
2 provisions of this subsection.

3 The authority to impose additional fines and penalties under this
4 subsection shall take effect 90 days after the effective date of
5 P.L.2003, c.183 and shall expire five years thereafter. Not later
6 than the 180th day prior to such expiration, the Attorney General
7 shall prepare and submit to the Governor and the Legislature a
8 report on the collection and use of DNA samples under P.L.1994,
9 c.136. The report shall cover the period beginning on that effective
10 date and ending four years thereafter. The report shall indicate
11 separately, for each one-year period during those four years that
12 begins on that effective date or an anniversary thereof, the number
13 of each type of biological sample taken and the total cost of taking
14 that type of sample, and also the number of identifications and
15 exonerations achieved through the use of the samples. In addition,
16 the report shall evaluate the effectiveness, including cost
17 effectiveness, of having the samples available to further police
18 investigations and other forensic purposes.

19 h. Notwithstanding the provisions of subsections a. and b. of
20 this section, \$1 shall be added to the amount of each fine and
21 penalty imposed and collected under authority of any law for any
22 violation of the provisions of Title 39 of the Revised Statutes or any
23 other motor vehicle or traffic violation in this State and shall be
24 forwarded by the person to whom the same are paid to the State
25 Treasurer. The State Treasurer shall annually deposit those moneys
26 so forwarded in the "New Jersey Brain Injury Research Fund"
27 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
28 The Administrative Office of the Courts may retain an amount
29 equal to \$475,000 from the moneys which it initially collects
30 pursuant to this subsection, prior to depositing any moneys in the
31 "New Jersey Brain Injury Research Fund," in order to meet the
32 expenses associated with utilizing the Automated Traffic System
33 Fund created pursuant to N.J.S.2B:12-30 to implement the
34 provisions of this subsection and serve other statutory purposes.

35 i. Notwithstanding the provisions of subsections a. and b. of
36 this section, all fines and penalties imposed and collected under
37 authority of law for any violation related to the unlawful operation
38 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
39 17.1) shall be forwarded by the judge to whom the same have been
40 paid to the State Treasurer, if the complaining witness is the chief
41 administrator, a member of his staff, a member of the State Police,
42 an inspector of the Board of Public Utilities, or a law enforcement
43 officer or other official of any other State agency; or, if the
44 complaining witness is not one of the foregoing, one-half to the
45 chief financial officer of the county and one-half to the chief
46 financial officer of the municipality wherein the violation occurred.
47 (cf: P.L.2007, c.178, s.2)

1 96. Section 4 of P.L.1997, c.265 (C.40A:12A-22.4) is amended
2 to read as follows:

3 4. a. Upon receipt of an applicant's criminal history record
4 information, an authority shall notify the applicant, in writing, as to
5 whether he is qualified or disqualified for employment pursuant to
6 this act. If the applicant is disqualified for employment, the
7 conviction or convictions which constitute the basis for the
8 disqualification shall be identified in the written notice.

9 b. An applicant to a housing authority which is subject to the
10 provisions of Title 11A of the New Jersey Statutes shall have 20
11 days from the date of written notice of disqualification to file an
12 appeal with the **【Department of Personnel】** Civil Service
13 Commission for a review on the accuracy of the criminal history
14 record information or to establish his or her rehabilitation under
15 subsection b. of section 2 of P.L.1997, c.265 (C.40A:12A-22.2)
16 pursuant to regulations promulgated by the **【Merit System Board】**
17 Civil Service Commission.

18 c. The **【Department of Personnel】** Civil Service Commission
19 or an authority shall not maintain an applicant's criminal history
20 record information or evidence of rehabilitation submitted under
21 this section for more than six months from the date the applicant is
22 hired or the date of the final disposition of the applicant's
23 disqualification, as the case may be.

24 This section shall not prohibit the **【Department of Personnel】**
25 Civil Service Commission from maintaining a copy of the decision
26 on the applicant's appeal, or the entire record in the case of a
27 judicial appeal.

28 (cf: P.L.1997,c.265, s.4)

29

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

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

37 I. Residents of the municipality.

38 II. Other residents of the county in which the municipality is
39 situate.

40 III. Other residents of the State.

41 IV. All other qualified applicants.

42 Within each such classification duly qualified applicants who are
43 veterans shall be accorded all such veterans' preferences as are
44 provided by law. Persons discharged from the service within 6
45 months prior to making application to such municipality, who fulfill
46 the requirements of N.J.S.40A:14-10.1, and who, thereby, are
47 entitled to appointment notwithstanding their failure to meet the

1 New Jersey residency requirement at the time of their initial
2 application, shall be placed in Class III.

3 Preference in appointment second to that accorded to veterans
4 pursuant to current law but superseding that accorded non-veterans
5 shall be accorded all duly qualified applicants whose natural or
6 adoptive parent was killed in the lawful discharge of official duties
7 while serving as a member of any paid fire department or paid
8 member of any part-paid fire department in the State at any time
9 prior to the closing date for the filing of an application, provided
10 that required documentation is submitted with the application by the
11 closing date.

12 When a veteran and a non-veteran whose parent was killed in the
13 lawful discharge of official duties while serving as a member of any
14 paid fire department, or paid member of any part-paid fire
15 department are duly qualified applicants for a position, first
16 preference shall be given to the veteran.

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

25 c. In any such municipality operating under the provisions of
26 Title 11A of the New Jersey Statutes, the classes of qualified
27 applicants defined in subsection a. of this section shall be
28 considered as separate and successive lists of eligibles, and the
29 Department of ~~Personnel~~ the Treasury shall, when requested to
30 certify eligibles for positions specified in this section, make such
31 certifications from said classes separately and successively, and
32 shall certify no persons from any such class until all persons in the
33 preceding class or classes have been appointed or have declined
34 offers of appointment.

35 d. This section shall apply only to initial appointments and not
36 to promotional appointments of persons already members of the fire
37 department.

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

42 (cf: P.L.2005, c.290, s.1)

43

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

46 2. a. In any municipality of this State, before any person shall
47 be appointed as a member of the police department and force, the

1 appointing authority may classify all the duly qualified applicants
2 for the position or positions to be filled in the following classes:

3 I. Residents of the municipality.

4 II. Other residents of the county in which the municipality is
5 situate.

6 III. Other residents of the State.

7 IV. All other qualified applicants.

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

16 Preference in appointment second to that accorded to veterans
17 pursuant to current law but superceding that accorded non-veterans
18 shall be accorded all duly qualified applicants whose natural or
19 adoptive parent was killed in the lawful discharge of official duties
20 while serving as a law enforcement officer in any law enforcement
21 agency in the State at any time prior to the closing date for the
22 filing of an application, provided that required documentation is
23 submitted with the application by the closing date. This paragraph
24 shall not, however, be applicable if the municipality has entered
25 into a consent decree with the United States Department of Justice
26 concerning the hiring practices of the municipality.

27 When a veteran and a non-veteran whose parent was killed in the
28 lawful discharge of official duties while serving as a law
29 enforcement officer in any law enforcement agency in the State are
30 duly qualified applicants for a position, first preference shall be
31 given to the veteran.

32 As used in this section, "law enforcement officer" means any
33 person who is employed as a permanent full-time member of an
34 enforcement agency, who is statutorily empowered to act for the
35 detection, investigation, arrest and conviction of persons violating
36 the criminal laws of this State and statutorily required to
37 successfully complete a training course approved, or certified as
38 being substantially equivalent to such an approved course, by the
39 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
40 66 et seq.); and "law enforcement agency" means a department,
41 division, bureau, commission, board or other authority of the State
42 or of any political subdivision thereof which has by statute or
43 ordinance the responsibility of detecting and enforcing the general
44 criminal laws of this State.

45 b. In any municipality which classifies qualified applicants
46 pursuant to subsection a. of this section, the appointing authority
47 shall first appoint all those in Class I and then those in each
48 succeeding class in the order above listed, and shall appoint a

1 person or persons in any such class only to a vacancy or vacancies
2 remaining after all qualified applicants in the preceding class or
3 classes have been appointed or have declined an offer of
4 appointment.

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

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

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

22 (cf: P.L.2005, c.290, s.2)

23

24 99. Section 1 of P.L.1979, c.461 (C.40A:14-127.1) is amended
25 to read as follows:

26 1. a. Notwithstanding the provisions of any other law to the
27 contrary, any former State trooper, sheriff's officer or deputy, or
28 county or municipal police officer who has separated from service
29 voluntarily or involuntarily other than by removal for cause on
30 charges of misconduct or delinquency, shall be deemed to meet the
31 maximum age requirement for appointment established by
32 N.J.S.40A:14-127, if his actual age, less the number of years of his
33 previous service as a law enforcement officer, would meet the
34 maximum age requirement established by said section, but no
35 person may be appointed who is over the age of 45 as of the date of
36 his reappointment; except that in the case of a State trooper,
37 sheriff's officer or deputy, or county or municipal police officer
38 whose separation from service was involuntary due to a lay-off or
39 reduction in force, such person shall be deemed to meet the
40 maximum age requirement for appointment by complying with the
41 procedure established hereinbefore without regard to his actual age
42 at the time of reappointment.

43 b. For the purposes of meeting the maximum age requirement
44 for appointment established by N.J.S.40A:14-127 and for the
45 purpose of taking any civil service examination for appointment as
46 a municipal police officer, the **Commissioner of Personnel** State
47 Treasurer, for good cause shown, may deem an individual a former
48 State trooper, sheriff's officer or deputy, or county or municipal

1 police officer in accordance with subsection a. of this section, even
2 though that individual's separation from current service will not
3 occur except upon a new appointment.

4 (cf: P.L.1993, c.319, s.1)

5

6 100. Section 1 of P.L.1996, c.140 (C.40A:14-182) is amended to
7 read as follows:

8 1. a. The provisions of any other law to the contrary
9 notwithstanding, the appointing authority of a municipality which,
10 pursuant to N.J.S.40A:14-7, has established and maintains a paid or
11 part-paid fire department and force or the board of fire
12 commissioners in the case of a fire district established pursuant to
13 the provisions of N.J.S.40A:14-70 et seq., may appoint as a
14 member or officer of that fire department or force any person who:

15 (1) was serving as a civilian federal firefighter in good standing
16 at any U.S. military installation in the State;

17 (2) satisfactorily completed such firefighter training as is
18 required for employment as a civilian federal firefighter; and

19 (3) was, as a consequence of the closure of a federal military
20 installation in this State, terminated as a civilian federal firefighter
21 within 48 months prior to the appointment.

22 b. A municipality may employ such a person notwithstanding
23 that:

24 (1) Title 11A, Civil Service, of the New Jersey Statutes is
25 operative in that municipality;

26 (2) the municipality has available to it an eligible or regular
27 reemployment list of persons eligible for such appointments; and

28 (3) the appointed person is not on any eligible list. A
29 municipality which has adopted Title 11A, Civil Service, may not
30 employ such a person if a special reemployment list is in existence
31 for the firefighter title to be filled.

32 c. If a municipality determines to appoint a person pursuant to
33 the provisions of this act, it shall give first priority in making such
34 appointments to residents of the municipality and second priority to
35 residents of the county not residing in the municipality.

36 d. The seniority, seniority-related privileges and rank a civilian
37 federal firefighter possessed while employed at a federal military
38 installation shall not be transferable to a position in a municipal fire
39 department and force obtained pursuant to the provisions of this
40 section.

41 e. To effectuate the purposes of this section, the Department of
42 **Personnel** the Treasury shall prepare and circulate, to those
43 municipalities which have established and maintain fire
44 departments and forces pursuant to N.J.S.40A:14-7, and to boards
45 of fire commissioners in the case of fire districts established
46 pursuant to the provisions of N.J.S.40A:14-70 et seq., a list of
47 civilian federal firefighters eligible for appointment under the
48 provisions of this section. The Department of **Personnel** the

1 Treasury shall also circulate the list to municipalities and fire
2 districts that have not adopted Title 11A, Civil Service, of the New
3 Jersey Statutes.

4 Placement on the list compiled by the department shall be
5 governed by length of service as a federal firefighter. A federal
6 firefighter may apply for placement on the list at the time he or she
7 receives a notice of termination of position or a priority placement
8 program notice, and shall remain on the list for a period of four
9 years.

10 (cf: P.L.1996, c.140, s.1)

11

12 101. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to
13 read as follows:

14 11. a. When a local unit contracts, through a shared service or
15 joint meeting, to have another local unit or a joint meeting provide a
16 service it is currently providing using public employees and one or
17 more of the local units have adopted Title 11A, Civil Service, then
18 the agreement shall include an employment reconciliation plan in
19 accordance with this section that and, if one or more of the local
20 units have adopted Title 11A, Civil Service, shall specifically set
21 forth the intended jurisdiction of the Department of **Personnel** the
22 Treasury. An employment reconciliation plan shall be subject to
23 the following provisions:

24 (1) a determination of those employees, if any, that shall be
25 transferred to the providing local unit, retained by the recipient
26 local unit, or terminated from employment for reasons of economy
27 or efficiency, subject to the provisions of any existing collective
28 bargaining agreements within the local units.

29 (2) any employee terminated for reasons of economy or
30 efficiency by the local unit providing the service under the shared
31 service agreement shall be given a terminal leave payment of not
32 less than a period of one month for each five-year period of past
33 service as an employee with the local unit, or other enhanced
34 benefits that may be provided or negotiated. For the purposes of
35 this paragraph, "terminal leave payment" means a single, lump sum
36 payment, paid at termination, calculated using the regular base
37 salary at the time of termination. Unless otherwise negotiated or
38 provided by the employer, a terminal leave benefit shall not include
39 extended payment, or payment for retroactive salary increases,
40 bonuses, overtime, longevity, sick leave, accrued vacation or other
41 time benefit, or any other benefit.

42 (3) the Department of **Personnel** the Treasury shall place any
43 employee that has permanent status pursuant to Title 11A, Civil
44 Service, of the New Jersey Statutes that is terminated for reasons of
45 economy or efficiency at any time by either local unit on a special
46 reemployment list for any civil service employer within the county
47 of the agreement or any political subdivision therein.

1 (4) when a proposed shared service agreement affects
2 employees in local units subject to Title 11A, Civil Service, of the
3 New Jersey Statutes, an employment reconciliation plan shall be
4 filed with the Department of **【Personnel】** the Treasury prior to the
5 approval of the shared service agreement. The department shall
6 review it for consistency with this section within 45 days of receipt
7 and it shall be deemed approved, subject to approval of the shared
8 service agreement by the end of that time, unless the department has
9 responded with a denial or conditions that must be met in order for
10 it to be approved.

11 (5) when an action is required of the Department of **【Personnel】**
12 the Treasury by this section, parties to a planned shared service
13 agreement may consult with that department in advance of the
14 action and the department shall provide such technical support as
15 may be necessary to assist in the preparation of an employment
16 reconciliation plan or any other action required of the department
17 by this section.

18 b. If all the local units that are parties to the agreement are
19 subject to the provisions of Title 11A, Civil Service, of the New
20 Jersey Statutes, the Department of **【Personnel】** the Treasury shall
21 create an implementation plan for the agreement that will: (1)
22 transfer employees with current status in current title unless
23 reclassified, or (2) reclassify employees into job titles that best
24 reflect the work to be performed. The Department of **【Personnel】**
25 the Treasury shall review whether any existing hiring or
26 promotional lists should be merged, inactivated, or re-announced.
27 Non-transferred employees shall be removed or suspended only for
28 good cause and after the opportunity for a hearing before the **【Merit**
29 **System Board】** Civil Service Commission; provided, however, that
30 they may be laid-off in accordance with the provisions of
31 N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder.
32 The final decision of which employees shall transfer to the new
33 employer is vested solely with the local unit that will provide the
34 service and subject to the provisions of any existing collective
35 bargaining agreements within the local units.

36 c. If the local unit that will provide the service pursuant to a
37 shared service agreement is subject to Title 11A, Civil Service, of
38 the New Jersey Statutes, but the local unit to receive the service is
39 not subject to that Title, and the contracting local units desire that
40 some or all employees of the recipient local unit are to be
41 transferred to the providing local unit, the Department of
42 **【Personnel】** the Treasury shall vest only those employees who have
43 been employed for one year or more in permanent status pursuant to
44 N.J.S.11A:9-9 in appropriate titles, seniority, and tenure with the
45 providing local unit based on the duties of the position. The final
46 decision of which employees shall transfer to the new employer is
47 vested solely with the local unit that will provide the service and

1 subject to the provisions of any existing collective bargaining
2 agreements within the local units.

3 d. If the local unit that will provide the service is not subject to
4 the provisions of Title 11A, Civil Service, of the New Jersey
5 Statutes, but the local unit that will receive the service is subject to
6 that Title and the parties desire that some or all employees of the
7 recipient local unit are to be transferred to the providing local unit,
8 the transferred employees shall be granted tenure in office and shall
9 only be removed or suspended for good cause and after a hearing;
10 provided, however, that they may be laid-off in accordance with the
11 provisions of N.J.S.11A:8-1 et seq., and the regulations
12 promulgated thereunder. The transferred employees shall be
13 subject to layoff procedures prior to the transfer to the new entity.
14 Once transferred, they will be subject to any employment contracts
15 and provisions that exist for the new entity. The final decision of
16 which employees shall transfer to the new employer is vested solely
17 with the local unit that will provide the service and subject to the
18 provisions of any existing collective bargaining agreements within
19 the local units.

20 (cf: P.L.2007, c.63, s.11)

21

22 102. Section 19 of P.L.2007, c.63 (C.40A:65-19) is amended to
23 read as follows:

24 19. a. When a local unit agrees to participate in a joint meeting
25 that will provide a service that the local unit is currently providing
26 itself through public employees, the agreement shall include an
27 employment reconciliation plan in accordance with this section. An
28 employment reconciliation plan shall be subject to the following
29 provisions:

30 (1) a determination of those employees, if any, that shall be
31 transferred to the joint meeting, retained by the contracting local
32 unit, or terminated from employment for reasons of economy or
33 efficiency subject to the provisions of any collective bargaining
34 agreements within the local units.

35 (2) any employee terminated for reasons of economy or
36 efficiency by the contracting local unit providing the service or by
37 the joint meeting shall be given a terminal leave payment of not less
38 than a period of one month for each five-year period of past service
39 as an employee with the local unit, or other enhanced benefits that
40 may be provided or negotiated. Unless otherwise negotiated or
41 provided by the employer, a terminal leave benefit shall not include
42 extended payment, or payment for retroactive salary increases,
43 bonuses, overtime, longevity, sick leave, accrued vacation or other
44 time benefit, or any other benefit.

45 (3) the Department of **Personnel** the Treasury shall place any
46 employee that has permanent status pursuant to Title 11A, Civil
47 Service, of the New Jersey Statutes that is terminated for reasons of
48 economy or efficiency at any time by either local unit on a special

1 reemployment list for any civil service employer within the county
2 of the agreement or any political subdivision therein.

3 (4) when a proposed joint contract affects employees in local
4 units that operate under the provisions of Title 11A, Civil Service,
5 of the New Jersey Statutes, an employment reconciliation plan shall
6 be filed with the Department of **【Personnel】** of the Treasury prior to
7 the approval of the joint meeting agreement. That department shall
8 review the plan for consistency with this section within 45 days of
9 receipt and it shall be deemed approved, subject to approval of the
10 joint meeting agreement by the end of that time, unless that
11 department has responded with a denial or conditions that must be
12 met in order for it to be approved.

13 (5) when an action is required of the Department of **【Personnel】**
14 the Treasury by this section, parties to a proposed joint contract
15 may consult with the department in advance of the action and the
16 department shall provide such technical support as may be
17 necessary to assist in the preparation of an employment
18 reconciliation plan or any other action required of the department
19 by this section.

20 b. If both the local unit and joint meeting operate under the
21 provisions of Title 11A, Civil Service, of the New Jersey Statutes,
22 the Department of **【Personnel】** the Treasury shall create an
23 implementation plan for employees to be hired by the joint meeting
24 that will: (1) transfer employees with current status in current title
25 unless reclassified or (2) reclassify employees, if necessary, into job
26 titles that best reflect the work to be performed. The Department of
27 **【Personnel】** the Treasury shall review whether any existing hiring
28 or promotional lists should be merged, inactivated, or re-announced.
29 Non-transferred employees shall be removed or suspended only for
30 good cause and after the opportunity for a hearing before the **【Merit**
31 **System Board】** Civil Service Commission; provided, however, that
32 they may be laid-off in accordance with the provisions of
33 N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder.
34 The final decision of which employees shall transfer to the new
35 employer is vested solely with the local unit that will provide the
36 service and subject to the provisions of any existing collective
37 bargaining agreements within the local units.

38 c. If the joint meeting operates under the provisions of Title
39 11A, Civil Service, of the New Jersey Statutes, and a local unit
40 receiving the service is not subject to that Title, and the parties
41 desire that some or all employees of the local unit be transferred to
42 the joint meeting, the Department of **【Personnel】** the Treasury shall
43 vest only those employees who have been employed one year or
44 more in permanent status pursuant to N.J.S.40A:9-9 in appropriate
45 titles, seniority, and tenure with the providing local unit based on
46 the duties of the position. The final decision of which employees
47 shall transfer to the new employer is vested solely with the joint

1 meeting and subject to the agreements affecting the parties,
2 provided that those agreements do not conflict with the provisions
3 of any existing collective bargaining agreements within the local
4 units.

5 d. (1) If the joint meeting does not operate under the provisions
6 of Title 11A, Civil Service, of the New Jersey Statutes, and the
7 local unit receiving the service is subject to that Title, and the
8 parties desire that some or all employees of the recipient local unit
9 are to be transferred to the joint meeting, then the transferred
10 employees shall be granted tenure in office and shall be removed or
11 suspended only for good cause and after a hearing. The transferred
12 employees shall be subject to layoff procedures prior to the transfer
13 to the new entity. Once transferred, they will be subject to any
14 employment contracts and provisions that exist for the new entity.
15 The final decision of which employees shall transfer to the joint
16 meeting is vested solely with the joint meeting and subject to the
17 provisions of any existing collective bargaining agreements within
18 the local units.

19 (2) A joint meeting established after the effective date of
20 sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.) that affects
21 both employees in local units subject to Title 11A, Civil Service, of
22 the New Jersey Statutes and employees in local units not subject to
23 that Title, shall determine whether the employees of the joint
24 meeting shall be subject to the Title. If the joint meeting
25 determines that the employees shall not be subject to Title 11A,
26 Civil Service, of the New Jersey Statutes, then the employees from
27 the local units in which the Title is in effect shall have the same
28 rights as employees transferred pursuant to paragraph (1) of this
29 subsection.

30 (cf: P.L.2007, c.63, s.19)

31

32 103. Section 27 of P.L.2007, c.63 (C.40A:65-27) is amended to
33 read as follows:

34 27. a. Once a consolidation has been approved by the affected
35 municipal governing bodies or voters, the division shall create a
36 task force of State departments, offices and agencies, as it deems
37 appropriate, and representatives of affected negotiations units, to
38 facilitate the consolidation and provide technical assistance.

39 b. When a consolidation plan provides that the consolidated
40 municipality will be subject to the provisions of Title 11A, Civil
41 Service, of the New Jersey Statutes the Department of **Personnel**
42 the Treasury is specifically authorized to create a consolidation
43 implementation plan to vest non-civil service employees, based on
44 the education and experience of the individuals, in appropriate titles
45 and tenure.

46 c. Whenever a referendum question to decide if a consolidated
47 municipality shall be subject to the provisions of Title 11A, Civil
48 Service, of the New Jersey Statutes fails, the employees of a

1 municipality already subject to that Title shall be given non-civil
2 service titles in the new entity and previously held tenure shall be
3 vacated.

4 d. The Public Employment Relations Commission is authorized
5 to provide technical advice, pursuant to section 12 of P.L.1968,
6 c.303 (C.34:13A-8.3), to assist a new municipality and existing
7 labor unions to integrate separate labor agreements into
8 consolidated agreements and to adjust the structure of collective
9 negotiations units, as the commission determines appropriate for the
10 consolidated municipality.

11 (cf: P.L.2007, c.63, s.27)

12

13 104. Section 12 of P.L.1971, c.182 (C.52:13D-23) is amended to
14 read as follows:

15 12. (a) (1) The head of each State agency, or the principal
16 officer in charge of a division, board, bureau, commission or other
17 instrumentality within a department of State Government
18 designated by the head of such department for the purposes
19 hereinafter set forth, shall within six months from the date of
20 enactment, promulgate a code of ethics to govern and guide the
21 conduct of the members of the Legislature, the State officers and
22 employees or the special State officers and employees in the agency
23 to which said code is applicable. Such code shall conform to the
24 general standards hereinafter set forth in this section, but it shall be
25 formulated with respect to the particular needs and problems of the
26 agency to which said code is to apply and, when applicable, shall be
27 a supplement to the uniform ethics code promulgated pursuant to
28 paragraph (2) of this subsection. Notwithstanding any other
29 provisions of this section, the New Jersey members to any interstate
30 agency to which New Jersey is a party and the officers and
31 employees of any State agency which fails to promulgate a code of
32 ethics shall be deemed to be subject to a code of ethics the
33 provisions of which shall be paragraphs (1) through (6) of
34 subsection (e) of this section.

35 (2) Within 180 days following the effective date of this act,
36 P.L.2005, c.382, the State Ethics Commission shall promulgate a
37 uniform ethics code to govern and guide the conduct of State
38 officers and employees and special State officers and employees in
39 State agencies in the Executive Branch. Such code shall conform to
40 the general standards hereinafter set forth in this section, shall be
41 the primary code of ethics for State agencies once it is adopted and
42 a code promulgated pursuant to paragraph (1) of this subsection
43 shall be a supplement to the primary code. The head of each State
44 agency, or the principal officer in charge of a division, board,
45 bureau, commission or other instrumentality within a department of
46 State Government designated by the head of such department shall
47 revise each code of ethics promulgated prior to the uniform code to
48 recognize the uniform code as the primary code.

1 (b) A code of ethics formulated pursuant to subsection (a) of
2 this section to govern and guide the conduct of the State officers
3 and employees or the special State officers and employees in any
4 State agency in the Executive Branch, or any portion of such a
5 code, shall not be effective unless it has first been approved by the
6 State Ethics Commission. When a proposed code is submitted to
7 the said commission it shall be accompanied by an opinion of the
8 Attorney General as to its compliance with the provisions of this act
9 and any other applicable provision of law. Nothing contained herein
10 shall prevent officers of State agencies in the Executive Branch
11 from consulting with the Attorney General or with the State Ethics
12 Commission at any time in connection with the preparation or
13 revision of such codes of ethics.

14 (c) A code of ethics formulated pursuant to this section to
15 govern and guide the conduct of the members of the Legislature,
16 State officers and employees or special State officers and
17 employees in any State agency in the Legislative Branch, or any
18 portion of such code, shall not be effective unless it has first been
19 approved by the Legislature by concurrent resolution. When a
20 proposed code is submitted to the Legislature for approval it shall
21 be accompanied by an opinion of the chief counsel as to its
22 compliance with the provisions of this act and any other applicable
23 provisions of law. Nothing contained herein shall prevent officers
24 of State agencies in the Legislative Branch from consulting with the
25 Chief Legislative Counsel or the Joint Legislative Committee on
26 Ethical Standards at any time in connection with the preparation or
27 revision of such codes of ethics.

28 (d) Violations of a code of ethics promulgated pursuant to this
29 section shall be cause for removal, suspension, demotion or other
30 disciplinary action by the State officer or agency having the power
31 of removal or discipline. When a person who is in the classified
32 civil service is charged with a violation of such a code of ethics, the
33 procedure leading to such removal or discipline shall be governed
34 by any applicable provisions of the Civil Service Act, N.J.S. 11A:1-
35 1 et seq., and the Rules of the **[Department of Personnel]** Civil
36 Service Commission. No action for removal or discipline shall be
37 taken under this subsection except upon the referral or with the
38 approval of the State Ethics Commission or the Joint Legislative
39 Committee on Ethical Standards, whichever is authorized to
40 exercise jurisdiction with respect to the complaint upon which such
41 action for removal or discipline is to be taken.

42 (e) A code of ethics for officers and employees of a State
43 agency shall conform to the following general standards:

44 (1) No State officer or employee or special State officer or
45 employee should have any interest, financial or otherwise, direct or
46 indirect, or engage in any business or transaction or professional
47 activity, which is in substantial conflict with the proper discharge of
48 his duties in the public interest.

1 (2) No State officer or employee or special State officer or
2 employee should engage in any particular business, profession,
3 trade or occupation which is subject to licensing or regulation by a
4 specific agency of State Government without promptly filing notice
5 of such activity with the State Ethics Commission, if he is an officer
6 or employee in the Executive Branch, or with the Joint Legislative
7 Committee on Ethical Standards, if he is an officer or employee in
8 the Legislative Branch.

9 (3) No State officer or employee or special State officer or
10 employee should use or attempt to use his official position to secure
11 unwarranted privileges or advantages for himself or others.

12 (4) No State officer or employee or special State officer or
13 employee should act in his official capacity in any matter wherein
14 he has a direct or indirect personal financial interest that might
15 reasonably be expected to impair his objectivity or independence of
16 judgment.

17 (5) No State officer or employee or special State officer or
18 employee should undertake any employment or service, whether
19 compensated or not, which might reasonably be expected to impair
20 his objectivity and independence of judgment in the exercise of his
21 official duties.

22 (6) No State officer or employee or special State officer or
23 employee should accept any gift, favor, service or other thing of
24 value under circumstances from which it might be reasonably
25 inferred that such gift, service or other thing of value was given or
26 offered for the purpose of influencing him in the discharge of his
27 official duties.

28 (7) No State officer or employee or special State officer or
29 employee should knowingly act in any way that might reasonably
30 be expected to create an impression or suspicion among the public
31 having knowledge of his acts that he may be engaged in conduct
32 violative of his trust as a State officer or employee or special State
33 officer or employee.

34 (8) Rules of conduct adopted pursuant to these principles should
35 recognize that under our democratic form of government public
36 officials and employees should be drawn from all of our society,
37 that citizens who serve in government cannot and should not be
38 expected to be without any personal interest in the decisions and
39 policies of government; that citizens who are government officials
40 and employees have a right to private interests of a personal,
41 financial and economic nature; that standards of conduct should
42 separate those conflicts of interest which are unavoidable in a free
43 society from those conflicts of interest which are substantial and
44 material, or which bring government into disrepute.

45 (f) The code of ethics for members of the Legislature shall
46 conform to subsection (e) hereof as nearly as may be possible.

47 (cf: P.L.2005, c.382, s.10)

1 105. Section 13 of P.L.1971, c.182 (52:13D-24) is amended to
2 read as follows:

3 13. a. No State officer or employee, special State officer or
4 employee, or member of the Legislature shall solicit, receive or
5 agree to receive, whether directly or indirectly, any compensation,
6 reward, employment, gift, honorarium, out-of-State travel or
7 subsistence expense or other thing of value from any source other
8 than the State of New Jersey, for any service, advice, assistance,
9 appearance, speech or other matter related to the officer, employee,
10 or member's official duties, except as authorized in this section.

11 b. A State officer or employee, special State officer or
12 employee, or member of the Legislature may, in connection with
13 any service, advice, assistance, appearance, speech or other matter
14 related to the officer, employee, or member's official duties, solicit,
15 receive or agree to receive, whether directly or indirectly, from
16 sources other than the State, the following:

17 (1) reasonable fees for published books on matters within the
18 officer, employee, or member's official duties;

19 (2) reimbursement or payment of actual and reasonable
20 expenditures for travel or subsistence and allowable entertainment
21 expenses associated with attending an event in New Jersey if
22 expenditures for travel or subsistence and entertainment expenses
23 are not paid for by the State of New Jersey;

24 (3) reimbursement or payment of actual and reasonable
25 expenditures for travel or subsistence outside New Jersey, not to
26 exceed \$500.00 per trip, if expenditures for travel or subsistence
27 and entertainment expenses are not paid for by the State of New
28 Jersey. The \$500 per trip limitation shall not apply if the
29 reimbursement or payment is made by (a) a nonprofit organization
30 of which the officer, employee, or member is, at the time of
31 reimbursement or payment, an active member as a result of the
32 payment of a fee or charge for membership to the organization by
33 the State or the Legislature in the case of a member of the
34 Legislature; (b) a nonprofit organization that does not contract with
35 the State to provide goods, materials, equipment, or services; or (c)
36 any agency of the federal government, any agency of another state
37 or of two or more states, or any political subdivision of another
38 state.

39 Members of the Legislature shall obtain the approval of the
40 presiding officer of the member's House before accepting any
41 reimbursement or payment of expenditures for travel or subsistence
42 outside New Jersey.

43 As used in this subsection, "reasonable expenditures for travel or
44 subsistence" means commercial travel rates directly to and from an
45 event and food and lodging expenses which are moderate and
46 neither elaborate nor excessive; and "allowable entertainment
47 expenses" means the costs for a guest speaker, incidental music and
48 other ancillary entertainment at any meal at an event, provided they

1 are moderate and not elaborate or excessive, but does not include
2 the costs of personal recreation, such as being a spectator at or
3 engaging in a sporting or athletic activity which may occur as part
4 of that event.

5 c. This section shall not apply to the solicitation or acceptance
6 of contributions to the campaign of an announced candidate for
7 elective public office, except that campaign contributions may not
8 be accepted if they are known to be given in lieu of a payment
9 prohibited pursuant to this section.

10 d. (1) Notwithstanding any other provision of law, a designated
11 State officer as defined in paragraph (2) of this subsection shall not
12 solicit, receive or agree to receive, whether directly or indirectly,
13 any compensation, salary, honorarium, fee, or other form of income
14 from any source, other than the compensation paid or reimbursed to
15 him or her by the State for the performance of official duties, for
16 any service, advice, assistance, appearance, speech or other matter,
17 except for investment income from stocks, mutual funds, bonds,
18 bank accounts, notes, a beneficial interest in a trust, financial
19 compensation received as a result of prior employment or
20 contractual relationships, and income from the disposition or rental
21 of real property, or any other similar financial instrument and
22 except for reimbursement for travel as authorized in subsections (2)
23 and (3) of paragraph b. of this section. To receive such income, a
24 designated State officer shall first seek review and approval by the
25 State Ethics Commission to ensure that the receipt of such income
26 does not violate the "New Jersey Conflicts of Interest Law,"
27 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of
28 ethics, and does not undermine the full and diligent performance of
29 the designated State officer's duties.

30 (2) For the purposes of this subsection, "designated State
31 officer" shall include: the Governor, the Adjutant General, the
32 Secretary of Agriculture, the Attorney General, the Commissioner
33 of Banking and Insurance, the Secretary and Chief Executive
34 Officer of the Commerce and Economic Growth Commission, the
35 Commissioner of Community Affairs, the Commissioner of
36 Corrections, the Commissioner of Education, the Commissioner of
37 Environmental Protection, the Commissioner of Health and Senior
38 Services, the Commissioner of Human Services, the Commissioner
39 of Children and Families, the Commissioner of Labor and
40 Workforce Development, [the Commissioner of Personnel,] the
41 President of the State Board of Public Utilities, the Secretary of
42 State, the Superintendent of State Police, the Commissioner of
43 Transportation, the State Treasurer, the head of any other
44 department in the Executive Branch, and the following members of
45 the staff of the Office of the Governor: Chief of Staff, Chief of
46 Management and Operations, Chief of Policy and Communications,
47 Chief Counsel to the Governor, Director of Communications, Policy
48 Counselor to the Governor, and any deputy or principal

1 administrative assistant to any of the aforementioned members of
2 the staff of the Office of the Governor listed in this subsection.

3 e. A violation of this section shall not constitute a crime or
4 offense under the laws of this State.

5 (cf: P.L.2006, c.47, s.188)

6

7 106. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
8 read as follows:

9 1. Notwithstanding the provisions of the annual appropriations
10 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
11 shall fix and establish the annual salary, not to exceed \$133,330 in
12 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
13 in calendar year 2002 and thereafter, for each of the following
14 officers:

15 Title

16 Agriculture Department

17 Secretary of Agriculture

18 Children and Families Department

19 Commissioner of Children and Families

20 Community Affairs Department

21 Commissioner of Community Affairs

22 Corrections Department

23 Commissioner of Corrections

24 Education Department

25 Commissioner of Education

26 Environmental Protection Department

27 Commissioner of Environmental Protection

28 Health and Senior Services Department

29 Commissioner of Health and Senior Services

30 Human Services Department

31 Commissioner of Human Services

32 Banking and Insurance Department

33 Commissioner of Banking and Insurance

34 Labor and Workforce Development Department

35 Commissioner of Labor and Workforce Development

36 Law and Public Safety Department

37 Attorney General

38 Military and Veterans' Affairs Department

39 Adjutant General

40 **【Personnel Department**

41 **Commissioner of Personnel】**

42 State Department

43 Secretary of State

44 Transportation Department

45 Commissioner of Transportation

46 Treasury Department

47 State Treasurer

48 Members, Board of Public Utilities

1 Public Advocate Department

2 Public Advocate

3 (cf: P.L.2007, c.253, s.23)

4

5 107. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
6 read as follows:

7 2. The salary ranges for the following positions shall be as
8 established by the Department of **Personnel** with the approval of
9 the Director, Division of Budget and Accounting the Treasury.
10 The salary rate for any such position shall be the salary step in such
11 range next above the salary currently being paid; provided,
12 however, that any sums appropriated for salaries may be made
13 available for salary adjustments therein arising from various
14 exigencies of the State service and for normal merit salary
15 increments as the **Commissioner of Personnel, the** State Treasurer
16 **and the Director of the Division of Budget and Accounting** shall
17 determine; and provided, further, that nothing in this act shall
18 reduce the salary rate for any such position below that which is
19 being paid on the effective date of this act:

20 **Personnel Department**

21 Chief Examiner and Secretary

22 Community Affairs Department

23 Assistant Commissioner of Community Affairs

24 Director, Division of State and Regional Planning

25 Director, Division of Local Government Services

26 Director, Division of Housing and Urban Renewal

27 Director, Office of Aging Programs

28 Director, Office on Women

29 Environmental Protection Department

30 Director, Division of Water Resources

31 Director, Division of Parks and Forestry

32 Director of Fish, Game and Shell Fisheries

33 Director, Division of Marine Services

34 Director, Division of Environmental Quality

35 Health and Senior Services Department

36 Director, Division, of Narcotic and Drug Abuse Control

37 Corrections Department

38 Chairman, State Parole Board

39 Associate Member, State Parole Board

40 Public Defender

41 Labor and Workforce Development Department

42 Director, Workplace Standards

43 Law and Public Safety Department

44 Colonel and Superintendent, State Police

45 State Medical Examiner

46 Director, Division of Alcoholic Beverage Control

47 State Superintendent of Weights and Measures

1 Public Utilities Department
2 Director, Office of Cable Television
3 Executive Director, Public Broadcasting
4 State Department
5 Transportation Department
6 Assistant Commissioner for Highways
7 Assistant Commissioner for Public Transportation
8 Chief Administrator, New Jersey Motor Vehicle
9 Commission
10 Treasury Department
11 Director, Division of Budget and Accounting
12 Director, Division of Taxation
13 Director, Division of Purchase and Property
14 Director, Division of Pensions and Benefits
15 Director, Division of State Lottery.
16 (cf: P.L.2005, c.240, s.2)
17

18 108. Section 3 of P.L.1961, c.49 (C.52:14-17.27) is amended to
19 read as follows:

20 3. There is hereby created a State Health Benefits Commission,
21 consisting of five members: the State Treasurer; the Commissioner
22 of Banking and Insurance; the **Commissioner of Personnel**
23 Chairperson of the Civil Service Commission; a State employees'
24 representative chosen by the Public Employees' Committee of the
25 AFL-CIO; and, through June 30, 2008, when employers of
26 employees, as defined in section 32 of P.L.2007, c.103 (C.52:14-
27 17.46.2), will no longer be eligible to participate in the State Health
28 Benefits Program authorized by P.L.1961, c.49, a representative
29 chosen by the New Jersey Education Association, which represents
30 the largest number of employees of employers other than the State
31 participating in the State Health Benefits Program. Beginning July
32 1, 2008, the fifth member of the commission shall be a local
33 employees' representative chosen by the Public Employees'
34 Committee of the AFL-CIO.

35 The treasurer shall be chairman of the commission and the health
36 benefits program authorized by P.L.1961, c.49 shall be administered
37 in the Treasury Department. The Director of the Division of
38 Pensions and Benefits shall be the secretary of the commission. The
39 commission shall establish a health benefits program for the
40 employees of the State, the cost of which shall be paid as specified
41 in section 6 of P.L.1961, c.49. The commission shall establish rules
42 and regulations as may be deemed reasonable and necessary for the
43 administration of P.L.1961, c.49.

44 The Attorney General shall be the legal advisor of the
45 commission.

46 The members of the commission shall serve without
47 compensation but shall be reimbursed for any necessary

1 expenditures. The public employee members shall not suffer loss of
2 salary or wages during service on the commission.

3 The commission shall publish annually a report showing the
4 fiscal transactions of the program for the preceding year and stating
5 other facts pertaining to the plan. The commission shall submit the
6 report to the Governor and furnish a copy to every employer for use
7 of the participants and the public.

8 (cf: P.L.2007, c.103, s.20)

9

10 109. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
11 read as follows:

12 2. As used in this act:

13 "Approved school" shall mean a school approved and authorized
14 by the Police Training Commission to give police training courses
15 or a training course for State and county corrections officers and
16 juvenile detention officers as prescribed in this act.

17 "Commission" shall mean the Police Training Commission or
18 officers or employees thereof acting on its behalf.

19 "County" shall mean any county which within its jurisdiction has
20 or shall have a law enforcement unit as defined in this act.

21 "Law enforcement unit" shall mean any police force or
22 organization in a municipality or county which has by statute or
23 ordinance the responsibility of detecting crime and enforcing the
24 general criminal laws of this State.

25 "Municipality" shall mean a city of any class, township, borough,
26 village, camp meeting association, or any other type of municipality
27 in this State which, within its jurisdiction, has or shall have a law
28 enforcement unit as defined in this act.

29 "Permanent appointment" shall mean an appointment having
30 permanent status as a police officer in a law enforcement unit as
31 prescribed by Title 11A of the New Jersey Statutes, **[Merit System**
32 **Board]** Civil Service Commission Rules and Regulations, or of any
33 other law of this State, municipal ordinance, or rules and
34 regulations adopted thereunder.

35 "Police officer" shall mean any employee of a law enforcement
36 unit, including sheriff's officers and county investigators in the
37 office of the county prosecutor, other than civilian heads thereof,
38 assistant prosecutors and legal assistants, persons appointed
39 pursuant to the provisions of R.S.40:47-19, persons whose duties do
40 not include any police function, court attendants, State and county
41 corrections officers, juvenile corrections officers and juvenile
42 detention officers.

43 (cf: P.L.1995, c.280, s.54)

44

45 110. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
46 read as follows:

47 4. a. The advisory council to the Juvenile Justice Commission
48 shall consist of the following members:

1 (1) The Commissioner of the Department of Labor and
2 Workforce Development, the Commissioner of the Department of
3 Health, the Commissioner of the Department of Community
4 Affairs, the **【Commissioner of the Department of Personnel】**
5 Chairperson of the Civil Service Commission, the Public Defender
6 and a county prosecutor selected by and serving at the pleasure of
7 the Governor or a person designated by one of the forenamed
8 officers to serve in that officer's place;

9 (2) Nine members who shall be selected for their knowledge,
10 competence, experience or interest in the juvenile justice system.
11 Appointments shall be made as follows: three by the President of
12 the Senate, no more than two of whom shall be of the same political
13 party; three by the Speaker of the General Assembly, no more than
14 two of whom shall be of the same political party and three by the
15 Governor, no more than two of whom shall be of the same political
16 party.

17 b. The term of office of each public member of the advisory
18 council shall be three years; except that of the first members
19 appointed, one appointed by the Governor, one by the President of
20 the Senate and one by the Speaker of the General Assembly shall be
21 appointed for a term of one year, one appointed by the Governor,
22 one by the President of the Senate and one by the Speaker of the
23 General Assembly shall be appointed for a term of two years and
24 the remaining three members shall be appointed for a term of three
25 years. Each member shall serve until a successor has been
26 appointed and qualified, and vacancies shall be filled in the same
27 manner as the original appointments for the remainder of the
28 unexpired term. A member is eligible for reappointment to the
29 council.

30 c. The Governor shall appoint the chair of the advisory council
31 from among the members of the council. The chair shall serve at
32 the pleasure of the Governor during the Governor's term of office
33 and until the appointment and qualification of the chair's successor.
34 The members of the council shall elect a vice-chair from among the
35 members of the council.

36 d. The members of the council shall receive no compensation
37 for their services.

38 (cf: P.L.1995, c.284, s.4)

39

40 111. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
41 read as follows:

42 6. a. The Juvenile Justice Commission shall employ, within the
43 limits of available funds, juvenile corrections officers to staff each
44 State secure juvenile facility and to provide security for other State
45 juvenile facilities and programs including parole programs as
46 deemed appropriate and to perform all other duties related to
47 enforcement of confinement and conditions of release including
48 execution of warrants and legal process. Juvenile corrections

1 officers shall be in the competitive division of the career service
2 established pursuant to N.J.S.11A:3-2, "policemen" within the
3 meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members
4 of the Police and Firemen's Retirement System of New Jersey
5 established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2),
6 and shall be "employees" within the meaning of section 3 of
7 P.L.1941, c.100 (C.34:13A-3).

8 b. Except as provided in subsection c. of this section, no person
9 shall be appointed as a juvenile corrections officer unless that
10 person:

11 (1) Is a citizen of the United States;

12 (2) Is able to read, write and speak the English language well
13 and intelligently;

14 (3) Has a high school diploma or its equivalent;

15 (4) Is sound in body and of good health;

16 (5) Is of good moral character;

17 (6) Has not been convicted of any offense which would make
18 the person unfit to perform the duties of a juvenile corrections
19 officer;

20 (7) Has successfully completed the training course approved by
21 the Police Training Commission and required by section 5 of
22 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
23 provisions of that section; and

24 (8) Meets such other qualifications, including education and
25 training, as may be specified by the commission in consultation
26 with the Department of **[Personnel]** the Treasury.

27 c. (1) Pending appointment of a full complement of juvenile
28 corrections officers who meet the requirements of subsection b. of
29 this section, the commission and the Commissioner of Corrections
30 shall arrange through agreement for the assignment of corrections
31 officers necessary to fill the positions transferred pursuant to
32 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
33 assigned to the commission pursuant to such an agreement shall be
34 under the supervision of the commission during the period of
35 assignment as provided by the agreement between the commission
36 and the Commissioner of Corrections. The primary concerns of all
37 agreements governing assignment and supervision shall be public
38 safety and safety within the facilities and programs. No officer
39 assigned pursuant to such an agreement shall, by virtue of such
40 assignment, be considered an employee of the commission or lose
41 or suffer any diminution of any right, power, privilege or benefit to
42 which the employee would otherwise be entitled pursuant to the
43 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
44 Revised Statutes, or Title 43 of the Revised Statutes, including any
45 rights, powers, privileges or benefits as to salary, seniority,
46 promotion, re-employment, retirement, pension or representation
47 for purposes of collective bargaining;

1 (2) Notwithstanding the provisions of subsection b. of this
2 section, a corrections officer assigned to the commission pursuant
3 to this section shall not be considered ineligible for the position of
4 juvenile corrections officer solely because the officer does not meet
5 any educational or training requirement the commission may
6 establish and may be appointed as a juvenile corrections officer if
7 the officer applies for such position within 18 months of the
8 effective date of this act. A juvenile corrections officer appointed
9 pursuant to this subsection shall not be deprived of any right or
10 protection provided by Title 11A of the New Jersey Statutes or any
11 pension or retirement system and, notwithstanding any law or
12 regulation to the contrary, shall be eligible to compete for vacant
13 positions within the Department of Corrections with full credit for
14 experience, service and rank earned as an employee of the
15 Department of Corrections and such credit for experience, service
16 and rank earned as an employee of the commission as the
17 Commissioner of Corrections, after consultation with the
18 Commissioner of Personnel, deems appropriate.

19 d. Each juvenile corrections officer shall by virtue of such
20 employment and in addition to any other power or authority, be
21 empowered to act as an officer for the detection, apprehension,
22 arrest and adjudication of offenders against the law and, subject to
23 regulations promulgated by the commission and conditions set forth
24 in N.J.S.2C:39-6, shall have the authority to possess and carry a
25 firearm.

26 (cf: P.L.1995, c.284, s.6)

27

28 112. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to
29 read as follows:

30 8. a. The appointing authority of any municipality shall appoint
31 a construction official and any necessary subcode officials to
32 administer and enforce the code. The appointing authority may, by
33 resolution or order as appropriate, set the total number of weekly
34 hours of operation of the construction official's office and the total
35 number of weekly work hours of the construction official,
36 commensurate with the compensation paid to the construction
37 official. The appointing authority shall not set the specific work
38 hours of the construction official. The appointing authority shall
39 also appoint a construction board of appeals to hear and decide
40 appeals from decisions made by said construction official and
41 subcode officials, in the administration and enforcement of the
42 code. Nothing herein, however, shall prevent a municipality from
43 accepting inspections as to compliance with the code or any
44 subcode thereof made by an inspection authority approved by the
45 State of New Jersey pursuant to law.

46 b. To establish tenure rights or any other right or protection
47 provided by the "State Uniform Construction Code Act" or Title
48 11A, Civil Service, of the New Jersey Statutes, or any pension law

1 or retirement system, the job title "construction official" shall be
2 equivalent to that job title which, prior to the adoption of the State
3 Uniform Construction Code as provided in section 5 of the "State
4 Uniform Construction Code Act," entailed the chief administrative
5 responsibility to enforce all construction codes which had been
6 adopted by the municipal governing body, the enforcement of
7 which was not the responsibility of an authorized private inspection
8 agency; and the job title "subcode official" shall be equivalent to
9 that job title which, prior to the adoption of the State Uniform
10 Construction Code, entailed subordinate administrative
11 responsibility to enforce one or more of the following construction
12 codes: building, plumbing, electrical or fire code.

13 Any person, in a municipality operating under Title 11A, Civil
14 Service, of the New Jersey Statutes, who, prior to the adoption of
15 the State Uniform Construction Code, held the equivalent of the job
16 title "construction" official or "subcode" official, but who no longer
17 holds his position as a result of a determination that his old job title
18 was not equivalent to that of "construction" official or "subcode"
19 official, shall be offered reappointment as a construction official or
20 subcode official, as the case may be, and shall be granted permanent
21 classified status in such position. Tenure shall continue for (1) any
22 construction official or subcode official who is serving under tenure
23 as otherwise provided by law on the effective date of this act or
24 within one year thereafter, or (2) any person certified pursuant to
25 subsection c. of this section and who subsequently gains such
26 tenure.

27 A construction official or subcode official appointed in a
28 municipality operating under the provisions of Title 11A, Civil
29 Service, of the New Jersey Statutes, who, at the time of adoption of
30 the State Uniform Construction Code, January 1, 1977, or prior to
31 January 1, 1981, had permanent classified status or was employed
32 as a construction official or subcode official or in another position
33 in the unclassified service, shall be included in the classified service
34 without civil service examination in his respective title of
35 construction official or subcode official. Any individual employed
36 by a municipality, who, in his employment with the municipality
37 between January 1, 1977 and prior to January 1, 1981, was charged
38 with the chief administrative responsibility to enforce all existing
39 municipal construction codes, shall be deemed as appointed to the
40 position of construction official for the purposes of this act. Any
41 individual employed by a municipality, who, in his employment
42 with the municipality between January 1, 1977 and prior to January
43 1, 1981, was charged with chief responsibility to enforce the
44 municipal building, plumbing, fire, or electrical code, shall be
45 deemed as appointed to the position of subcode official for the
46 purposes of this act. No person, on or after January 1, 1981, shall
47 be appointed as construction or subcode official in a municipality
48 operating under Title 11A, Civil Service, of the New Jersey Statutes

1 without having passed an examination administered by the [Merit
2 System Board] Civil Service Commission certifying the merit and
3 fitness of the person to hold such position; provided that, whenever
4 a noncivil service municipality adopts the provisions of that Title,
5 construction code officials and subcode officials of such
6 municipality appointed prior to the filing of the petition for the
7 adoption of civil service, shall attain permanent status in the
8 classified service without examination. Any construction or
9 subcode official appointed after January 1, 1981 on a provisional
10 basis in a municipality which has adopted the provisions of Title
11 11A, Civil Service, of the New Jersey Statutes, may not be removed
12 from office except for just cause after a fair and impartial hearing
13 has been held at the local level, with no further appeal to the [Merit
14 System Board] Civil Service Commission; provided, however, that
15 such a construction or subcode official may be removed to permit
16 the appointment of a person certified for appointment by the [Merit
17 System Board] Civil Service Commission.

18 A construction official or subcode official in a noncivil service
19 municipality shall be appointed for a term of four years and shall,
20 upon appointment to a second consecutive term or on or after the
21 commencement of a fifth consecutive year of service, including
22 years of service in an equivalent job title held prior to the adoption
23 of the State Uniform Construction Code, be granted tenure and shall
24 not be removed from office except for just cause after a fair and
25 impartial hearing.

26 A construction or subcode official, to be eligible for appointment
27 in civil service or noncivil service municipalities, shall be certified
28 by the State of New Jersey in accordance with subsection c. of this
29 section and shall have had at least three years' experience in
30 construction, design or supervision as a licensed engineer or
31 registered architect; or five years' experience in construction,
32 design, or supervision as an architect or engineer with a bachelor's
33 degree from an accredited institution of higher education; or 10
34 years' experience in construction, design or supervision as a
35 journeyman in a trade or as a contractor. A subcode official shall,
36 pursuant to any subcode which he administers, pass upon:

37 (1) matters relative to the mode, manner of construction or
38 materials to be used in the erection or alteration of buildings or
39 structures, except as to any such matter foreclosed by State
40 approval pursuant to this act, and (2) actual execution of the
41 approved plans and the installation of the materials approved by the
42 State. The construction official in each municipality shall be the
43 chief administrator of the "enforcing agency." He shall have the
44 power to overrule a determination of a subcode official based on an
45 interpretation of a substantive provision of the subcode which such
46 subcode official administers, only if the construction official is
47 qualified to act pursuant to this act as a subcode official for such

1 subcode. He may serve as subcode official for any subcode which
2 he is qualified under this act to administer. A subcode official or
3 municipal engineer may serve as a construction official if otherwise
4 qualified under the provisions of this act. The municipal enforcing
5 agency shall require compliance with the provisions of the code, of
6 all rules lawfully adopted and promulgated thereunder and of laws
7 relating to the construction, alteration, repair, removal, demolition
8 and integral equipment and location, occupancy and maintenance
9 of buildings and structures, except as may be otherwise provided
10 for.

11 Two or more municipalities may provide by ordinance, subject to
12 regulations established by the commissioner, for the joint
13 appointment of a construction official and subcode official for the
14 purpose of enforcing the provisions of the code in the same manner.

15 c. No person shall act as a construction official or subcode
16 official for any municipality unless the commissioner determines
17 that said person is so qualified, except for the following:

18 (1) a municipal construction official or subcode official holding
19 office under permanent civil service status, or tenure as otherwise
20 provided by law on the effective date of this act or within one year
21 thereafter and (2) a municipal construction official or subcode
22 official holding office without such permanent civil service status
23 or tenure on the effective date of this act or within one year
24 thereafter; provided said construction official or subcode official
25 not having such permanent civil service status or tenure shall be
26 certified in accordance with this act within four years of the
27 effective date thereof; provided further that a person holding on the
28 effective date of this act a valid plumbing inspector's license from
29 the Department of Health and Senior Services pursuant to Title 26
30 of the Revised Statutes may serve as a plumbing subcode official
31 and a person holding on the effective date of this act a valid
32 electrical inspector's license from the Board of Public Utilities
33 pursuant to Title 48 of the Revised Statutes may serve as an
34 electrical subcode official. The commissioner, after consultation
35 with the code advisory board, may authorize the preparation and
36 conducting of oral, written and practical examinations to determine
37 if a person is qualified by this act to be eligible to be a construction
38 official or subcode official or, in the alternative, may accept
39 successful completion of programs of training as proof of
40 qualification within the meaning of this act. Upon a determination
41 of qualification the commissioner shall issue or cause to be issued a
42 certificate to the construction official or subcode official or trainee
43 stating that he is so certified. The commissioner, after consultation
44 with the code advisory board, may establish classes of certification
45 that will recognize the varying complexities of code enforcement in
46 the municipalities within the State. The commissioner shall, after
47 consultation with the code advisory board, provide for educational

1 programs designed to train and assist construction officials and
2 subcode officials in carrying out their responsibilities.

3 Whenever the commissioner is required by the terms of this
4 subsection to consult with the code advisory board and the matter in
5 question concerns plumbing subcode officials, the commissioner
6 shall also consult with the Public Health Council and Commissioner
7 of Health and Senior Services.

8 d. The commissioner, after consultation with the code advisory
9 board, may periodically require that each construction official and
10 subcode official demonstrate a working knowledge of innovations
11 in construction technology and materials, recent changes in and
12 additions to the relevant portions of the State Uniform Construction
13 Code, and current standards of professional ethics and legal
14 responsibility; or, in the alternative, the commissioner, after
15 consultation with the code advisory board, may accept successful
16 completion of appropriate programs of training as proof of such
17 working knowledge.

18 (cf: P.L.2000, c.126, s.29)

19

20 113. Section 10 of P.L.1989, c.222 (C.App.A:9-42.1b) is
21 amended to read as follows:

22 10. The deputy emergency management coordinator position
23 shall be filled by the governing body in each county by: a. the
24 appointment of a qualified individual; b. the selection of a qualified
25 volunteer; or, if appropriate, c. the selection of an individual
26 pursuant to the rules and regulations of the [Department of
27 Personnel] Civil Service Commission of the State of New Jersey.

28 (cf: P.L.1989, c.222, s.10)

29

30 114. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
31 read as follows:

32 24. a. (1) There is established in the Department of
33 Environmental Protection the Office of Green Acres. The
34 commissioner may appoint an administrator or director who shall
35 supervise the office, and the department may employ such other
36 personnel and staff as may be required to carry out the duties and
37 responsibilities of the department and the office pursuant to this act,
38 all without regard to the provisions of Title 11A, Civil Service, of
39 the New Jersey Statutes. Persons appointed or employed as
40 provided pursuant to this subsection shall be compensated in a
41 manner similar to other employees in the Executive Branch, and
42 their compensation shall be determined by the [Commissioner of
43 Personnel] State Treasurer.

44 (2) The Green Acres Program in the Department of
45 Environmental Protection, together with all of its functions, powers
46 and duties, are continued and transferred to and constituted as the
47 Office of Green Acres in the Department of Environmental
48 Protection. Whenever, in any law, rule, regulation, order, contract,

1 document, judicial or administrative proceeding or otherwise,
2 reference is made to the Green Acres Program, the same shall mean
3 and refer to the Office of Green Acres in the Department of
4 Environmental Protection. This transfer shall be subject to the
5 provisions of the "State Agency Transfer Act," P.L.1971, c.375
6 (C.52:14D-1 et seq.).

7 b. The duties and responsibilities of the office shall be as
8 follows:

9 (1) Administer all provisions of this act pertaining to funding
10 the acquisition and development of lands for recreation and
11 conservation purposes as authorized pursuant to Article VIII,
12 Section II, paragraph 7 of the State Constitution;

13 (2) Continue to administer all grant and loan programs for the
14 acquisition and development of lands for recreation and
15 conservation purposes, including the Green Trust, established or
16 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1
17 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155
18 (C.13:8A-35 et seq.); or any Green Acres bond act; and

19 (3) Adopt, with the approval of the commissioner and pursuant
20 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
21 1 et seq.), rules and regulations:

22 (a) establishing application procedures for grants and loans for
23 the acquisition and development of lands for recreation and
24 conservation purposes, criteria and policies for the evaluation and
25 priority ranking of projects for eligibility to receive funding for
26 recreation and conservation purposes using constitutionally
27 dedicated moneys, any conditions that may be placed on the award
28 of a grant or loan for recreation and conservation purposes pursuant
29 to this act, and any restrictions that may be placed on the use of
30 lands acquired or developed with a grant or loan for recreation and
31 conservation purposes pursuant to this act. The criteria and policies
32 established pursuant to this subparagraph for the evaluation and
33 priority ranking of projects for eligibility to receive funding for
34 recreation and conservation purposes using constitutionally
35 dedicated moneys may be based upon, but need not be limited to,
36 such factors as: protection of the environment, natural resources,
37 water resources, watersheds, aquifers, wetlands, floodplains and
38 flood-prone areas, stream corridors, beaches and coastal resources,
39 forests and grasslands, scenic views, biodiversity, habitat for
40 wildlife, rare, threatened, or endangered species, and plants; degree
41 of likelihood of development; promotion of greenways; provision
42 for recreational access and use; protection of geologic, historic,
43 archaeological, and cultural resources; relative cost; parcel size; and
44 degree of public support; and

45 (b) addressing any other matters deemed necessary to implement
46 and carry out the goals and objectives of Article VIII, Section II,
47 paragraph 7 of the State Constitution and this act with respect to the

1 acquisition and development of lands for recreation and
2 conservation purposes; and

3 (4) Establishing criteria and policies for the evaluation and
4 priority ranking of State projects to acquire and develop lands for
5 recreation and conservation purposes using constitutionally
6 dedicated moneys, which criteria and policies may be based upon,
7 but need not be limited to, such factors as: protection of the
8 environment, natural resources, water resources, watersheds,
9 aquifers, wetlands, floodplains and flood-prone areas, stream
10 corridors, beaches and coastal resources, forests and grasslands,
11 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
12 endangered species, and plants; degree of likelihood of
13 development; promotion of greenways; provision for recreational
14 access and use; protection of geologic, historic, archaeological, and
15 cultural resources; relative cost; parcel size; and degree of public
16 support.

17 (cf: P.L.2002, c.76, s.2)

18

19 115. (New section) a. The Attorney General shall maintain a
20 toll-free information "Law Enforcement Officer Crisis Intervention
21 Services" telephone hotline on a 24-hour basis.

22 The hotline shall receive and respond to calls from law
23 enforcement officers and sheriff's officers who have been involved
24 in any event or incident which has produced personal or job-related
25 depression, anxiety, stress, or other psychological or emotional
26 tension, trauma, or disorder for the officer and officers who have
27 been wounded in the line of duty. The operators of the hotline shall
28 seek to identify those officers who should be referred to further
29 debriefing and counseling services, and to provide such referrals.
30 In the case of wounded officers, those services may include peer
31 counseling, diffusing, debriefing, group therapy and individual
32 therapy as part of a coordinated assistance program, to be known as
33 the "Blue Heart Law Enforcement Assistance Program," designed
34 and implemented by the University of Medicine and Dentistry of
35 New Jersey's University Behavioral Healthcare Unit.

36 b. The operators of the hotline shall be trained by the
37 Department of Law and Public Safety and, to the greatest extent
38 possible, shall be persons, who by experience or education, are: (1)
39 familiar with post trauma disorders and the emotional and
40 psychological tensions, depressions, and anxieties unique to law
41 enforcement officers and sheriff's officers; or (2) trained to provide
42 counseling services involving marriage and family life, substance
43 abuse, personal stress management and other emotional or
44 psychological disorders or conditions which may be likely to
45 adversely affect the personal and professional well-being of a law
46 enforcement officer and a sheriff's officer.

47 c. To ensure the integrity of the telephone hotline and to
48 encourage officers to utilize it, the Attorney General shall provide

1 for the confidentiality of the names of the officers calling, the
2 information discussed by that officer and the operator, and any
3 referrals for further debriefing or counseling; provided, however,
4 the Attorney General may, by rule and regulation, (1) establish
5 guidelines providing for the tracking of any officer who exhibits a
6 severe emotional or psychological disorder or condition which the
7 operator handling the call reasonably believes might result in harm
8 to the officer or others and (2) establish a confidential registry of
9 wounded New Jersey law enforcement officers.

10

11 116. (New section) The Attorney General shall prepare a list of
12 appropriately licensed or certified psychiatrists, psychologists, and
13 social workers; other appropriately trained and qualified counselors;
14 and experienced former law enforcement officers who are willing to
15 accept referrals and to participate in the debriefing and counseling
16 offered law enforcement officers and sheriff's officers under the
17 provisions of sections 115 to 116 of P.L. , c. (C.)(pending
18 before the Legislature as this bill).

19

20 117. The following statutes are repealed:

21

22 N.J.S.11A:2-8

23 N.J.S.11A:2-9

24 N.J.S.11A:2-10

25 N.J.S.11A:12-4

26 N.J.S.11A:12-5

27 Sections 1, 2, and 3 of P.L.1998, c.149 (C.11A:2-25 through 11A:2-
28 27)

29

30 118. This act shall take effect immediately and any actions
31 necessary to implement this act may be taken any time thereafter.
32 General implementation shall be completed no later than 12 months
33 following enactment.

34

35

36

STATEMENT

37

38 This bill abolishes the Department of Personnel as a principal
39 department in the Executive Branch of State government. The
40 offices and terms of the Commissioner of Personnel and the deputy
41 and assistant commissioners and division and office directors are
42 terminated.

43 The bill creates a new Civil Service Commission allocated in,
44 but not of, the Department of Labor and Workforce Development to
45 assume the functions, powers, and duties of the current Merit
46 System Board. The current members of the Merit System Board
47 will continue as members of the Civil Service Commission, except
48 for the Commissioner of Personnel who will be replaced as a

1 member of the Civil Service Commission by an appointment by the
2 Governor with the advice and consent of the Senate. The Governor
3 is given the authority to designate the chairperson of the
4 commission. The Civil Service Commission will have the
5 continued authority to promulgate rules and regulations with regard
6 to civil service matters in Title 11A of the New Jersey Statutes.

7 The functions, powers, and duties of the Department of
8 Personnel and the Commissioner of Personnel are continued and
9 transferred to the State Treasurer and Department of the Treasury to
10 be allocated within that department as the State Treasurer will
11 determine. The State Treasurer will have the continued authority to
12 recommends rules for promulgation by the Civil Service
13 Commission.

14 The Division of Equal Employment Opportunity and Affirmative
15 Action, with its functions, powers, and duties, is continued and
16 transferred to the Department of Law and Public Safety to be
17 allocated within that department as the Attorney General will
18 determine. The Equal Employment Opportunity Advisory
19 Commission is continued and transferred to the Department of Law
20 and Public Safety to be allocated within that department as the
21 Attorney General will determine. The current members of the
22 Equal Employment Opportunity Advisory Commission will
23 continue as members of the commission.

24 The Working Well NJ State employee wellness program is
25 continued and transferred to the Department of Health and Senior
26 Services to be allocated within that department as the commissioner
27 will determine.

28 The toll-free information "Law Enforcement Officer Crisis
29 Intervention Services" telephone hotline is continued and
30 transferred to the Department of Law and Public Safety, pursuant to
31 sections 115 to 116 of the bill, to be allocated within that
32 department as the Attorney General will determine.

33 The New Jersey Employee Awards Committee is continued and
34 transferred to the Department of the Treasury to be allocated within
35 that department as the State Treasurer will determine. The current
36 members of the New Jersey Employee Awards Committee will
37 continue as members of the committee.

38 The bill amends current law to give the State Treasurer the
39 authority to develop a plan for the consolidation and coordination of
40 personnel, training, and related functions, including, but not limited
41 to, classification, compensation, and workforce planning, in the
42 Executive Branch of State government and for transfer to the
43 Department of the Treasury such employees, positions, funding,
44 facilities, equipment, powers, and duties from throughout the
45 Executive Branch of State government as necessary and appropriate
46 to effectuate such consolidation and coordination. The State
47 Treasurer is to submit the plan to the Governor for review and
48 approval. With the approval of the Governor, the State Treasurer

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1 would direct the implementation of the plan. The consolidation
2 would not apply to those functions which the State Treasurer
3 determines are unique to each department or agency in its capacity
4 as an appointing authority.

5 The transfers provided by this bill will be made pursuant to the
6 State Agency Transfer Act.

7 The bill amends various provisions of current law that refer to
8 the Department of Personnel, Commissioner of Personnel, or Merit
9 System Board to reflect these transfers.

10 The bill repeals several sections of Title 11A of the New Jersey
11 Statutes that establish the office of Commissioner of Personnel and
12 the term of and compensation for that office. Also, the bill repeals
13 current law that established the toll-free information "Law
14 Enforcement Officer Crisis Intervention Services" telephone hotline
15 within the Department of Personnel and recreates those provisions
16 in sections 115 through 116 of this bill to provide for their allocation
17 within the statutes that establish the Department of Law and Public
18 Safety. Finally, the bill repeals three provisions of law that
19 concerned an appropriation for, a report of, and the effective date of
20 the 1986 law that created Title 11A of the New Jersey Statutes.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1979**

STATE OF NEW JERSEY

DATED: JUNE 19, 2008

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1979.

This substitute abolishes the Department of Personnel as a principal department in the Executive Branch of State government. The offices and terms of the Commissioner of Personnel and the deputy and assistant commissioners and division and office directors are terminated.

The substitute creates a new Civil Service Commission allocated in, but not of, the Department of Labor and Workforce Development to assume the functions, powers, and duties of the current Merit System Board and Commissioner of Personnel. The current members of the Merit System Board will continue as members of the Civil Service Commission, except for the Commissioner of Personnel who will be replaced as a member of the Civil Service Commission by an appointment by the Governor with the advice and consent of the Senate. The Governor is given the authority to designate the chairperson of the commission. The chairperson will be the chief executive officer and administrator of the commission and is to devote full time to the duties of the position. The chairperson will serve at the pleasure of the Governor.

The Civil Service Commission will have the continued authority to promulgate rules and regulations with regard to civil service matters in Title 11A of the New Jersey Statutes.

The functions, powers, and duties of the Department of Personnel and the Commissioner of Personnel are continued and transferred to the Civil Service Commission. The State Treasurer is provided the responsibility and authority to develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives, establish an internship program, and assist the Governor in general work force planning, personnel matters and labor relations.

The Division of Equal Employment Opportunity and Affirmative Action, with its functions, powers, and duties, is continued and transferred to the Department of the Treasury to be allocated within that department as the State Treasurer will determine. The Equal

Employment Opportunity Advisory Commission is continued and transferred to the Department of the Treasury to be allocated within that department as the State Treasurer will determine. The current members of the Equal Employment Opportunity Advisory Commission will continue as members of the commission.

The Working Well NJ State employee wellness program is continued and transferred to the Department of Health and Senior Services to be allocated within that department as the commissioner will determine.

The toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline is continued and transferred to the Department of Health and Senior Services, pursuant to sections 115 to 116 of the substitute, to be allocated within that department as the commissioner will determine.

The New Jersey Employee Awards Committee is continued and transferred to the Civil Service Commission. The current members of the New Jersey Employee Awards Committee will continue as members of the committee.

The planning and research unit and function of the Department of Personnel is transferred to the Department of the Treasury.

The substitute amends current law to give the Civil Service Commission the authority to develop a plan for the consolidation and coordination of personnel and related functions, including, but not limited to, classification, compensation, and workforce planning, in the Executive Branch of State government and for transfer to the commission such employees, positions, funding, facilities, equipment, powers, and duties from throughout the Executive Branch of State government as necessary and appropriate to effectuate such consolidation and coordination. The commission is to submit the plan to the Governor for review and approval. With the approval of the Governor, the commission would direct the implementation of the plan. The consolidation would not apply to those functions which the commission determines are unique to each department or agency in its capacity as an appointing authority.

The transfers provided by this substitute will be made pursuant to the State Agency Transfer Act.

The substitute amends various provisions of current law that refer to the Department of Personnel, Commissioner of Personnel, or Merit System Board to reflect these transfers.

The substitute repeals several sections of Title 11A of the New Jersey Statutes that establish the office of Commissioner of Personnel and the term of and compensation for that office. Also, the substitute repeals current law that established the toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline within the Department of Personnel and recreates those provisions in sections 115 through 116 of this substitute to provide for their allocation within the statutes that establish the Department of Health

and Senior Services. Finally, the substitute repeals three provisions of law that concerned an appropriation for, a report of, and the effective date of the 1986 law that created Title 11A of the New Jersey Statutes.

The substitute creates a temporary Civil Service Reform Task Force within the Department of the Treasury. The task force will be comprised of the following members: the Chair of the Civil Service Commission, or his designee, who shall serve ex officio; the State Treasurer, or his designee, who shall serve ex officio; and seven public members to be appointed by the Governor. The majority of the public members must, to the extent practicable, have expertise in civil service or public sector personnel management matters. The task force will study and evaluate the current civil service system and develop recommendations with regard to its reform. The task force must report to the Governor, the Civil Service Commission, and the Legislature on its findings and recommendations within 12 months following its organizational meeting. The task force will expire 30 days after the submission of its report.

As reported by the committee, the substitute is identical to Assembly Bill No. 2803 (ACS).

FISCAL IMPACT:

According to the Office of Management and Budget in the Department of the Treasury, savings to the State from the elimination of the Department of Personnel are estimated to total \$1,008,000 in FY 2009.

FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1979
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JUNE 26, 2008

SUMMARY

- Synopsis:** Abolishes Department of Personnel; transfers functions, powers, and duties primarily to new Civil Service Commission in but not of Department of Labor and Workforce Development; creates Civil Service Reform Task Force.
- Type of Impact:** Expenditure reduction, General Fund.
- Agencies Affected:** Department of Personnel, Department of Treasury, Department of Health and Senior Services.

Executive Estimate

Fiscal Impact	<u>Fiscal Year 2009</u>	<u>Fiscal Year 2010</u>	<u>Fiscal Year 2011</u>
State Savings	\$1,008,000	\$1,058,400	\$1,111,320

- The Office of Legislative Services (OLS) estimates that Senate Bill No. 1979 will result in a \$1,008,000 expenditure reduction from the State General Fund for FY 2009, with additional savings in future years, which represents first year savings adjusted by an estimated growth factor of 5 percent.
- The bill creates a new Civil Service Commission allocated in, but not of, the Department of Labor and Workforce Development to assume the functions, powers, and duties of the current Merit System Board and Commissioner of Personnel.
- This bill abolishes the Department of Personnel and transfers most of its functions to the Civil Service Commission. The planning and research functions of the Department of Personnel, the Division of Equal Employment Opportunity and Affirmative Action and the Equal Employment Opportunity Advisory Commission are transferred to the Department of Treasury. The Working Well NJ State employee wellness program and the toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline are transferred to the Department of Health and Senior Services.

- The bill creates a temporary Civil Service Reform Task Force within the Department of the Treasury which will study, evaluate, develop recommendations for reform, and report its findings regarding the current civil service system to the Governor, the Civil Service Commission, and the Legislature within 12 months following its organizational meeting.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 1979 of 2008 abolishes the Department of Personnel as a principal department in the Executive Branch of State government. The offices and terms of the Commissioner of Personnel and the deputy and assistant commissioners and division and office directors are terminated. The bill transfers the functions of the Merit System Board, renamed the Civil Service Commission, to be located in, but not of, the Department of Labor and Workforce Development to assume the functions, powers, and duties of the current Merit System Board and Commissioner of Personnel. The current members of the Merit System Board will continue as members of the Civil Service Commission, except for the Commissioner of Personnel who will be replaced as a member of the Civil Service Commission by an appointment by the Governor with the advice and consent of the Senate. The planning and research unit functions of the Department of Personnel the Division of Equal Employment Opportunity and Affirmative Action, and the Equal Employment Opportunity Advisory Commission are transferred to the Department of Treasury. The Working Well NJ State employee wellness program and the toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline are transferred to the Department of Health and Senior Services.

The bill amends current law to give the Civil Service Commission the authority to develop a plan for the consolidation and coordination of personnel and related functions, including, but not limited to, classification, compensation, and workforce planning, in the Executive Branch of State government and for transfer to the commission such employees, positions, funding, facilities, equipment, powers, and duties from throughout the Executive Branch of State government as necessary and appropriate to effectuate such consolidation and coordination. The commission is to submit the plan to the Governor for review and approval. With the approval of the Governor, the commission would direct the implementation of the plan. The consolidation would not apply to those functions which the commission determines are unique to each department or agency in its capacity as an appointing authority.

The State Treasurer is provided the responsibility and authority to develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives, establish an internship program, and assist the Governor in general work force planning, personnel matters and labor relations.

The bill creates a temporary Civil Service Reform Task Force within the Department of the Treasury. The task force will be comprised of the following members: the Chair of the Civil Service Commission, or his designee, who shall serve ex officio; the State Treasurer, or his designee, who shall serve ex officio; and seven public members to be appointed by the Governor. The majority of the public members must, to the extent practicable, have expertise in civil service or public sector personnel management matters. The task force will study and evaluate the current civil service system and develop recommendations with regard to its reform. The task force must report to the Governor, the Civil Service Commission, and the Legislature on its findings and recommendations within 12 months following its organizational meeting. The task force will expire 30 days after the submission of its report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to the Office of Management and Budget in the Department of the Treasury, savings to the State from the elimination of the Department of Personnel are estimated to total \$1,008,000 in FY 2009.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that Senate Bill No. 1979 will result in a \$1,008,000 expenditure reduction from the State General Fund for FY 2009 based upon the budget which proposed the elimination of the Department of Personnel. The OLS further estimates future year expenditure reductions, representing the value of first year expenditure reductions adjusted by a 5 percent growth factor. This growth factor estimates what costs would have increased by due to wage increases, fringe benefit cost growth and inflation. The OLS notes that the Budget in Brief indicated that the anticipated savings are the result of administrative efficiencies gained from consolidation. However, the Executive Branch has not provided any detailed breakdown of the efficiency or salary and benefits savings. The FY 2008 appropriation for the Department of Personnel totaled \$22.4 million.

Section: State Government

*Analyst: Kimberly Anne McCord
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

ASSEMBLY, No. 2803

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 12, 2008

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Abolishes Department of Personnel; transfers functions, powers, and duties primarily to Department of Treasury and new Civil Service Commission in but not of Department of Labor and Workforce Development.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT abolishing the Department of Personnel as a principal
2 department in the Executive Branch of State government and
3 transferring its functions, powers, and duties, and amending,
4 supplementing, and repealing various parts of the statutory law.

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

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

10 11A:2-1. **[Department of Personnel created.]** There is
11 established in, but not of, the Department of Labor and Workforce
12 Development in the Executive Branch of State government **[a**
13 principal department which shall be known as the Department of
14 Personnel, which shall consist of a Merit System Board, a
15 Commissioner of Personnel, subdivisions and officers and
16 employees as specifically referred to in this title and as may be
17 constituted or employed by virtue of the authority conferred by this
18 title or any other law] the Civil Service Commission. For the
19 purpose of complying with the provisions of Article V, Section IV,
20 paragraph 1 of the New Jersey Constitution, the Civil Service
21 Commission is allocated within the Department of Labor and
22 Workforce Development, but, notwithstanding this allocation, the
23 commission shall be independent of any supervision or control by
24 the department or by any officer or employee thereof. For the
25 purpose of this title, **["board"]** "commission" means **[Merit System**
26 Board, "commissioner" means the Commissioner of Personnel and
27 "department" means the Department of Personnel] the Civil Service
28 Commission.

29 (cf: N.J.S.11A:2-1)

30
31 2. N.J.S.11A:2-2 is amended to read as follows:

32 11A:2-2. Implementation. The **[department]** Department of the
33 Treasury and the Civil Service Commission, as appropriate, shall
34 implement and enforce this title.

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

36
37 3. N.J.S.11A:2-3 is amended to read as follows:

38 11A:2-3. Members; term; quorum; vacancies. The **[Merit**
39 **System Board]** Civil Service Commission shall consist of five
40 members**[,** one of whom shall be the Commissioner of Personnel,
41 who shall serve as the chairperson. The other members shall be]
42 appointed by the Governor with the advice and consent of the
43 Senate for staggered terms of four years and until the appointment
44 and qualification of their successors. No more than three of the five

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.

1 members shall be of the same political party. Three members of the
2 **【board】** commission shall constitute a quorum. The Governor shall
3 designate one member to serve as the chairperson of the
4 commission.

5 The holding over of an incumbent beyond the expiration of the
6 term of office shall reduce, in commensurate length, the term of
7 office of a successor. Vacancies shall be filled for the unexpired
8 terms, in the same manner as original appointments. No member
9 shall hold any other State or federal office or position.
10 (cf: N.J.S.11A:2-3)

11

12 4. N.J.S.11A:2-4 is amended to read as follows:

13 11A:2-4. Removal of a **【board】** commission member **【other**
14 **than commissioner】**. A **【board】** commission member **【other than**
15 **the commissioner】** may be removed from office by the Governor
16 for cause, upon notice and an opportunity to be heard. A **【board】**
17 commission member removed from office shall be entitled to
18 receive compensation only up to the date of removal.

19 (cf: N.J.S.11A:2-4)

20

21 5. N.J.S.11A:2-5 is amended to read as follows:

22 11A:2-5. Compensation. A **【board】** commission member**【,**
23 **other than the commissioner,】** shall receive a salary as fixed by law
24 and shall also be entitled to sums incurred for necessary expenses.

25 (cf: N.J.S.11A:2-5)

26

27 6. N.J.S.11A:2-6 is amended to read as follows:

28 11A:2-6. Powers and duties. In addition to other powers and
29 duties vested in it by this title or by any other law, the **【board】**
30 commission shall:

31 a. After a hearing, render the final administrative decision on
32 appeals concerning permanent career service employees or those in
33 their working test period in the following categories:

34 (1) Removal,

35 (2) Suspension or fine as prescribed in N.J.S. 11A:2-14,

36 (3) Disciplinary demotion, and

37 (4) Termination at the end of the working test period for
38 unsatisfactory performance;

39 b. On a review of the written record, render the final
40 administrative decision on other appeals except for those matters
41 listed or delegated to the **【commissioner】** State Treasurer pursuant
42 to subsection h. of N.J.S. 11A:2-11;

43 c. Provide for interim remedies or relief in a pending appeal
44 where warranted;

45 d. Adopt and enforce rules to carry out this title and to
46 effectively implement a comprehensive personnel management
47 system;

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4

1 e. Interpret the application of this title to any public body or
2 entity; and

3 f. Authorize and conduct such studies, inquiries, investigations
4 or hearings in the operation of this title as it deems necessary.
5 (cf: N.J.S.11A:2-6)

6

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

8 11A:2-7. Subpenas; oaths. The **【commissioner】** State Treasurer
9 or the **【board】** commission may subpoena and require the attendance
10 of witnesses in this State and the production of evidence or
11 documents relevant to any proceeding under this title. Those
12 persons may also administer oaths and take testimony. Subpenas
13 issued under this section shall be enforceable by order of the
14 Superior Court.

15 (cf: N.J.S.11A:2-7)

16

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

18 11A:2-11. Powers and duties of the **【commissioner】** State
19 Treasurer. In addition to other powers and duties vested in the
20 **【commissioner】** State Treasurer by this title or any other law, the
21 **【commissioner】** State Treasurer:

22 a. **【Shall be the principal executive and request officer of the**
23 **department, allocating the functions and activities of the department**
24 **among departmental subdivisions as the commissioner may**
25 **establish】** Deleted by amendment, P.L. , c. (pending before the
26 Legislature as this bill);

27 b. May appoint **【one deputy commissioner, who shall be in the**
28 **unclassified service, and may appoint other necessary】** employees
29 necessary to enforce or implement the provisions of this title. All
30 employees of the Department of the Treasury whose principal
31 duties relate to the enforcement or implementation of this title shall
32 be confidential employees for the purposes of the "New Jersey
33 Employer-Employee Relations Act," P.L. 1941, c. 100 (C. 34:13A-1
34 et seq.);

35 c. Shall maintain a management information system necessary
36 to carry out the provisions of this title;

37 d. Shall have the authority to audit payrolls, reports or
38 transactions for conformity with the provisions of this title;

39 e. Shall plan, evaluate, administer and implement personnel
40 programs and policies in State government and political
41 subdivisions operating under this title;

42 f. Shall establish and supervise the selection process and
43 employee performance evaluation procedures;

44 g. Shall develop programs to improve efficiency and
45 effectiveness of the public service, including, but not limited to,
46 employee training, development, assistance and incentives;

1 h. Shall set standards and procedures for review and render the
2 final administrative decision on a written record or after
3 recommendation by an independent reviewer assigned by the
4 **[commissioner of appeals]** State Treasurer from classification,
5 salary, layoff rights and in the State service noncontractual
6 grievances;

7 i. May establish pilot programs and other projects for a
8 maximum of one year outside of the provisions of this title;

9 j. Shall provide for a public employee interchange program
10 pursuant to the "Government Employee Interchange Act of 1967,"
11 P.L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide for an
12 employee interchange program between public and private sector
13 employees;

14 k. May establish an internship program;

15 l. Shall assist the Governor in general work force planning,
16 personnel matters and labor relations;

17 m. Shall establish and consult with advisory boards
18 representing political subdivisions, personnel officers, labor
19 organizations and other appropriate groups;

20 n. Shall make an annual report to the Governor and Legislature
21 and all other special or periodic reports as may be required. The
22 annual report shall indicate the number of persons, by title, who, on
23 March 31, June 30, September 30, and December 31 of each year,
24 held appointments to positions in the senior executive service and
25 the number of noncareer employees by title, who, on those same
26 dates, held appointments in positions in the senior executive
27 service;

28 o. Shall have the authority to assess costs for special or other
29 services; and

30 p. Shall recommend rules to the **[board]** Civil Service
31 Commission for the implementation of this title.

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

33
34 9. N.J.S.11A:2-12 is amended to read as follows:

35 11A:2-12. Delegation. The **[commissioner]** State Treasurer
36 may delegate to an appointing authority the responsibility for
37 classifying positions, administering examinations and other
38 technical personnel functions according to prescribed standards, but
39 the **[commissioner]** State Treasurer may not delegate any function
40 of the **[board]** Civil Service Commission.

41 This delegation shall be written and shall conform to the
42 provisions of this title. The **[commissioner]** State Treasurer may
43 assign staff of the **[department]** Department of the Treasury to an
44 appointing authority to assist the appointing authority in its
45 delegated personnel duties. The employees shall continue as
46 employees of the **[department]** Department of the Treasury. All
47 delegation shall be subject to supervision by the **[commissioner]**

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1 State Treasurer and post-audit and may be cancelled, modified or
2 limited at any time by the **【commissioner】** State Treasurer. Such
3 delegation is to be performed in consultation with the advisory
4 board representing political subdivisions, and approved by an
5 affected appointing authority when the delegation requires
6 substantial costs. The **【commissioner】** State Treasurer, in
7 consultation with the advisory board representing political
8 subdivisions, shall recommend rules to the **【Merit System Board】**
9 Civil Service Commission to define substantial costs.
10 (cf: N.J.S.11A:2-12)

11

12 10. N.J.S.11A:2-13 is amended to read as follows:

13 11A:2-13. Opportunity for appointing authority hearing,
14 alternative procedures.

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

24 When the State of New Jersey and the majority representative
25 have agreed pursuant to the New Jersey Employer-Employee
26 Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a
27 procedure for appointing authority review before disciplinary action
28 in subsection a. (1), (2) and (3) of N.J.S. 11A: 2-6, which would be
29 otherwise appealable to the **【board】** Civil Service Commission
30 under N.J.S.11A:2-14, is taken against a permanent employee in the
31 career service or a person serving a working test period, such
32 procedure shall be the exclusive procedure for review before the
33 appointing authority.

34 This section shall not prohibit the immediate suspension of an
35 employee without a hearing if the appointing authority determines
36 that the employee is unfit for duty or is a hazard to any person if
37 allowed to remain on the job or that an immediate suspension is
38 necessary to maintain safety, health, order or effective direction of
39 public services. In addition, where a suspension is based on a
40 formal charge of a crime of the first, second or third degree, or a
41 crime of the fourth degree if committed on the job or directly
42 related to the job, the suspension may be immediate and continue
43 until a disposition of the charge. The **【board】** Civil Service
44 Commission shall establish, by rule, procedures for hearings and
45 suspensions with or without pay.

46 (cf: P.L.2004, c.104, s.1)

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

2 11A:2-14. Notice to employee of right to appeal, alternative
3 procedures.

4 Except as otherwise provided herein, within 20 days of the
5 hearing provided in N.J.S. 11A:2-13, the appointing authority shall
6 make a final disposition of the charges against the employee and
7 shall furnish the employee with written notice. If the appointing
8 authority determines that the employee is to be removed, demoted
9 or receive a suspension or a fine greater than five days, the
10 employee shall have a right to appeal to the **[board]** Civil Service
11 Commission. The suspension or fine of an employee for five days
12 or less shall be appealable if an employee's aggregate number of
13 days suspended or fined in any one calendar year is 15 days or
14 more. Where an employee receives more than three suspensions or
15 fines of five or less days in a calendar year, the last suspension or
16 fine is appealable.

17 When the State of New Jersey and the majority representative
18 have agreed pursuant to the New Jersey Employer-Employee
19 Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a
20 disciplinary review procedure that provides for binding arbitration
21 of disputes involving disciplinary action in subsection a. (1), (2)
22 and (3) of N.J.S. 11A:2-6, which would be otherwise appealable to
23 the **[board]** Civil Service Commission under N.J.S.11A:2-14, being
24 taken against a permanent employee in the career service or a
25 person serving a working test period, such procedure shall be the
26 exclusive procedure for any appeal of such disciplinary action.
27 (cf: P.L.2004, c.104, s.2)

28

29 12. N.J.S.11A:2-15 is amended to read as follows:

30 11A:2-15. Appeal procedure. Any appeal from adverse actions
31 specified in N.J.S. 11A:2-13 and subsection a.(4) of N.J.S. 11A:2-6
32 shall be made in writing to the **[board]** Civil Service Commission
33 no later than 20 days from receipt of the final written determination
34 of the appointing authority. If the appointing authority fails to
35 provide a written determination, an appeal may be made directly to
36 the **[board]** Civil Service Commission within reasonable time.
37 (cf: N.J.S.11A:2-15)

38

39 13. N.J.S.11A:2-16 is amended to read as follows:

40 11A:2-16. Appeal procedure for suspension or fine of five days
41 or less. If a State employee receives a suspension or fine of five
42 days or less, the employee may request review by the **[board]** Civil
43 Service Commission under standards and procedures established by
44 the **[board]** Civil Service Commission or appeal pursuant to an
45 alternate appeal procedure where provided by a negotiated contract
46 provision. If an employee of a political subdivision receives a
47 suspension or fine of five days or less, the employee may request

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1 review under standards and procedures established by the political
2 subdivision or appeal pursuant to an alternate appeal procedure
3 where provided by a negotiated contract provision.
4 (cf: N.J.S.11A:2-16)

5

6 14. N.J.S.11A:2-18 is amended to read as follows:

7 11A:2-18. Representation. An employee may be represented at
8 any hearing before an appointing authority or the **[board]** Civil
9 Service Commission by an attorney or authorized union
10 representative.

11 (cf: N.J.S.11A:2-18)

12

13 15. N.J.S.11A:2-19 is amended to read as follows:

14 11A:2-19. Authority to increase or decrease penalty imposed.
15 The **[board]** Civil Service Commission may increase or decrease
16 the penalty imposed by the appointing authority, but removal shall
17 not be substituted for a lesser penalty.

18 (cf: N.J.S.11A:2-19)

19

20 16. N.J.S.11A:2-20 is amended to read as follows:

21 11A:2-20. Forms of disciplinary action. The **[board]** Civil
22 Service Commission shall establish by rule the general causes
23 which constitute grounds for disciplinary action and the kinds of
24 disciplinary action which may be taken by appointing authorities
25 against permanent career service employees or those serving in their
26 working test periods. Unless offered by the appointing authority
27 and selected by an employee as a disciplinary option, a fine may
28 only be imposed by an appointing authority as a form of restitution
29 or in lieu of a suspension when a suspension would be detrimental
30 to the public health, safety or welfare. When a fine is assessed, it
31 may either be paid in a lump sum or deducted from the employee's
32 salary over time as provided by **[board]** Civil Service Commission
33 rule. Except as provided for in N.J.S. 11A:2-13, an appointing
34 authority may not impose a suspension or fine greater than six
35 months.

36 (cf: N.J.S.11A:2-20)

37

38 17. N.J.S.11A:2-22 is amended to read as follows:

39 11A:2-22. Back pay, benefits, seniority and reasonable attorney
40 fees. The **[board]** Civil Service Commission may award back pay,
41 benefits, seniority and reasonable attorney fees to an employee as
42 provided by rule.

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

44

45 18. N.J.S.11A:2-24 is amended to read as follows:

46 11A:2-24. Protection against reprisals. An appointing authority
47 shall not take or threaten to take any action against an employee in

1 the career, senior executive or unclassified service in retaliation for
2 an employee's lawful disclosure of information on the violation of
3 any law or rule, governmental mismanagement or abuse of
4 authority. An employee who is the subject of a reprisal action by an
5 appointing authority for the lawful disclosure of information may
6 appeal such action to the **[board]** Civil Service Commission.
7 (cf: N.J.S.11A:2-24)
8

9 19. Section 1 of P.L.2006, c.77 (C.11A:2-28) is amended to
10 read as follows:

11 1. a. The **[Commissioner of the]** Department of **[Personnel]** the
12 Treasury shall provide, by regulation, for intergovernmental
13 transfers by law enforcement officers, including county sheriff and
14 corrections officers, as part of the department's intergovernmental
15 transfer program. These law enforcement officers, county sheriff
16 and corrections officers shall be granted all privileges under the
17 intergovernmental transfer program, including the option to waive
18 all accumulated sick leave and seniority rights.

19 b. The waiver of accumulated sick leave and seniority rights
20 shall require the consent in writing of the receiving jurisdiction, the
21 affected employee, and the Department of **[Personnel]** the
22 Treasury.

23 c. The sending jurisdiction shall not pay supplemental
24 compensation for accumulated sick leave to any law enforcement
25 officer, county sheriff or corrections officer, approved for an
26 intergovernmental transfer and shall certify, to the receiving
27 jurisdiction and the Department of **[Personnel]** the Treasury, that
28 no supplemental compensation was paid.
29 (cf: P.L.2006, c.77, s.1)
30

31 20. N.J.S.11A:3-1 is amended to read as follows:

32 11A:3-1. Classification. The **[board]** Civil Service Commission
33 shall assign and reassign titles among the career service, senior
34 executive service and unclassified service. The **[commissioner]**
35 State Treasurer shall:

36 a. Establish, administer, amend and continuously review a State
37 classification plan governing all positions in State service and
38 similar plans for political subdivisions;

39 b. Establish, consolidate and abolish titles;

40 c. Ensure the grouping in a single title of positions with similar
41 qualifications, authority and responsibility;

42 d. Assign and reassign titles to appropriate positions; and

43 e. Provide a specification for each title.

44 (cf: N.J.S.11A:3-1)
45

46 21. N.J.S.11A:3-2 is amended to read as follows:

1 11A:3-2. Career service. The career service shall have two
2 divisions, the competitive division and the noncompetitive division.
3 The **[commissioner]** State Treasurer shall assign and reassign such
4 titles to each division and may provide for movement, including
5 promotion, of employees from one division to the other.

6 (cf: N.J.S.11A:3-2)

7

8 22. N.J.S.11A:3-3 is amended to read as follows:

9 11A:3-3. Senior executive service. A senior executive service
10 shall be established in State government and include those positions
11 having substantial managerial, policy influencing or policy
12 executing responsibilities as determined by the **[board]** Civil
13 Service Commission. Titles included in a collective negotiations
14 unit shall not be included in the senior executive service. The total
15 number of senior executive service employees shall not exceed
16 1,200. The **[board]** Civil Service Commission shall adopt rules
17 providing for the selection, placement, transfer, development,
18 compensation, separation and performance appraisal of senior
19 executive service employees, and for the reinstatement of career
20 service employees to the career service. The senior executive
21 service shall not be subject to the provisions of this title unless
22 otherwise specified. The senior executive service shall include
23 noncareer and career service employees. The number of noncareer
24 employees shall not exceed 15% of the entire senior executive
25 service work force.

26 Where an employee holds permanent career service status in a
27 position in a title that is assigned to the senior executive service, the
28 employee, with appointing authority approval, shall be provided the
29 option of joining the senior executive service. Permanent career
30 service employees who opt not to join the senior executive service
31 or who do not receive approval to join the senior executive service
32 shall have the right to reinstatement to the career service to a level
33 directly under the senior executive service. Permanent career
34 service employees who join the senior executive service and who
35 are later separated from the senior executive service shall have a
36 right of reinstatement to the career service to a level held prior to
37 entry in the senior executive service, unless the employee has been
38 separated, after opportunity for hearing, from the senior executive
39 service for reasons which constitute cause for removal from the
40 career service.

41 (cf: N.J.S.11A:3-3)

42

43 23. N.J.S.11A:3-4 is amended to read as follows:

44 11A:3-4. State unclassified service. The State unclassified
45 service shall not be subject to the provisions of this title unless
46 otherwise specified and shall include the following:

47

a. Appointments of the Governor;

- 1 b. Department heads and members of boards and commissions
2 authorized by law;
- 3 c. Employees in the legislative branch of State government;
- 4 d. Heads of institutions;
- 5 e. Superintendents, teachers and instructors in the public
6 schools, the agricultural experiment station and State institutions,
7 where certified teachers are employed under the supervision of and
8 qualified by the State Department of Education, and other
9 institutions maintained wholly or in part by the State;
- 10 f. Physicians, surgeons and dentists;
- 11 g. Assistant and Deputy Attorneys General and legal assistants
12 appointed by the Attorney General;
- 13 h. One secretary and one confidential assistant to each
14 department head, board, principal executive officer and
15 commission. Each certification and appointment hereunder shall be
16 recorded in the minutes of the **[board]** Civil Service Commission;
- 17 i. Employees in the military or naval service of the State;
- 18 j. Student assistants;
- 19 k. Domestic employees in the Governor's household; and
- 20 l. All other titles as provided by law or as the **[board]** Civil
21 Service Commission may determine.
22 (cf: N.J.S.11A:3-4)
23

24 24. N.J.S.11A:3-5 is amended to read as follows:

25 11A:3-5. Political subdivision unclassified service. The
26 political subdivision unclassified service shall not be subject to the
27 provisions of this title unless otherwise specified and shall include
28 the following:

- 29 a. Elected officials;
- 30 b. One secretary and one confidential assistant to each mayor;
- 31 c. Members of boards and commissions authorized by law;
- 32 d. Heads of institutions;
- 33 e. Physicians, surgeons and dentists;
- 34 f. Attorneys of a county, municipality or school district
35 operating under this title;
- 36 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public
37 schools and county superintendents and members and business
38 managers of boards of education;
- 39 h. Principal executive officers;
- 40 i. One secretary, clerk or executive director to each
41 department, board and commission authorized by law to make the
42 appointment;
- 43 j. One secretary or clerk to each county constitutional officer,
44 principal executive officer, and judge;
- 45 k. One deputy or first assistant to a principal executive officer
46 who is authorized by statute to act for and in place of the principal
47 executive officer;

1 l. No more than 12 county department heads and the heads of
2 divisions within such departments; provided that the total number of
3 unclassified positions created by the county administrative code
4 pursuant to this subsection shall not exceed 20;

5 m. One secretary or confidential assistant to each unclassified
6 department or division head established in subsection l.;

7 n. Employees of county park commissions, appointed pursuant
8 to R.S.40:37-96 through R.S.40:37-174, in counties of the second
9 class;

10 o. Directors of free public libraries in cities of the first class
11 having a population of more than 300,000;

12 p. One secretary to the municipal council in cities of the first
13 class having a population of less than 300,000;

14 q. One secretary and one confidential aide for each member of
15 the board of freeholders other than the director, and one secretary
16 and two confidential aides for the freeholder director, of any county
17 of the second class with a population of at least 470,000 which has
18 not adopted the provisions of the "Optional County Charter Law,"
19 P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or
20 confidential aide for each member of the board of freeholders of
21 any other county which has not adopted the provisions of the
22 "Optional County Charter Law";

23 r. In school districts organized pursuant to N.J.S.18A:17-1 et
24 seq., the executive controller, public information officer and the
25 executive directors of board affairs, personnel, budget, purchasing,
26 physical facilities, data processing, financial affairs, and internal
27 audit;

28 s. The executive director, assistant executive director, director
29 of staff operations, director of administration, director of
30 redevelopment and the urban initiatives coordinator of a local
31 housing authority;

32 t. The sheriff's investigators of any county appointed pursuant
33 to P.L.1987, c.113 (C.40A:9-117a);

34 u. Any title as provided by statute or as the **[board]** Civil
35 Service Commission may determine in accordance with criteria
36 established by rule;

37 v. One confidential aide for each county clerk, in addition to
38 the titles included under subsection j. of this section; and

39 w. Two deputy municipal clerks in cities of the first class
40 having a population of not less than 240,000 persons or more than
41 250,000 persons according to the 2000 federal decennial census.

42 (cf: P.L.2002, c.59, s.1)

43
44 25. N.J.S.11A:3-6 is amended to read as follows:

45 11A:3-6. Public hearing required when moving title from career
46 to unclassified service. Whenever the **[board]** Civil Service
47 Commission considers moving a title from the career service to the

1 unclassified service, the **【board】** Civil Service Commission shall
2 first hold a public hearing before reaching a determination.

3 (cf: N.J.S.11A:3-6)

4

5 26. N.J.S.11A:3-7 is amended to read as follows:

6 11A:3-7. a. The **【commissioner】** State Treasurer shall
7 administer an equitable State employee compensation plan which
8 shall include pay schedules and standards and procedures for salary
9 adjustments other than as provided for in the State compensation
10 plan for the career, senior executive and unclassified services.

11 b. Prior to adoption or implementation of an amendment,
12 change or modification to the compensation plan for State
13 employees which amendment, change or modification affects public
14 employees represented by a majority representative selected or
15 designated pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3),
16 the State shall negotiate with the majority representative for an
17 agreement on the amendment, change or modification to the
18 compensation plan. The State shall negotiate in good faith with the
19 majority representative. A State employee compensation plan shall
20 not be amended, changed or modified except pursuant to a written
21 agreement entered into between the State and the majority
22 representative following negotiations.

23 c. When an employee has erroneously received a salary
24 overpayment, the **【commissioner】** State Treasurer may waive
25 repayment based on a review of the case.

26 d. Employees of political subdivisions are to be paid in
27 reasonable relationship to titles and shall not be paid a base salary
28 below the minimum or above the maximum established salary for
29 an employee's title.

30 (cf: P.L.2001, c.240, s.1)

31

32 27. N.J.S.11A:3-8 is amended to read as follows:

33 11A:3-8. Payroll audits. The **【commissioner】** State Treasurer
34 may audit State payrolls and the payrolls of political subdivisions to
35 determine compliance with this title. The **【commissioner】** State
36 Treasurer may order and enforce immediate compliance as
37 necessary.

38 (cf: N.J.S.11A:3-8)

39

40 28. N.J.S.11A:4-1 is amended to read as follows:

41 11A:4-1. Examinations. The **【commissioner】** State Treasurer
42 shall provide for:

43 a. The announcement and administration of examinations which
44 shall test fairly the knowledge, skills and abilities required to
45 satisfactorily perform the duties of a title or group of titles. The
46 examinations may include, but are not limited to, written, oral,
47 performance and evaluation of education and experience;

- 1 b. The rating of examinations;
- 2 c. The security of the examination process and appropriate
3 sanctions for a breach of security;
- 4 d. The selection of special examiners to act as subject matter
5 specialists or to provide other assistance. Employees of the State or
6 political subdivisions may be so engaged as part of their official
7 duties during normal working hours with the approval of their
8 appointing authority. Extra compensation may be provided for such
9 service outside normal working hours; and
- 10 e. The right to appeal adverse actions relating to the
11 examination and appointment process, which shall include but not
12 be limited to rejection of an application, failure of an examination
13 and removal from an eligible list.

14 (cf: N.J.S.11A:4-1)

15

16 29. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to
17 read as follows:

18 1. a. Except as provided in subsection b. of this section
19 concerning law enforcement officer and firefighter examinations,
20 the **【Commissioner of the Department of Personnel】** State
21 Treasurer shall establish a \$15 fee for each application for an open
22 competitive or promotional examination. Persons receiving public
23 assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.),
24 P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55
25 et seq.) shall not be required to pay this fee if they apply for an
26 open competitive examination. Receipts derived from application
27 fees established by this subsection shall be appropriated to the
28 **【department】** Department of the Treasury.

29 b. The **【commissioner】** State Treasurer shall establish a fee for
30 each application for an open competitive or promotional
31 examination for a law enforcement officer or firefighter title. The
32 fee shall not exceed the cost of developing, procuring and
33 administering the examination, including the processing of any
34 appeals or reviews associated with the examination. Persons
35 receiving public assistance benefits pursuant to P.L.1947, c.156
36 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or
37 P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this
38 fee if they apply for an open competitive examination. Receipts
39 derived from application fees established by this subsection shall be
40 appropriated to the **【department】** Department of the Treasury for
41 use in developing, procuring and administering law enforcement
42 officer and firefighter examinations, including the processing of any
43 appeals or reviews associated with those examinations.

44 c. In addition to the fees established in subsections a. and b. of
45 this section, the **【commissioner】** State Treasurer shall establish a
46 \$15 fee for each application for an open competitive or promotional
47 examination for a position in State service. Persons receiving

1 public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107
2 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38
3 (C.44:10-55 et seq.) shall not be required to pay this fee if they
4 apply for an open competitive examination. Receipts derived from
5 the application fee established pursuant to this subsection shall be
6 appropriated annually to the **【department】** Department of the
7 Treasury for the costs of the displaced workers pool program. This
8 fee shall not be assessed and collected unless the **【commissioner】**
9 State Treasurer implements a displaced workers pool program. If
10 the displaced workers pool program is terminated at any time by the
11 **【commissioner】** State Treasurer, the assessment and collection of
12 this additional fee shall also be terminated.

13 (cf: P.L.2002, c.34, s.11)

14

15 30. Section 2 of P.L.1992, c.197 (C.11A:4-1.2) is amended to
16 read as follows:

17 2. The **【Commissioner of the Department of Personnel】** State
18 Treasurer shall promulgate, pursuant to the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
20 regulations to effectuate the purposes of this act.

21 (cf: P.L.1992, c.197, s.2)

22

23 31. N.J.S.11A:4-2 is amended to read as follows:

24 11A:4-2. Holding of examinations. A vacancy shall be filled by
25 a promotional examination when considered by the **【commissioner】**
26 State Treasurer to be in the best interest of the career service.

27 (cf: N.J.S.11A:4-2)

28

29 32. N.J.S.11A:4-3 is amended to read as follows:

30 11A:4-3. Admission to examinations. If it appears that an
31 eligible list is not likely to provide full certification for existing or
32 anticipated vacancies from among qualified residents of this State,
33 or of political subdivisions where required by law, the
34 **【commissioner】** State Treasurer may admit other qualified
35 nonresident applicants. Where residency preference is provided
36 pursuant to any other statute, the **【commissioner】** State Treasurer
37 may limit applicants to such classes as are necessary to establish a
38 sufficient pool of eligibles.

39 (cf: N.J.S.11A:4-3)

40

41 33. N.J.S.11A:4-4 is amended to read as follows:

42 11A:4-4. Eligible lists and certifications. The **【commissioner】**
43 State Treasurer shall provide for:

44 a. The establishment and cancellation of eligible lists;

45 b. The certification of an eligible list to positions in other
46 appropriate titles; and

1 c. The consolidation of eligible lists which may include, but is
2 not limited to, the combining of names of eligibles by scores.

3 (cf: N.J.S.11A:4-4)

4
5 34. N.J.S.11A:4-5 is amended to read as follows:

6 11A:4-5. Use of eligible list. Once the examination process has
7 been initiated due to the appointment of a provisional or an
8 appointing authority's request for a list to fill a vacancy, the affected
9 appointing authority shall be required to make appointments from
10 the list if there is a complete certification, unless otherwise
11 permitted by the **[commissioner]** State Treasurer for valid reason
12 such as fiscal constraints. If the **[commissioner]** State Treasurer
13 permits an appointing authority to leave a position vacant in the
14 face of a complete list, the **[commissioner]** State Treasurer may
15 order the appointing authority to reimburse the **[department]**
16 Department of the Treasury for the costs of the selection process.

17 (cf: N.J.S.11A:4-5)

18
19 35. N.J.S.11A:4-6 is amended to read as follows:

20 11A:4-6. Duration of lists. The **[commissioner]** State Treasurer
21 shall set the duration of an eligible list, which shall not be more
22 than three years from the date of its establishment, except that it
23 may be extended by the **[commissioner]** State Treasurer for good
24 cause and a list shall not have a duration of more than four years.
25 Notwithstanding the duration of a list, the **[commissioner]** State
26 Treasurer may revive a list to implement a court order or decision
27 of the **[board or commissioner]** Civil Service Commission or the
28 State Treasurer in the event of a successful appeal instituted during
29 the life of the list or to correct an administrative error. The
30 **[commissioner]** State Treasurer may revive a list to effect the
31 appointment of an eligible whose working test period was
32 terminated by a layoff.

33 (cf: N.J.S.11A:4-6)

34
35 36. N.J.S.11A:4-8 is amended to read as follows:

36 11A:4-8. Certification and appointment. The **[commissioner]**
37 State Treasurer shall certify the three eligibles who have received
38 the highest ranking on an open competitive or promotional list
39 against the first provisional or vacancy. For each additional
40 provisional or vacancy against whom a certification is issued at that
41 time, the **[commissioner]** State Treasurer shall certify the next
42 ranked eligible. If more than one eligible has the same score, the tie
43 shall not be broken and they shall have the same rank. If three or
44 more eligibles can be certified as the result of the ranking without
45 resorting to all three highest scores, only those eligibles shall be so
46 certified.

1 A certification that contains the names of at least three interested
2 eligibles shall be complete and a regular appointment shall be made
3 from among those eligibles. An eligible on an incomplete list shall
4 be entitled to a provisional appointment if a permanent appointment
5 is not made.

6 Eligibles on any type of reemployment list shall be certified and
7 appointed in the order of their ranking and the certification shall not
8 be considered incomplete.

9 (cf: N.J.S.11A:4-8)

10

11 37. N.J.S.11A:4-9 is amended to read as follows:

12 11A:4-9. Types of eligible lists. The **【commissioner】** State
13 Treasurer may establish the following types of eligible lists:

14 a. Open competitive, which shall include all qualified eligibles
15 without regard to whether they are currently employed by the State
16 or a political subdivision;

17 b. Promotional, which shall include qualified permanent
18 eligibles;

19 c. Regular reemployment, which shall include former
20 permanent employees who resigned in good standing and whose
21 reemployment is certified by the appointing authority as in the best
22 interest of the service. The name of any such employee shall not
23 remain on a reemployment list for more than three years from the
24 date of resignation, unless otherwise extended pursuant to N.J.S.
25 11A:4-6;

26 d. Police or fire reemployment, which shall include former
27 permanent uniformed members of a police or fire department who
28 have resigned in good standing and whose reemployment is
29 certified by the appointing authority as in the best interest of the
30 service; and

31 e. Special reemployment, which shall include permanent
32 employees laid off or demoted in lieu of layoff from permanent
33 titles.

34 (cf: N.J.S.11A:4-9)

35

36 38. N.J.S.11A:4-11 is amended to read as follows:

37 11A:4-11. Removal on criminal record. Upon the request of an
38 appointing authority, the **【commissioner】** State Treasurer may
39 remove an eligible with a criminal record from a list when the
40 criminal record includes a conviction for a crime which adversely
41 relates to the employment sought. The following factors may be
42 considered in such determination:

43 a. Nature and seriousness of the crime;

44 b. Circumstances under which the crime occurred;

45 c. Date of the crime and age of the eligible when the crime was
46 committed;

47 d. Whether the crime was an isolated event; and

48 e. Evidence of rehabilitation.

1 The presentation to an appointing authority of a pardon or
2 expungement shall prohibit an appointing authority from rejecting
3 an eligible based on such criminal conviction, except for law
4 enforcement, fire fighter or correction officer and other titles as
5 determined by the **【commissioner】** State Treasurer.

6 (cf: N.J.S.11A:4-11)

7
8 39. N.J.S.11A:4-13 is amended to read as follows:

9 11A:4-13. Types of appointment. The **【commissioner】** State
10 Treasurer shall provide for the following types of appointment:

11 a. Regular appointments shall be to a title in the competitive
12 division of the career service upon examination and certification or
13 to a title in the noncompetitive division of the career service upon
14 appointment. The appointments shall be permanent after
15 satisfactory completion of a working test period;

16 b. Provisional appointments shall be made only in the
17 competitive division of the career service and only in the absence of
18 a complete certification, if the appointing authority certifies that in
19 each individual case the appointee meets the minimum
20 qualifications for the title at the time of appointment and that failure
21 to make a provisional appointment will seriously impair the work of
22 the appointing authority. In no case shall any provisional
23 appointment exceed a period of 12 months;

24 c. Temporary appointments may be made, without regard to the
25 provisions of this chapter, to temporary positions established for a
26 period aggregating not more than six months in a 12-month period
27 as approved by the **【commissioner】** State Treasurer. These
28 positions include, but are not limited to, seasonal positions.
29 Positions established as a result of a short-term grant may be
30 established for a maximum of 12 months. Appointees to temporary
31 positions shall meet the minimum qualifications of a title;

32 d. Emergency appointments shall not exceed 30 days and shall
33 only be permitted where nonappointment will result in harm to
34 persons or property;

35 e. Senior executive service appointments shall be made
36 pursuant to N.J.S. 11A:3-3; and

37 f. Unclassified appointments shall be made pursuant to N.J.S.
38 11A:3-4 and N.J.S. 11A:3-5.

39 (cf: N.J.S.11A:4-13)

40
41 40. N.J.S.11A:4-14 is amended to read as follows:

42 11A:4-14. Promotion. The **【commissioner】** State Treasurer
43 shall establish the minimum qualifications for promotion and shall
44 provide for the granting of credit for performance and seniority
45 where appropriate.

46 (cf: N.J.S.11A:4-14)

47
48 41. N.J.S.11A:4-15 is amended to read as follows:

1 11A:4-15. Working test period. The purpose of the working test
2 period is to permit an appointing authority to determine whether an
3 employee satisfactorily performs the duties of a title. A working
4 test period is part of the examination process which shall be served
5 in the title to which the certification was issued and appointment
6 made. The **【commissioner】** State Treasurer shall provide for:

7 a. A working test period following regular appointment of four
8 months, which may be extended to six months at the discretion of
9 the **【commissioner】** State Treasurer, except that the working test
10 period for political subdivision employees shall be three months and
11 the working test period for entry level law enforcement, correction
12 officer, and firefighter titles shall be 12 months;

13 b. Progress reports to be made by the appointing authority and
14 provided to the employee at such times during the working test
15 period as provided by rules of the **【board】** Civil Service
16 Commission and a final progress report at the end of the entire
17 working test period shall be provided to the employee and the
18 **【commissioner】** State Treasurer;

19 c. Termination of an employee at the end of the working test
20 period and termination of an employee for cause during the working
21 test period; and

22 d. The retention of permanent status in the lower title by a
23 promoted employee during the working test period in the higher
24 title and the right to return to such permanent title if the employee
25 does not satisfactorily complete the working test period, but
26 employees removed for cause during a working test period shall not
27 be so returned.

28 (cf: N.J.S.11A:4-15)

29
30 42. N.J.S.11A:4-16 is amended to read as follows:

31 11A:4-16. Transfer, reassignment and lateral title change. The
32 rules of the **【board】** Civil Service Commission shall define and
33 establish the procedures for transfer, reassignment and lateral title
34 change. Employees shall be granted no less than 30 days' notice of
35 transfer, except with employee consent or under emergent
36 circumstances as established by rules of the **【board】** Civil Service
37 Commission. The **【commissioner】** State Treasurer shall provide for
38 relocation assistance for State employees who are transferred or
39 reassigned to a new work location due to a phasedown or closing of
40 a State operation, subject to available appropriations. Transfers,
41 reassignments, or lateral title changes shall not be utilized as part of
42 a disciplinary action, except following an opportunity for hearing.
43 Nothing herein shall prohibit transfers, reassignments, or lateral
44 title changes made in good faith. The burden of proof
45 demonstrating lack of good faith shall be on the employee.

46 (cf: N.J.S.11A:4-16)

1 43. Section 3 of P.L.2000, c.127 (C.11A:5-1.1) is amended to
2 read as follows:

3 3. The Adjutant General of the Department of Military and
4 Veterans' Affairs shall be responsible for determining whether any
5 person seeking to be considered a "veteran" or a "disabled veteran"
6 under N.J.S.11A:5-1, for the purpose of receiving civil service
7 preference, meets the criteria set forth therein and adjudicating an
8 appeal from any person disputing this determination. The
9 determination of the Adjutant General shall apply only
10 prospectively from the date of initial determination or date of
11 determination from an appeal, as appropriate, and shall be binding
12 upon the **[Department of Personnel]** Department of the Treasury.
13 (cf: P.L.2000, c.127, s.3)

14

15 44. N.J.S.11A:5-8 is amended to read as follows:

16 11A:5-8. Preference in appointment in noncompetitive division.
17 From among those eligible for appointment in the noncompetitive
18 division, preference shall be given to a qualified veteran. Before an
19 appointing authority shall select a nonveteran and not appoint a
20 qualified veteran, the appointing authority shall show cause before
21 the **[board]** Civil Service Commission why a veteran should not be
22 appointed. In all cases, a disabled veteran shall have preference
23 over all others.

24 (cf: N.J.S.11A:5-8)

25

26 45. N.J.S.11A:5-10 is amended to read as follows:

27 11A:5-10. Hearing on dismissal of veteran. Before any
28 department head shall dismiss any veteran, as provided in N.J.S.
29 11A:5-9, such department head shall show cause before the **[board]**
30 Civil Service Commission why such veteran should not be retained,
31 at which time such veteran or veterans may be privileged to attend.
32 The **[board]** Civil Service Commission shall be the sole judge of
33 the facts constituting such qualification.

34 (cf: N.J.S.11A:5-10)

35

36 46. N.J.S.11A:5-11 is amended to read as follows:

37 11A:5-11. Veterans not to be discriminated against because of
38 physical defects. Veterans suffering from any physical defect
39 caused by wounds or injuries received in the line of duty in the
40 military or naval forces of the United States during war service set
41 forth in N.J.S. 11A:5-1 shall not be discriminated against in an
42 examination, classification or appointment because of the defect,
43 unless this defect, in the opinion of the **[board]** Civil Service
44 Commission, would incapacitate the veteran from properly
45 performing the duties of the office, position or employment for
46 which applied.

47 (cf: N.J.S.11A:5-11)

1 47. N.J.S.11A:5-12 is amended to read as follows:

2 11A:5-12. Employment or promotion of persons awarded Medal
3 of Honor, Distinguished Service Cross, Air Force Cross or Navy
4 Cross. Any individual who has served in the Army, Air Force,
5 Navy, or Marine Corps of the United States and who has been
6 awarded the Medal of Honor, the Distinguished Service Cross, Air
7 Force Cross or Navy Cross, while a resident of this State, and any
8 individual who has served in the United States Coast Guard and
9 who has been awarded the Medal of Honor or the Navy Cross while
10 a resident of this State, shall be appointed or promoted without
11 complying with the rules of the **[board]** Civil Service Commission.
12 The appointing authority to whom the individual applies for
13 appointment or promotion shall, at its discretion, appoint or
14 promote that person. Upon promotion or appointment, that person
15 shall become subject to the rules of the **[board]** Civil Service
16 Commission. A person who qualifies under this section shall not be
17 limited to only one appointment or promotion.

18 (cf: N.J.S.11A:5-12)

19

20 48. N.J.S.11A:5-13 is amended to read as follows:

21 11A:5-13. World War soldiers in employment of a county,
22 municipality or school district; promotion. A soldier who served in
23 the Army of the United States during the war between the United
24 States and Germany, who holds the French Medaille Militaire, the
25 Croix de Guerre with Palm, Croix de Guerre with Silver Star, Croix
26 de Guerre with Bronze Star and who was on March 26, 1926,
27 employed by any county, municipality or school district operating
28 under the provisions of this title shall be eligible for promotion
29 without complying with any of the rules or regulations of the
30 **[board]** Civil Service Commission. The head, or person in charge
31 of the office in which the person is employed, may promote such
32 employee for the good of the service as may in his judgment seem
33 proper.

34 (cf: N.J.S.11A:5-13).

35

36 49. N.J.S.11A:5-15 is amended to read as follows:

37 11A:5-15. Enforcement. The **[board]** Civil Service
38 Commission may promulgate rules for the proper administration
39 and enforcement of this chapter.

40 Nothing herein contained shall be construed to amend, modify or
41 supersede N.J.S. 40A:14-25, N.J.S. 40A:14-115 or N.J.S. 40A:14-
42 143.

43 (cf: N.J.S.11A:5-15)

44

45 50. N.J.S.11A:6-1 is amended to read as follows:

46 11A:6-1. Leaves. The **[board]** Civil Service Commission shall
47 designate the types of leaves and adopt rules for State employees in

1 the career and senior executive services regarding procedures for
2 sick leave, vacation leave and other designated leaves with or
3 without pay as the **[board]** Civil Service Commission may
4 designate. Any political subdivision subject to the provisions of
5 this title shall prepare procedures regarding these items.

6 In all cases, a leave of absence with or without pay shall not
7 exceed a period of one year at any one time unless renewal or
8 extension is granted upon written approval of the **[commissioner]**
9 State Treasurer.

10 (cf: N.J.S.11A:6-1)

11

12 51. Section 1 of P.L.1993, c.297 (C.11A:6-1.1) is amended to
13 read as follows:

14 1. The **[Commissioner of the Department of Personnel]** State
15 Treasurer shall establish a voluntary furlough program for State
16 employees under which days of leave without pay, singly or
17 consecutively, may be taken. The seniority rights and health
18 benefits coverage of an employee who participates in this furlough
19 program shall continue and shall not be adversely affected by
20 participation.

21 (cf: P.L.1993, c.297, s.1)

22

23 52. N.J.S.11A:6-2 is amended to read as follows:

24 11A:6-2. Vacation leave; full-time State employees. Vacation
25 leave for full-time State employees in the career and senior
26 executive service shall be at least:

27 a. Up to one year of service, one working day for each month
28 of service;

29 b. After one year and up to five years of continuous service, 12
30 working days;

31 c. After five years and up to 12 years of continuous service, 15
32 working days;

33 d. After 12 years and up to 20 years of continuous service, 20
34 working days;

35 e. Over 20 years of continuous service, 25 working days;

36 f. Vacation not taken in a given year because of business
37 demands shall accumulate and be granted during the next
38 succeeding year only; except that vacation leave not taken by an
39 employee in the career and senior executive service in a given year
40 because of duties directly related to a state of emergency declared
41 by the Governor shall accumulate until, pursuant to a plan
42 established by the employee's appointing authority and approved by
43 the **[Commissioner of Personnel]** State Treasurer, the leave is used
44 or the employee is compensated for that leave, which shall not be
45 subject to collective negotiation or collective bargaining; and

46 g. Vacation not taken in a given year because of business
47 demands shall accumulate and be granted during the next
48 succeeding year only; except that vacation leave not taken by an

1 employee in the unclassified service in a given year because of
2 duties directly related to a state of emergency declared by the
3 Governor shall accumulate until, pursuant to a plan established by
4 the employee's appointing authority and approved by the
5 **【Commissioner of Personnel】** State Treasurer, the leave is used or
6 the employee is compensated for that leave, which shall not be
7 subject to collective negotiation or collective bargaining. Nothing
8 in this subsection shall affect any rights to vacation leave which is
9 subject to collective negotiation or collective bargaining.
10 (cf: P.L.2001, c.270, s.1)

11

12 53. N.J.S.11A:6-3 is amended to read as follows:

13 11A:6-3. Vacation leave; full-time political subdivision
14 employees. Vacation leave for full-time political subdivision
15 employees shall be at least:16 a. Up to one year of service, one working day for each month
17 of service;18 b. After one year and up to 10 years of continuous service, 12
19 working days;20 c. After 10 years and up to 20 years of continuous service, 15
21 working days;

22 d. After 20 years of continuous service, 20 working days; and

23 e. Vacation not taken in a given year because of business
24 demands shall accumulate and be granted during the next
25 succeeding year only; except that vacation leave not taken in a
26 given year because of duties directly related to a state of
27 emergency declared by the Governor may accumulate at the
28 discretion of the appointing authority until, pursuant to a plan
29 established by the employee's appointing authority and approved by
30 the **【Commissioner of Personnel】** State Treasurer, the leave is used
31 or the employee is compensated for that leave, which shall not be
32 subject to collective negotiation or collective bargaining

33 (cf: P.L.2001, c.270, s.2)

34

35 54. N.J.S.11A:6-8 is amended to read as follows:

36 11A:6-8. Sick leave injury in State service. Leaves of absence
37 for career, senior executive and unclassified employees in State
38 service due to injury or illness directly caused by and arising from
39 State employment shall be governed by rules of the **【board】** Civil
40 Service Commission. Leaves of absence for career and unclassified
41 employees of a political subdivision directly caused by or arising
42 from employment shall be governed by rules of the political
43 subdivision. Any sick leave with pay shall be reduced by the
44 amount of workers' compensation or disability benefits, if any,
45 received for the same injury or illness.

46 (cf: N.J.S.11A:6-8)

47

48 55. N.J.S.11A:6-23 is amended to read as follows:

1 11A:6-23. Supplemental compensation; rules. The **[board]**
2 Civil Service Commission shall adopt rules for the implementation
3 of supplemental compensation, which shall include but need not be
4 limited to application and eligibility procedures.

5 (cf: N.J.S.11A:6-23)

6
7 56. N.J.S.11A:6-24 is amended to read as follows:

8 11A:6-24. State employees in the career, senior executive and
9 unclassified services in titles or circumstances designated by the
10 **[board]** Civil Service Commission shall be eligible for overtime
11 compensation and holiday pay. Overtime compensation and
12 holiday pay shall be either cash compensation at a rate representing
13 1 1/2 times the employee's hourly rate of base salary or
14 compensatory time off at a rate of 1 1/2 hours for each hour worked
15 beyond the regular workweek, at the discretion of the department
16 head, with the approval of the **[commissioner]** State Treasurer.

17 The **[board]** Civil Service Commission shall adopt rules for the
18 implementation of hours of work, overtime compensation and
19 holiday pay programs, which shall include but need not be limited
20 to application and eligibility procedures.

21 (cf: N.J.S.11A:6-24)

22
23 57. N.J.S.11A:6-25 is amended to read as follows:

24 11A:6-25. State training programs. The **[commissioner]** State
25 Treasurer may establish and shall review and approve training and
26 education programs for State employees in the career, senior
27 executive and unclassified services and shall supervise a State
28 training center with appropriate courses and fee schedules.
29 Particular training may be required by the **[commissioner]** State
30 Treasurer for certain employees, for which an assessment to State
31 departments may be imposed.

32 (cf: N.J.S.11A:6-25)

33
34 58. N.J.S.11A:6-26 is amended to read as follows:

35 11A:6-26. Employee career development. The **[commissioner]**
36 State Treasurer shall develop and stimulate employee career
37 development and improve management and efficiency in State
38 government through programs, for which an assessment to State
39 departments may be imposed, that include but are not limited to:

- 40 a. Career mobility and transferability;
- 41 b. Employee advisory services for counseling and
42 rehabilitation;
- 43 c. Retirement planning; and
- 44 d. Interchange and internship programs.

45 (cf: N.J.S.11A:6-26)

46
47 59. N.J.S.11A:6-27 is amended to read as follows:

1 11A:6-27. Political subdivisions. The **[commissioner]** State
2 Treasurer may, at the request of any political subdivision, initiate
3 programs similar to those authorized in this chapter and provide
4 technical assistance to political subdivisions to improve the
5 efficiency and effectiveness of their personnel management
6 programs. The **[commissioner]** State Treasurer may require
7 reasonable reimbursement from a participating political subdivision.
8 (cf: N.J.S.11A:6-27)

9

10 60. N.J.S.11A:6-28 is amended to read as follows:

11 11A:6-28. Employee performance evaluations. The
12 **[commissioner]** State Treasurer shall establish an employee
13 performance evaluation system for State employees in the career
14 and senior executive services. The system shall utilize standards
15 and criteria related to job content and program goals.

16 Political subdivisions may adopt employee performance
17 evaluation systems for their employees.

18 The **[board]** Civil Service Commission shall adopt and enforce
19 rules with respect to the utilization of performance ratings in
20 promotion, layoff or other matters.

21 (cf: N.J.S.11A:6-28)

22

23 61. N.J.S.11A:6-29 is amended to read as follows:

24 11A:6-29. Awards committee. The New Jersey Employee
25 Awards Committee shall be established in the **[department under**
26 **the supervision of the commissioner]** Department of the Treasury.
27 The committee shall be composed of seven persons, each of whom
28 shall be employed in a different department within the Executive
29 Branch. Appointments to the committee shall be made by the
30 Governor, from nominations by the **[commissioner]** State
31 Treasurer, for staggered terms of three years or until a successor is
32 appointed. No member shall serve more than two consecutive full
33 terms. Members shall serve without compensation but shall be
34 entitled to sums incurred for necessary expenses. The
35 **[commissioner]** State Treasurer shall designate an employee of the
36 department as executive secretary to the committee.

37 (cf: N.J.S.11A:6-29)

38

39 62. N.J.S.11A:6-31 is amended to read as follows:

40 11A:6-31. Powers and duties of the committee. The committee
41 shall:

42 a. Adopt rules for the implementation of the awards programs,
43 subject to the approval of the **[commissioner]** State Treasurer;

44 b. Request and receive assistance from any department in State
45 government;

1 c. Prepare an annual report to the Governor from the
2 **【commissioner】** State Treasurer concerning the operation of the
3 awards program; and

4 d. Establish and supervise the awards committees in the
5 departments in State government.

6 (cf: N.J.S.11A:6-31)

7

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

9 11A:7-2 Division of Equal Employment Opportunity and
10 Affirmative Action. A Division of Equal Employment Opportunity
11 and Affirmative Action is established in the **【department】**
12 Department of Law and Public Safety. The division shall have all
13 of the powers and shall exercise all of the functions and duties set
14 forth in this chapter, subject to the supervision and control of the
15 **【commissioner】** Attorney General.

16 (cf: N.J.S.11A:7-2)

17

18 64. N.J.S.11A:7-3 is amended to read as follows:

19 11A:7-3. Equal employment opportunity and affirmative action
20 program. The division shall develop, implement and administer an
21 equal employment opportunity and affirmative action program for
22 all State agencies. The program shall consider the particular
23 personnel requirements that are reasonably related to job
24 performance of each State agency. The director of the division
25 shall ensure that the affirmative action and equal employment goals
26 of each State agency for minorities, women and handicapped
27 persons shall be reasonably related to their population in the
28 relevant surrounding labor market areas. The director, in
29 accordance with applicable federal and State guidelines, shall:

30 a. Ensure each State agency's compliance with all laws and
31 rules relating to equal employment opportunity and seek correction
32 of discriminatory practices, policies and procedures;

33 b. Recommend appropriate sanctions for noncompliance to the
34 **【commissioner】** Attorney General who, with the concurrence of the
35 Governor, is authorized to implement sanctions;

36 c. Review State personnel practices, policies and procedures,
37 inclusive of recruitment, selection, and promotion, in order to
38 identify and eliminate artificial barriers to equal employment
39 opportunity;

40 d. Act as liaison with federal, State, and local enforcement
41 agencies;

42 e. Recommend appropriate legislation to the **【commissioner】**
43 Attorney General and perform other actions deemed necessary by
44 the **【commissioner】** Attorney General to implement this chapter;
45 and

46 f. Provide, under rules adopted by the **【board】** Department of

1 Law and Public Safety, for review of equal employment complaints.
2 (cf: N.J.S.11A:7-3)

3

4 65. N.J.S.11A:7-6 is amended to read as follows:

5 11A:7-6. Agency affirmative action officer. The head of each
6 State agency shall appoint at least one person with the responsibility
7 for equal employment opportunity as the affirmative action officer.
8 Unless otherwise permitted by the director with the approval of the
9 **【commissioner】** Attorney General, such person shall serve on a
10 full-time basis and shall be responsible to the Division of Equal
11 Employment Opportunity and Affirmative Action.

12 (cf: N.J.S.11A:7-6)

13

14 66. N.J.S.11A:7-9 is amended to read as follows:

15 11A:7-9. Agency failure to achieve affirmative action goals;
16 penalties. If there is a failure by a State agency to achieve its
17 affirmative action goals or to demonstrate good faith efforts,
18 appropriate sanctions and penalties may be imposed by the
19 department in accordance with federal and State regulations, subject
20 to the concurrence of the Governor and the **【commissioner】**
21 Attorney General. These sanctions may include, but are not limited
22 to, placing a moratorium on departmental personnel actions in the
23 career, senior executive and unclassified services, and such other
24 sanctions as may be allowed by law.

25 (cf: N.J.S.11A:7-9)

26

27 67. N.J.S.11A:7-11 is amended to read as follows:

28 11A:7-11. Equal Employment Opportunity Advisory
29 Commission; creation. There is established in the **【department】**
30 Department of Law and Public Safety an Equal Employment
31 Opportunity Advisory Commission, which shall advise the
32 **【Division of Equal Employment Opportunity and Affirmative**
33 **Action】** Attorney General and recommend improvements in the
34 State's affirmative action efforts.

35 (cf: N.J.S.11A:7-11)

36

37 68. N.J.S.11A:7-13 is amended to read as follows:

38 11A:7-13. Accommodation for the handicapped and
39 examination waiver. The **【commissioner】** State Treasurer may
40 establish procedures for the reasonable accommodation of
41 handicapped persons in the employee selection process for the State
42 and the political subdivisions covered by this title. Pursuant to
43 rules adopted by the **【board】** Civil Service Commission, the
44 **【commissioner】** State Treasurer may waive an examination for an
45 applicant who suffers from a physical, mental or emotional
46 affliction, injury, dysfunction, impairment or disability which:

1 a. Makes it physically or psychologically not practicable for
2 that person to undergo the testing procedure for the title for which
3 applied, but

4 b. Does not prevent that person from satisfactorily performing
5 the responsibilities of the title under conditions of actual service;
6 and

7 c. In making such determination, the **[commissioner]** State
8 Treasurer may require the submission of sufficient and appropriate
9 medical documentation.

10 (cf: N.J.S.11A:7-13)

11
12 69. N.J.S.11A:8-1 is amended to read as follows:

13 11A:8-1. a. A permanent employee may be laid off for economy,
14 efficiency or other related reason. A permanent employee shall
15 receive 45 days' written notice, unless in State government a greater
16 time period is ordered by the **[commissioner]** State Treasurer,
17 which shall be served personally or by certified mail, of impending
18 layoff or demotion and the reasons therefor. The notice shall expire
19 120 days after service unless extended by the **[commissioner]** State
20 Treasurer for good cause. At the same time the notice is served, the
21 appointing authority shall provide the **[commissioner]** State
22 Treasurer with a list of the names and permanent titles of all
23 employees receiving the notice. The **[board]** Civil Service
24 Commission shall adopt rules to implement employee layoff rights
25 consistent with the provisions of this section, upon recommendation
26 by the **[commissioner]** State Treasurer. The **[commissioner]** State
27 Treasurer shall consult with the advisory board representing labor
28 organizations prior to such recommendations.

29 b. Permanent employees in the service of the State or a
30 political subdivision shall be laid off in inverse order of seniority.
31 As used in this subsection, "seniority" means the length of
32 continuous permanent service in the jurisdiction, regardless of title
33 held during the period of service, except that for police and
34 firefighting titles, "seniority" means the length of continuous
35 permanent service only in the current permanent title and any other
36 title that has lateral or demotional rights to the current permanent
37 title. Seniority for all titles shall be based on the total length of
38 calendar years, months and days in continuous permanent service
39 regardless of the length of the employee's work week, work year or
40 part-time status.

41 c. For purposes of State service, a "layoff unit" means a
42 department or autonomous agency and includes all programs
43 administered by that department or agency. For purposes of
44 political subdivision service, the "layoff unit" means a department
45 in a county or municipality, an entire autonomous agency, or an
46 entire school district, except that the **[commissioner]** State
47 Treasurer may establish broader layoff units.

1 d. For purposes of State service, "job location" means a county.
2 The **[commissioner]** State Treasurer shall assign a job location to
3 every facility and office within a State department or autonomous
4 agency. For purposes of local service, "job location" means the
5 entire political subdivision and includes any facility operated by the
6 political subdivision outside its geographic borders.

7 e. For purposes of determining lateral title rights in State and
8 political subdivision service, title comparability shall be determined
9 by the department based upon whether the: (1) titles have
10 substantially similar duties and responsibilities; (2) education and
11 experience requirements for the titles are identical or similar; (3)
12 employees in an affected title, with minimal training and
13 orientation, could perform the duties of the designated title by
14 virtue of having qualified for the affected title; and (4) special
15 skills, licenses, certifications or registration requirements for the
16 designated title are similar and do not exceed those which are
17 mandatory for the affected title. Demotional title rights shall be
18 determined by the **[commissioner]** State Treasurer based upon the
19 same criteria, except that the demotional title shall have lower but
20 substantially similar duties and responsibilities as the affected title.

21 f. In State service, a permanent employee in a position affected
22 by a layoff action shall be provided with applicable lateral and
23 demotional title rights first, at the employee's option, within the
24 municipality in which the facility or office is located and then to the
25 job locations selected by the employee within the department or
26 autonomous agency. The employee shall select individual job
27 locations in preferential order from the list of all job locations and
28 shall indicate job locations at which the employee will accept lateral
29 and demotional title rights. In local service, a permanent employee
30 in a position affected by a layoff action shall be provided lateral and
31 demotional title rights within the layoff unit.

32 g. Following the employee's selection of job location
33 preferences, lateral and demotional title rights shall be provided in
34 the following order:

35 (1) a vacant position that the appointing authority has previously
36 indicated it is willing to fill;

37 (2) a position held by a provisional employee who does not have
38 permanent status in another title, and if there are multiple
39 employees at a job location, the specific position shall be
40 determined by the appointing authority;

41 (3) a position held by a provisional employee who has
42 permanent status in another title, and if there are multiple
43 provisional employees at a job location, the specific position shall
44 be determined based on level of the permanent title held and
45 seniority;

46 (4) the position held by the employee serving in a working test
47 period with the least seniority;

1 (5) in State service, and in local jurisdictions having a
2 performance evaluation program approved by the department, the
3 position held by the permanent employee whose performance rating
4 within the most recent 12 months in the employee's permanent title
5 was significantly below standards or an equivalent rating;

6 (6) in State service, and in local jurisdictions having a
7 performance evaluation program approved by the department, the
8 position held by the permanent employee whose performance rating
9 within the most recent 12 months in the employee's permanent title
10 was marginally below standards or an equivalent rating; and

11 (7) the position held by the permanent employee with the least
12 seniority.

13 h. A permanent employee shall be granted special
14 reemployment rights based on the employee's permanent title at the
15 time of the layoff action and the employee shall be certified for
16 reappointment after the layoff action to the same, lateral and lower
17 related titles. Special reemployment rights shall be determined by
18 the **【commissioner】** State Treasurer in the same manner as lateral
19 and demotional rights.

20 i. Notwithstanding the provisions above, at no time shall any
21 person on a military leave of absence for active service in the
22 Armed Forces of the United States in time of war or emergency be
23 laid off.

24 (cf: P.L.2007, c.239, s.3)

25

26 70. N.J.S.11A:8-3 is amended to read as follows:

27 11A:8-3. Alternatives to layoff. The **【commissioner】** State
28 Treasurer, in consultation with the advisory committee established
29 pursuant to subsection m. of N.J.S. 11A:2-11, may recommend
30 rules to the **【board】** Civil Service Commission on voluntary
31 reduced work time or other alternatives to layoffs. Employee
32 participation in the program shall not affect special reemployment
33 or retention rights.

34 (cf: N.J.S.11A:8-3)

35

36 71. N.J.S.11A:8-4 is amended to read as follows:

37 11A:8-4. Appeals. A permanent employee who is laid off or
38 demoted in lieu of layoff shall have a right to appeal the good faith
39 of such layoff or demotion to the **【board】** Civil Service
40 Commission. Appeals must be filed within 20 days of final notice
41 of such layoff or demotion. The burden of proof in such actions
42 shall be on the employee and rules adopted pursuant to N.J.S.
43 11A:2-22 would also be applicable to these appeals.

44 (cf: N.J.S.11A:8-4)

45

46 72. N.J.S.11A:9-7 is amended to read as follows:

1 11A:9-7. Results certified. The result of the election shall be
2 certified by the clerk of the political subdivision to the
3 **【commissioner】** State Treasurer.
4 (cf: N.J.S.11A:9-7)
5

6 73. N.J.S.11A:10-1 is amended to read as follows:

7 11A:10-1. Disapproval of salary. The **【board or the**
8 **commissioner】** Civil Service Commission may disapprove and
9 order the payment stopped of the salary of any person employed in
10 violation of this title or an order of the **【board or commissioner】**
11 Civil Service Commission and recover all disapproved salary from
12 such person. Any person or persons who authorize the payment of
13 a disapproved salary or have employment authority over the person
14 whose salary has been disapproved may be subject to penalties,
15 including, but not limited to, the disapproval of their salaries and
16 payment from their personal funds of improper expenditures of the
17 moneys as may be provided by the rules of the **【board】** Civil
18 Service Commission. This section shall not be limited by the
19 amounts set forth in N.J.S. 11A:10-3.
20 (cf: N.J.S.11A:10-1)
21

22 74. N.J.S.11A:10-2 is amended to read as follows:

23 11A:10-2. Criminal violation of title or order. Any person who
24 purposely or knowingly violates or conspires to violate any
25 provision of this title or **【board or commissioner】** Civil Service
26 Commission or State Treasurer order shall be guilty of a crime of
27 the fourth degree.
28 (cf: N.J.S.11A:10-2)
29

30 75. N.J.S.11A:10-3 is amended to read as follows:

31 11A:10-3. Noncompliance. The **【board or the commissioner】**
32 Civil Service Commission or State Treasurer may assess all
33 administrative costs incurred under N.J.S. 11A:4-5. Other costs,
34 charges and fines of not more than \$10,000.00 may be assessed for
35 noncompliance or violation of this title or any order of the **【board**
36 **or commissioner】** Civil Service Commission or State Treasurer.
37 (cf: P.L. N.J.S.11A:10-3)
38

39 76. N.J.S.11A:10-4 is amended to read as follows:

40 11A:10-4. Action for enforcement. The **【board, the**
41 **commissioner】** Civil Service Commission, State Treasurer, or other
42 party in interest may bring an action in the Superior Court for the
43 enforcement of this title or an order of the **【board or commissioner】**
44 Civil Service Commission or State Treasurer.
45 (c.f. P.L. N.J.S.11A:10-4)
46

47 77. N.J.S.11A:11-1 is amended to read as follows:

1 11A:11-1. **【Commissioner of Personnel and】** Merit System
2 Board. The functions, powers, and duties of the Merit System
3 Board as constituted in the Department of Personnel are continued
4 and transferred to the Civil Service Commission which is created
5 and allocated in, but not of, the Department of Labor and
6 Workforce Development by N.J.S.11A:2-1 as amended by
7 P.L. , c. (pending before the Legislature as this bill). The
8 **【President of the Civil Service Commission on the effective date of**
9 **this act shall become the Commissioner of Personnel and the**
10 **remaining】** members of the **【Civil Service Commission】** Merit
11 System Board, other than the Commissioner of Personnel, on the
12 effective date of this act, P.L. , c. (pending before the Legislature
13 as this bill), shall continue as members of the **【Merit System**
14 **Board】** Civil Service Commission for the duration of their current
15 terms and any reappointments and until their successors are
16 appointed, unless removed for cause.
17 (cf: N.J.S.11A:11-1)

18

19 78. N.J.S.11A:11-2 is amended to read as follows:

20 11A:11-2. **【Department of Personnel.】** a. **【The Department of**
21 **Personnel shall replace the Department of Civil Service. Except as**
22 **otherwise stated in this title, all employees of the Department of**
23 **Civil Service shall become employees of the Department of**
24 **Personnel.**

25 b. **】** The Department of Personnel is abolished as a principal
26 department in the Executive Branch of State government. The
27 offices and terms of the Commissioner of Personnel, the deputy
28 commissioner, assistant commissioners, and the directors of the
29 various divisions and offices of the Department of Personnel are
30 terminated, except as otherwise provided by P.L. , c. (pending
31 before the Legislature as this bill).

32 b. The functions, powers, and duties of the Department of
33 Personnel, the Commissioner of Personnel, the deputy
34 commissioner, assistant commissioners, and directors of the various
35 divisions and offices of the Department of Personnel are continued
36 and transferred as provided by P.L. , c. (pending before the
37 Legislature as this bill). The State Treasurer may allocate the
38 functions, powers, and duties transferred to the Department of the
39 Treasury or the State Treasurer by P.L. , c. (pending before the
40 Legislature as this bill) among such divisions or subdivisions in the
41 Department of the Treasury as the State Treasurer deems
42 appropriate or as the State Treasurer may establish.

43 c. The Division of Equal Employment Opportunity and
44 Affirmative Action as constituted in the Department of Personnel,
45 with its functions, powers, and duties, and those of the
46 Commissioner of Personnel and the Merit System Board with
47 regard to that division, is continued and transferred to the

1 Department of Law and Public Safety, except with regard to the
2 power to adjudicate complaints of violations of the State policy
3 against discrimination which power shall remain with the Civil
4 Service Commission. The functions, powers, and duties of the
5 Division of Equal Employment Opportunity and Affirmative Action
6 shall be allocated within the department as the Attorney General
7 shall determine.

8 The Equal Employment Opportunity Advisory Commission as
9 constituted in the Department of Personnel is continued and
10 transferred to the Department of Law and Public Safety to be
11 allocated within that department as the Attorney General shall
12 determine. The members of the Equal Employment Opportunity
13 Advisory Commission shall continue as members of the
14 commission for the duration of their current terms and any
15 reappointments and until their successors are appointed, unless
16 removed for cause.

17 d. The Working Well NJ State employee wellness program as
18 constituted in the Department of Personnel is continued and
19 transferred to the Department of Health and Senior Services to be
20 allocated within that department as the commissioner shall
21 determine.

22 e. The toll-free information "Law Enforcement Officer Crisis
23 Intervention Services" telephone hotline as constituted in the
24 Department of Personnel is continued and transferred to the
25 Department of Law and Public Safety, pursuant to sections 115 to
26 116 of P.L. , c. (C.)(pending before the Legislature as this
27 bill), to be allocated within that department as the Attorney General
28 shall determine.

29 f. The New Jersey Employee Awards Committee as constituted
30 in the Department of Personnel is continued and transferred to the
31 Department of the Treasury to be allocated within that department
32 as the State Treasurer shall determine. The members of the New
33 Jersey Employee Awards Committee shall continue as members of
34 the committee for the duration of their current terms and any
35 reappointments and until their successors are appointed, unless
36 removed for cause.

37 g. The [commissioner] State Treasurer shall develop a plan for
38 the consolidation and coordination of personnel, training, and
39 related functions, including, but not limited to, classification,
40 compensation, and workforce planning, in the executive branch of
41 State government and for transfer to the Department of [Personnel]
42 the Treasury such employees, positions, funding, facilities,
43 equipment, powers, and duties from throughout the executive
44 branch of State government as necessary and appropriate to
45 effectuate such consolidation and coordination.

46 [c.] h. The [commissioner] State Treasurer shall submit the
47 plan prepared pursuant to subsection [b.] g. of this section to the
48 Governor for review and approval. With the approval of the

1 Governor and in accordance with regulations adopted by the
2 **【commissioner】** State Treasurer, the **【commissioner】** State
3 Treasurer, pursuant to the approved plan, shall direct the
4 consolidation and coordination of personnel, training and related
5 functions, including, but not limited to, classification, compensation
6 and workforce planning, in the executive branch of State
7 government and transfer to the Department of **【Personnel】** the
8 Treasury such employees, positions, funding, facilities, equipment,
9 powers, duties and functions from throughout the executive branch
10 of State government to effectuate such consolidation and
11 coordination. The **【commissioner】** State Treasurer shall organize
12 these functions in such units as the **【commissioner】** State Treasurer
13 determines are necessary **【for the efficient operation of the**
14 **department】** and in such a manner as will provide the appointing
15 authorities and all State employees with proper support in personnel
16 matters. The consolidation shall not apply to those functions which
17 the **【commissioner】** State Treasurer has determined are unique to
18 each department or agency in its capacity as an appointing
19 authority.

20 **【d.】** i. Each department, office, division, bureau or agency in
21 the executive branch of State government shall cooperate with the
22 **【commissioner】** State Treasurer and make available to the
23 **【commissioner】** State Treasurer such information, personnel and
24 assistance necessary to effectuate the purposes of **【this amendatory**
25 **act, P.L.1993, c.114】** P.L. , c. (pending before the Legislature as
26 this bill).

27 **【e.】** j. This section shall not be construed to permit or require
28 negotiations pursuant to the "New Jersey Employer-Employee
29 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or
30 regulation promulgated by the **【Commissioner of Personnel or the**
31 **Merit System Board】** State Treasurer or Civil Service Commission
32 pursuant to this section or any other section of this title.
33 (cf: P.L.1993, c.114, s.1)

34
35 79. N.J.S.11A:11-3 is amended to read as follows:

36 11A:11-3. Names. Any law, rule, regulation, order,
37 reorganization plan, contract, document, judicial or administrative
38 proceeding, appropriation or otherwise which refers to the
39 Department of **【Civil Service shall mean the Department of】**
40 **Personnel【; Civil Service Commission】**, Commissioner or
41 Personnel, or Merit System Board shall mean **【Merit System Board;**
42 **and President of the Civil Service Commission or Chief Examiner**
43 **and Secretary, or both, shall mean Commissioner of Personnel】** the
44 Department of the Treasury, State Treasurer, or Civil Service

1 Commission, as provided by P.L. , c. (pending before the
2 Legislature as this bill).

3 (cf: N.J.S.11A:11-3)

4

5 80. N.J.S.11A:11-4 is amended to read as follows:

6 11A:11-4. Rules. All rules of the **【Civil Service Commission】**
7 Merit System Board or the Department of Personnel in effect on the
8 effective date of P.L. , c. (pending before the Legislature as this
9 bill) shall remain in effect except as changed or modified by this
10 title or **【board】** action of the Civil Service Commission, State
11 Treasurer, Attorney General, or other authority, as appropriate.

12 (cf: N.J.S.11A:11-4)

13

14 81. N.J.S.11A:11-5 is amended to read as follows:

15 11A:11-5. Pending actions. Any action pending on the effective
16 date of **【this act】** P.L. , c. (pending before the Legislature as
17 this bill) shall continue under the prior law and rule.

18 (cf: N.J.S.11A:11-5)

19

20 82. N.J.S.11A:11-6 is amended to read as follows:

21 11A:11-6. Transfer. The transfers directed by **【this title】**
22 P.L. , c. (pending before the Legislature as this bill), except as
23 otherwise provided, shall be made in accordance with the "State
24 Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

25 (cf: N.J.S.11A:11-6)

26

27 83. N.J.S.11A:12-1 is amended to read as follows:

28 11A:12-1. Inconsistent laws. Any law or statute which is
29 inconsistent with any of the provisions of this title, as amended by
30 P.L. , c. (pending before the Legislature as this bill), are to the
31 extent of the inconsistency hereby superseded, except that the title
32 is not to be construed either to expand or to diminish collective
33 negotiation rights existing under the "New Jersey Employer-
34 Employee Relations Act," P.L.1941, c. 100 (C. 34:13A-1 et seq.).

35 (cf: N.J.S.11A:12-1)

36

37 84. N.J.S.2A:12-6 is amended to read as follows:

38 2A:12-6. The Administrative Director of the Courts is
39 authorized to distribute or cause to be distributed any bound
40 volumes of the New Jersey Reports and the New Jersey Superior
41 Court Reports heretofore or hereafter published and delivered to
42 him, as follows:

43 To each member of the Legislature, one copy of each volume of
44 such reports.

45 To the following named, for official use, to remain the property
46 of the State, the following number of copies of each volume of such
47 reports:

48 a. To the Governor, four copies;

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36

- 1 b. To the Department of Law and Public Safety, for the
- 2 Division of Law, four copies; and the Division of Alcoholic
- 3 Beverage Control, one copy;
- 4 c. To the Department of the Treasury, for the State Treasurer,
- 5 one copy; the Division of Taxation, three copies; and the Division
- 6 of Local Government Services in the Department of Community
- 7 Affairs, one copy;
- 8 d. To the Department of State, one copy;
- 9 e. **【To the Department of Personnel, one copy】** (Deleted by
- 10 amendment, P.L. , c. (pending before the Legislature as this
- 11 bill));
- 12 f. To the Department of Banking and Insurance, two copies;
- 13 g. To the Board of Public Utilities in the Department of the
- 14 Treasury, one copy;
- 15 h. To the Department of Labor and Workforce Development,
- 16 for the commissioner, one copy; the Division of Workers'
- 17 Compensation, five copies; the State Board of Mediation, one copy;
- 18 and the Division of Employment Security, three copies;
- 19 i. To the Department of Education, for the commissioner, one
- 20 copy;
- 21 j. To the Department of Transportation, one copy;
- 22 k. To the Department of Human Services, one copy; the
- 23 Department of Corrections, one copy; and the Department of
- 24 Children and Families, one copy;
- 25 l. To each judge of the federal courts in and for the district of
- 26 New Jersey, one copy;
- 27 m. To each justice of the Supreme Court, one copy;
- 28 n. To each judge of the Superior Court, one copy;
- 29 o. To the Administrative Director of the Courts, one copy;
- 30 p. To each standing master of the Superior Court, one copy;
- 31 q. (Deleted by amendment, P.L.1983, c.36.)
- 32 r. To the clerk of the Supreme Court, one copy;
- 33 s. To the clerk of the Superior Court, one copy;
- 34 t. (Deleted by amendment, P.L.1983, c.36.)
- 35 u. (Deleted by amendment, P.L.1983, c.36.)
- 36 v. (Deleted by amendment, P.L.1991, c.91.)
- 37 w. (Deleted by amendment, P.L.1991, c.91.)
- 38 x. To each county prosecutor, one copy;
- 39 y. To the Central Management Unit in the Office of Legislative
- 40 Services, one copy;
- 41 z. To each surrogate, one copy;
- 42 aa. To each county clerk, one copy;
- 43 ab. To each sheriff, one copy;
- 44 ac. To Rutgers, The State University, two copies; and the law
- 45 schools, five copies each;
- 46 ad. To the law school of Seton Hall University, five copies;
- 47 ae. To Princeton University, two copies;
- 48 af. To the Library of Congress, four copies;

- 1 ag. To the New Jersey Historical Society, one copy;
2 ah. To every library provided by the board of chosen freeholders
3 of any county at the courthouse in each county, one copy;
4 ai. To the library of every county bar association in this State,
5 one copy;
6 aj. To each incorporated library association in this State, which
7 has a law library at the county seat of the county in which it is
8 located, one copy;
9 ak. To each judge of the tax court, one copy;
10 al. The State Library, 60 copies, five of which shall be
11 deposited in the Law Library, and 55 of which shall be used by the
12 State Librarian to send one copy to the state library of each state
13 and territory of the United States, the same to be in exchange for the
14 law reports of such states and territories sent to the State Library,
15 which reports shall be deposited in and become part of the
16 collection of the Law Library.

17 The remaining copies of such reports shall be retained by the
18 administrative director for the use of the State and for such further
19 distribution as he may determine upon.

20 (cf: P.L.2006, c.47, s.21)

21

22 85. Section 14 of P.L.2006, c.47 (C.9:3A-14) is amended to read
23 as follows:

24 14. The Department of Children and Families shall not employ
25 any individual as a direct care staff member unless the
26 Commissioner of Children and Families has first determined,
27 consistent with the requirements and standards of this section, that
28 no criminal history record information exists on file in the Federal
29 Bureau of Investigation, Identification Division, or in the State
30 Bureau of Identification in the Division of State Police, which
31 would disqualify that individual from being employed at the
32 department. A criminal history record background check shall be
33 conducted at least once every two years for an individual employed
34 as a direct care staff member.

35 As used in this section, "direct care staff member" means an
36 individual employed at the department in a position which involves
37 unsupervised, regular contact with individuals receiving services
38 from the department.

39 a. An individual shall be disqualified from employment as a
40 direct care staff member if that individual's criminal history record
41 check reveals a record of conviction of any of the following crimes
42 and offenses:

43 (1) In New Jersey, any crime or disorderly persons offense:

44 (a) involving danger to the person, meaning those crimes and
45 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
46 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
47 or N.J.S.2C:15-1 et seq.; or

1 (b) against the family, children or incompetents, meaning those
2 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
3 seq.; or

4 (2) In any other state or jurisdiction, of conduct which, if
5 committed in New Jersey, would constitute any of the crimes or
6 disorderly persons offenses described in paragraph (1) of this
7 subsection.

8 b. Notwithstanding the provisions of subsection a. of this
9 section to the contrary, no individual shall be disqualified from
10 employment under this act on the basis of any conviction disclosed
11 by a criminal history record check performed pursuant to this
12 section if the individual has affirmatively demonstrated to the
13 Commissioner of Children and Families clear and convincing
14 evidence of his rehabilitation. In determining whether an individual
15 has affirmatively demonstrated rehabilitation, the following factors
16 shall be considered:

17 (1) The nature and responsibility of the position which the
18 convicted individual would hold;

19 (2) The nature and seriousness of the offense;

20 (3) The circumstances under which the offense occurred;

21 (4) The date of the offense;

22 (5) The age of the individual when the offense was committed;

23 (6) Whether the offense was an isolated or repeated incident;

24 (7) Any social conditions which may have contributed to the
25 offense; and

26 (8) Any evidence of rehabilitation, including good conduct in
27 prison or in the community, counseling or psychiatric treatment
28 received, acquisition of additional academic or vocational
29 schooling, successful participation in correctional work-release
30 programs, or the recommendation of persons who have had the
31 individual under their supervision.

32 c. If a prospective direct care staff member refuses to consent
33 to, or cooperate in, the securing of a criminal history record
34 background check, the commissioner shall not consider the
35 individual for employment as a direct care staff member. The
36 prospective staff member shall, however, retain any available right
37 of review by the **【Merit System Board in the Department of**
38 **Personnel】** Civil Service Commission.

39 d. If a current direct care staff member refuses to consent to, or
40 cooperate in, the securing of a criminal history record background
41 check, the commissioner shall immediately remove the individual
42 from his position as a direct care staff member and terminate the
43 individual's employment. The staff member shall, however, retain
44 any available right of review by the **【Merit System Board in the**
45 **Department of Personnel】** Civil Service Commission.

46 e. Notwithstanding the provisions of subsection a. of this
47 section to the contrary, the department may provisionally employ an
48 individual as a direct care staff member for a period not to exceed

1 six months if that individual's State Bureau of Identification
2 criminal history record background check does not contain any
3 information that would disqualify the individual from employment
4 at the department and if the individual submits to the commissioner
5 a sworn statement attesting that the individual has not been
6 convicted of any crime or disorderly persons offense as described in
7 this section, pending a determination that no criminal history record
8 background information which would disqualify the individual
9 exists on file in the Federal Bureau of Investigation, Identification
10 Division. An individual who is provisionally employed pursuant to
11 this subsection shall perform his duties under the direct supervision
12 of a superior who acts in a supervisory capacity over that individual
13 until the determination concerning the federal information is
14 complete.

15 f. All applicants or current direct care staff members from
16 whom criminal history record background checks are required shall
17 submit their fingerprints in a manner acceptable to the
18 commissioner. The commissioner is authorized to exchange
19 fingerprint data with and receive criminal history record
20 information from the Federal Bureau of Investigation and the
21 Division of State Police for use in making the determinations
22 required by this section. No criminal history record background
23 check shall be performed pursuant to this section unless the
24 applicant shall have furnished his written consent to the check.

25 g. (1) Upon receipt of an applicant or direct care staff member's
26 criminal history record information from the Federal Bureau of
27 Investigation or the Division of State Police, as applicable, the
28 commissioner shall notify the applicant or staff member, in writing,
29 of the applicant's or staff member's qualification or disqualification
30 for employment under this act. If the applicant or staff member is
31 disqualified, the conviction or convictions which constitute the
32 basis for the disqualification shall be identified in the written
33 notice.

34 (2) The applicant or staff member shall have 30 days from the
35 date of written notice of disqualification to petition the
36 commissioner for a hearing on the accuracy of the criminal history
37 record information or to establish his rehabilitation under
38 subsection b. of this section. The commissioner may refer any case
39 arising hereunder to the Office of Administrative Law for
40 administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1
41 et al.).

42 (3) The commissioner shall not maintain any individual's
43 criminal history record information or evidence of rehabilitation
44 submitted under this section for more than six months from the date
45 of a final determination by the commissioner as to the individual's
46 qualification or disqualification to be a direct care staff member
47 pursuant to this section.

1 h. The commissioner shall initiate a criminal history record
2 background check on all prospective direct care staff members.
3 Current direct care staff members who have had a criminal history
4 record background check conducted and stored in a manner
5 approved by the commissioner shall have up to two years from the
6 effective date of this act until the next criminal history background
7 check is conducted.

8 i. The department shall assume the cost of all criminal history
9 record background checks conducted on current and prospective
10 direct care staff members.

11 (cf: P.L.2006, c.47, s.14)

12

13 86. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
14 read as follows:

15 19. a. The President of Thomas Edison State College or the
16 designee thereof shall, with the advice of the State Librarian,
17 appoint all professional staff in the library, and fix the
18 compensation of all such persons thus appointed. The President of
19 Thomas Edison State College or the designee thereof shall appoint
20 such other personnel as that person may consider necessary for the
21 efficient performance of the work of the library and fix their
22 compensation. All persons thus appointed shall be subject to the
23 provisions of Title 11A, Civil Service, of the New Jersey Statutes.

24 b. For all purposes, the employees of the State Library shall be
25 considered employees of Thomas Edison State College.

26 c. Thomas Edison State College shall maintain, in a manner
27 acceptable to the Department of **【Personnel】** the Treasury, the
28 personnel records of all employees and positions currently on staff
29 and funded. All such records shall be subject to audit by the
30 Department of **【Personnel】** the Treasury.

31 d. The State shall be responsible for paying the entire employer
32 contribution of the pension and benefits costs for the State Library
33 employees whose salaries are funded from the direct State services
34 portion of the annual appropriation for the State Library.

35 (cf: P.L.2001, c.137, s.11)

36

37 87. Section 2 of P.L.1988, c.45 (C.30:4-3.5) is amended to read
38 as follows:

39 2. a. A facility shall not employ any individual unless the
40 Commissioner of the Department of Human Services has first
41 determined, consistent with the requirements and standards of this
42 act, that no criminal history record information exists on file in the
43 Federal Bureau of Investigation, Identification Division, or in the
44 State Bureau of Identification in the Division of State Police, which
45 would disqualify that individual from being employed at the
46 facility. A criminal history record background check shall be
47 conducted at least once every two years for an individual employed
48 at the facility. An individual shall be disqualified from employment

1 under this act if that individual's criminal history record check
2 reveals a record of conviction of any of the following crimes and
3 offenses:

4 (1) In New Jersey, any crime or disorderly persons offense:

5 (a) Involving danger to the person, meaning those crimes and
6 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
7 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
8 or N.J.S.2C:15-1 et seq.; or

9 (b) Against the family, children or incompetents, meaning those
10 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
11 seq.; or

12 (2) In any other state or jurisdiction, of conduct which, if
13 committed in New Jersey, would constitute any of the crimes or
14 disorderly persons offenses described in paragraph (1) of this
15 subsection.

16 b. Notwithstanding the provisions of subsection a. of this
17 section, no individual shall be disqualified from employment under
18 this act on the basis of any conviction disclosed by a criminal
19 history record check performed pursuant to this act if the individual
20 has affirmatively demonstrated to the Commissioner of Human
21 Services clear and convincing evidence of his rehabilitation. In
22 determining whether an individual has affirmatively demonstrated
23 rehabilitation, the following factors shall be considered:

24 (1) The nature and responsibility of the position which the
25 convicted individual would hold;

26 (2) The nature and seriousness of the offense;

27 (3) The circumstances under which the offense occurred;

28 (4) The date of the offense;

29 (5) The age of the individual when the offense was committed;

30 (6) Whether the offense was an isolated or repeated incident;

31 (7) Any social conditions which may have contributed to the
32 offense; and

33 (8) Any evidence of rehabilitation, including good conduct in
34 prison or in the community, counseling or psychiatric treatment
35 received, acquisition of additional academic or vocational
36 schooling, successful participation in correctional work-release
37 programs, or the recommendation of persons who have had the
38 individual under their supervision.

39 c. If a prospective employee of a facility refuses to consent to,
40 or cooperate in, the securing of a criminal history record
41 background check, the commissioner shall direct the principal
42 administrator not to consider the person for employment at the
43 facility. The prospective employee shall, however, retain any
44 available right of review by the **【Merit System Board in the**
45 **Department of Personnel】 Civil Service Commission.**

46 d. If a current employee of a facility refuses to consent to, or
47 cooperate in, the securing of a criminal history record background
48 check, the commissioner shall direct the principal administrator to

1 immediately remove the person from his position at the facility and
2 to terminate the person's employment at the facility. The employee
3 shall, however, retain any available right of review by the [Merit
4 System Board in the Department of Personnel] Civil Service
5 Commission.

6 e. Notwithstanding the provisions of subsection a. of this section
7 to the contrary, a facility may provisionally employ an individual
8 for a period not to exceed six months if that individual's State
9 Bureau of Identification criminal history record background check
10 does not contain any information that would disqualify the
11 individual from employment at the facility and if the individual
12 submits to the commissioner a sworn statement attesting that the
13 individual has not been convicted of any crime or disorderly
14 persons offense as described in this act, pending a determination
15 that no criminal history record background information which
16 would disqualify the individual exists on file in the Federal Bureau
17 of Investigation, Identification Division. An individual who is
18 provisionally employed pursuant to this subsection shall perform
19 his duties at the facility under the direct supervision of a superior
20 who acts in a supervisory capacity over that individual until the
21 determination concerning the federal information is complete.
22 (cf: P.L.1997, c.71, s.1)

23

24 88. Section 1 of P.L.1974, c.44 (C.30:1-8.1) is amended to read
25 as follows:

26 1. The commissioner shall be assisted in the performance of his
27 duties by three deputy commissioners. Each deputy commissioner
28 shall be appointed by and shall serve at the pleasure of the
29 commissioner, and until his successor has been appointed and
30 qualified.

31 Each deputy commissioner shall exercise such powers and
32 perform such duties as the commissioner shall prescribe.

33 Unless otherwise provided by law, each deputy commissioner
34 shall receive such salary as may be established by the commissioner
35 with the approval of the [Commissioner of Personnel and the
36 Director of the Division of Budget and Accounting] Department of
37 the Treasury.

38 The commissioner may designate one of the deputy
39 commissioners to exercise the powers and perform the duties of the
40 commissioner during his disability or absence.

41 (cf: P.L.2004, c.130, s.44)

42

43 89. Section 6 of P.L.1990, c.73 (C.30:4-78.2) is amended to read
44 as follows:

45 6. If the commissioner determines that the plan submitted
46 pursuant to section 5 of this amendatory and supplementary act is
47 appropriate, the commissioner shall enter into negotiations with the
48 governing body of the county to provide for the State assumption of

1 the management and operation of the psychiatric facility, in which
2 case the State shall operate and maintain the psychiatric facility,
3 provided that the funding ratios shall not change.

4 Any agreement for the assumption shall include, but not be
5 limited to, such matters as personnel salaries, benefits, tenure or
6 other rights; debt obligations of the facility; existing vendor
7 contracts; lease, purchase or other arrangements for the State's
8 operation of the facility; purchase of services from the county;
9 capital improvements; staffing arrangements; and insurance
10 payments and receivables, including Medicare and Medicaid
11 payments. When negotiating an agreement the Commissioner of
12 Human Services shall consult with the State Department of
13 **【Personnel】** the Treasury concerning personnel salaries, benefits,
14 tenure or other rights. If the commissioner and the governing body
15 of the county agree to the State assumption of the management and
16 operation of a county psychiatric facility, any changes in salaries,
17 benefits, tenure or other rights of employees will recognize the
18 rights and responsibilities under appropriate collective bargaining
19 agreements.

20 (cf: P.L.1990, c.73, s.6)

21

22 90. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to
23 read as follows:

24 4. a. All policies and determinations of the Parole Board shall be
25 made by the majority vote of the members.

26 b. Except where otherwise noted, parole determinations on
27 individual cases pursuant to this act shall be made by the majority
28 vote of a quorum of the appropriate board panel established
29 pursuant to this section.

30 c. The chairman of the board shall be the chief executive
31 officer of the board and, after consulting with the board, shall be
32 responsible for designating the time and place of all board
33 meetings, for appointing the board's employees, for organizing,
34 controlling and directing the work of the board and its employees,
35 and for preparation and justification of the board's budget. Only the
36 employees in those titles and positions as are designated by the
37 **【Commissioner of the Department of Personnel】** State Treasurer
38 shall serve at the pleasure of the chairman and shall not be subject
39 to the provisions of Title 11A of the New Jersey Statutes. All other
40 employees, including hearing officers, shall be in the career service
41 and subject to the provisions of Title 11A of the New Jersey
42 Statutes. All such career service employees who are employed by
43 the State Parole Board on September 5, 2001, and in the case of
44 hearing officers, those who have been employed by the State Parole
45 Board for a period of at least one year prior to the effective date of
46 P.L.2005, c.344, shall have permanent career service status with
47 seniority awarded from the date of their appointments. Parole
48 officers assigned to supervise adult parolees and all supervisory

1 titles associated with the supervision of adult parolees in the parole
2 officer series shall be classified employees subject to the provisions
3 of Title 11A of the New Jersey Statutes. Parole officers assigned to
4 supervise adult parolees and all supervisory titles associated with
5 the supervision of adult parolees in the parole officer job
6 classification series shall be organizationally assigned to the State
7 Parole Board with a sworn member of the Division of Parole
8 appointed to act as director of parole supervision. The director of
9 parole supervision shall report directly to the Chairman of the State
10 Parole Board or to such person as the chairman may designate.

11 d. The board shall promulgate such reasonable rules and
12 regulations, consistent with this act, as may be necessary for the
13 proper discharge of its responsibilities. The chairman shall file
14 such rules and regulations with the Secretary of State. The
15 provisions of the "Administrative Procedure Act," P.L.1968, c.410
16 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and
17 regulations concerning policy and administration, but not to other
18 actions taken under this act, such as parole hearings, parole
19 revocation hearings and review of parole cases. In determination of
20 its rules and regulations concerning policy and administration, the
21 board shall consult the Governor, the Commissioner of Corrections
22 and the Juvenile Justice Commission established pursuant to section
23 2 of P.L.1995, c.284 (C.52:17B-170).

24 e. The board, in conjunction with the Department of
25 Corrections and the Juvenile Justice Commission, shall develop a
26 uniform information system in order to closely monitor the parole
27 process. Such system shall include participation in the Uniform
28 Parole Reports of the National Council on Crime and Delinquency.

29 f. The board shall transmit a report of its work for the
30 preceding fiscal year, including information on the causes and
31 extent of parole recidivism, to the Governor, the Legislature and the
32 Juvenile Justice Commission annually. The report also may include
33 relevant information on compliance with established time frames in
34 the processing of parole eligibility determinations, the effectiveness
35 of any pertinent legislative or administrative measures, and any
36 recommendations to enhance board operations or to effectuate the
37 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-
38 123.45 et seq.).

39 g. The board shall give public notice prior to considering any
40 adult inmate for release.

41 h. The board shall give notice to the appropriate prosecutor's
42 office and to the committing court prior to the initial consideration
43 of any juvenile inmate for release.

44 (cf: P.L.2005, c.344, s.1)

45

46 91. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
47 read as follows:

48 9. The commission shall:

- 1 a. Issue the New Jersey Unified Workforce Investment Plan
2 pursuant to the provisions of the Workforce Investment Act of
3 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
4 P.L.1989, c.293 (C.34:15C-7);
- 5 b. Establish performance standards for workforce investment
6 programs pursuant to the Workforce Investment Act of 1998,
7 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
8 P.L.1989, c.293 (C.34:15C-8);
- 9 c. Act to ensure the full participation of Workforce Investment
10 Boards in the planning and supervision of local workforce
11 investment systems. The commission shall be responsible to
12 oversee and develop appropriate standards to ensure Workforce
13 Investment Board compliance with State and federal law, the State
14 plan, and other relevant requirements regarding membership,
15 staffing, meetings, and functions;
- 16 d. Foster and coordinate initiatives of the Department of
17 Education and Commission on Higher Education to enhance the
18 contributions of public schools and institutions of higher education
19 to the implementation of the State workforce investment policy;
- 20 e. Examine federal and State laws and regulations to assess
21 whether those laws and regulations present barriers to achieving any
22 of the goals of this act. The commission shall, from time to time as
23 it deems appropriate, issue to the Governor and the Legislature
24 reports on its findings, including recommendations for changes in
25 State or federal laws or regulations concerning workforce
26 investment programs or services, including, when appropriate,
27 recommendations to merge other State advisory structures and
28 functions into the commission;
- 29 f. Perform the duties assigned to a State Workforce Investment
30 Board pursuant to subsection (d) of section 111 of the Workforce
31 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);
- 32 g. Have the authority to enter into agreements with the head of
33 each State department or commission which administers or funds
34 education, employment or training programs, including, but not
35 limited to, the Departments of Labor and Workforce Development,
36 Community Affairs, Education, and Human Services and the
37 Commission on Higher Education, the New Jersey Commerce
38 Commission, and the Juvenile Justice Commission, which
39 agreements are for the purpose of assigning planning, policy
40 guidance and oversight functions to each Workforce Investment
41 Board with respect to any workforce investment program funded or
42 administered by the State department or commission within the
43 Workforce Investment Board's respective labor market area or local
44 area, as the case may be; and
- 45 h. Establish guidelines to be used by the Workforce Investment
46 Boards in performing the planning, policy guidance, and oversight
47 functions assigned to the boards under any agreement reached by
48 the commission with a department or commission pursuant to

1 subsection g. of this section. The commission shall approve all
2 local Workforce Investment Board plans that meet the criteria
3 established by the commission for the establishment of One-Stop
4 systems. The Department of Labor and Workforce Development
5 shall approve the operational portion of the plans for programs
6 administered by the department.

7 The commission shall have access to all files and records of
8 other State agencies and may require any officer or employee
9 therein to provide such information as it may deem necessary in the
10 performance of its functions.

11 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
12 construed as affecting the authority of the **【Commissioner of
13 Personnel】** State Treasurer to review and approve training programs
14 for State employees pursuant to N.J.S.11A:6-25.

15 (cf: P.L.2007, c.253, s.20)

16

17 92. Section 36 of P.L.1987, c.444 (C.38A:3-2h) is amended to
18 read as follows:

19 36. Each director shall receive such salary as may be established
20 by the Adjutant General with the approval of the **【Commissioner of
21 Personnel and the Director of the Division of Budget and
22 Accounting】** State Treasurer.

23 (cf: P.L.1987, c.444, s.36)

24

25 93. Section 5 of P.L.2003, c.13 (C.39:2A-5) is amended to read
26 as follows:

27 5. a. Upon the abolishment of the division, all career service
28 employees serving in the division on that date shall be employees of
29 the commission and shall be transferred to the commission pursuant
30 to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
31 seq.) and shall retain their present career service employment status
32 and their collective bargaining status, including all rights of tenure,
33 retirement, pension, disability, leave of absence, or similar benefits.
34 Future employees of the commission shall be hired consistent with
35 the provisions of Title 11A of the New Jersey Statutes and the rules
36 promulgated thereunder.

37 b. Upon action of the commission, all agency employees shall
38 become employees of the commission. Such employees shall be
39 assigned to appropriate titles by the Department of **【Personnel】** the
40 Treasury. Those private motor vehicle agency employees who were
41 employed by the agency on or before January 1, 2003 and who are
42 assigned to career service titles upon employment with the
43 commission shall, upon completion of the special probationary
44 period described in section 7 of this act, attain permanent, regular
45 appointments in their respective titles. No special probationary
46 period shall be required for those who have previously completed a
47 probationary period during their previous State service employment.

1 Except for managerial and confidential employees as defined by the
2 "New Jersey Employer - Employee Relations Act," P.L.1941, c.100
3 (C.34:13A-1 et seq.), such employees shall be covered under the
4 State of New Jersey's collective bargaining agreements and shall
5 obtain all employment and collective bargaining rights consistent
6 therewith.

7 c. Officers and employees of the commission shall be enrolled
8 in the Public Employees' Retirement System and shall be eligible to
9 participate in the State Health Benefits Program established
10 pursuant to the "New Jersey State Health Benefits Program Act,"
11 P.L.1961, c.49 (C.52:14-17.25 et seq.).
12 (cf: P.L.2003, c.13, s.5)

13

14 94. Section 7 of P.L.2003, c.13 (C.39:2A-7) is amended to read
15 as follows:

16 7. Notwithstanding the provisions of Title 11A of the New
17 Jersey Statutes and the rules promulgated thereunder to the
18 contrary, all employees entering or returning to State service other
19 than those on a Special Reemployment List as employees of the
20 commission following employment with a private motor vehicle
21 agency, who have been employed with the private motor vehicle
22 agency on or before January 1, 2003, and assigned to the career
23 service shall be subject to a special probationary period unless they
24 have already completed a probationary period during their previous
25 State service employment. The special probationary period shall
26 have a duration of six months from the date that the employees
27 enter or return to State service as employees of the commission.
28 Each employee's work performance shall be evaluated to determine
29 whether the employee can satisfactorily perform the duties of the
30 title to which the employee is appointed and progress reports shall
31 be provided to the employee as provided by the rules of the **【Merit**
32 **System Board in the Department of Personnel】** Civil Service
33 Commission. An employee who is determined to have satisfactorily
34 performed the duties of the employee's career service title shall
35 attain permanent status in that title at the conclusion of the special
36 probationary period. An employee who is determined not to have
37 satisfactorily performed the duties of that title during or at the
38 conclusion of the special probationary period shall be immediately
39 separated from State service and shall not have any right of appeal
40 regarding the separation to the **【Merit System Board】** Civil Service
41 Commission.

42 (cf: P.L.2003, c.13, s.7)

43

44 95. R.S.39:5-41 is amended to read as follows:

45 39:5-41. a. All fines, penalties and forfeitures imposed and
46 collected under authority of law for any violations of R.S.39:4-63
47 and R.S.39:4-64 shall be forwarded by the judge to whom the same
48 have been paid to the proper financial officer of a county, if the

1 violation occurred within the jurisdiction of that county's central
2 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
3 municipality wherein the violation occurred, to be used by the
4 county or municipality to help finance litter control activities in
5 addition to or supplementing existing litter pickup and removal
6 activities in the municipality.

7 b. Except as otherwise provided by subsection a. of this
8 section, all fines, penalties and forfeitures imposed and collected
9 under authority of law for any violations of the provisions of this
10 Title, other than those violations in which the complaining witness
11 is the chief administrator, a member of his staff, a member of the
12 State Police, a member of a county police department and force or a
13 county park police system in a county that has established a central
14 municipal court, an inspector of the Board of Public Utilities, or a
15 law enforcement officer of any other State agency, shall be
16 forwarded by the judge to whom the same have been paid as
17 follows: one-half of the total amount collected to the financial
18 officer, as designated by the local governing body, of the respective
19 municipalities wherein the violations occurred, to be used by the
20 municipality for general municipal use and to defray the cost of
21 operating the municipal court; and one-half of the total amount
22 collected to the proper financial officer of the county wherein they
23 were collected, to be used by the county as a fund for the
24 construction, reconstruction, maintenance and repair of roads and
25 bridges, snow removal, the acquisition and purchase of rights-of-
26 way, and the purchase, replacement and repair of equipment for use
27 on said roads and bridges therein. Up to 25% of the money
28 received by a municipality pursuant to this subsection, but not more
29 than the actual amount budgeted for the municipal court, whichever
30 is less, may be used to upgrade case processing.

31 All fines, penalties and forfeitures imposed and collected under
32 authority of law for any violations of the provisions of this Title, in
33 which the complaining witness is a member of a county police
34 department and force or a county park police system in a county
35 that has established a central municipal court, shall be forwarded by
36 the judge to whom the same have been paid to the financial officer,
37 designated by the governing body of the county, for all violations
38 occurring within the jurisdiction of that court, to be used for general
39 county use and to defray the cost of operating the central municipal
40 court.

41 Whenever any county has deposited moneys collected pursuant
42 to this section in a special trust fund in lieu of expending the same
43 for the purposes authorized by this section, it may withdraw from
44 said special trust fund in any year an amount which is not in excess
45 of the amount expended by the county over the immediately
46 preceding three-year period from general county revenues for said
47 purposes. Such moneys withdrawn from the trust fund shall be

- 1 accounted for and used as are other general county revenues.
- 2 c. (Deleted by amendment, P.L.1993, c.293.)
- 3 d. Notwithstanding the provisions of subsections a. and b. of
4 this section, \$1 shall be added to the amount of each fine and
5 penalty imposed and collected through a court under authority of
6 any law for any violation of the provisions of Title 39 of the
7 Revised Statutes or any other motor vehicle or traffic violation in
8 this State and shall be forwarded by the person to whom the same
9 are paid to the State Treasurer. In addition, upon the forfeiture of
10 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
11 The State Treasurer shall annually deposit those moneys so
12 forwarded in the "Body Armor Replacement" fund established
13 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
14 in the fiscal year next following the effective date of this act, the
15 State Treasurer annually shall allocate from those moneys so
16 forwarded an amount not to exceed \$400,000 to the Department of
17 **【Personnel】** Law and Public Safety to be expended exclusively for
18 the purposes of funding the operation of the "Law Enforcement
19 Officer Crisis Intervention Services" telephone hotline established
20 and maintained under the provisions of **【P.L.1998, c.149 (C.11A:2-**
21 **25 et al.)】** sections 115 and 116 of P.L. , c. (C.)(pending before
22 the Legislature as this bill).
- 23 e. Notwithstanding the provisions of subsections a. and b. of
24 this section, \$1 shall be added to the amount of each fine and
25 penalty imposed and collected through a court under authority of
26 any law for any violation of the provisions of Title 39 of the
27 Revised Statutes or any other motor vehicle or traffic violation in
28 this State and shall be forwarded by the person to whom the same
29 are paid to the State Treasurer. The State Treasurer shall annually
30 deposit those moneys so forwarded in the "New Jersey Spinal Cord
31 Research Fund" established pursuant to section 9 of P.L.1999, c.201
32 (C.52:9E-9). In order to comply with the provisions of Article VIII,
33 Section II, paragraph 5 of the State Constitution, a municipal or
34 county agency which forwards moneys to the State Treasurer
35 pursuant to this subsection may retain an amount equal to 2% of the
36 moneys which it collects pursuant to this subsection as
37 compensation for its administrative costs associated with
38 implementing the provisions of this subsection.
- 39 f. Notwithstanding the provisions of subsections a. and b. of
40 this section, \$1 shall be added to the amount of each fine and
41 penalty imposed and collected through a court under authority of
42 any law for any violation of the provisions of Title 39 of the
43 Revised Statutes or any other motor vehicle or traffic violation in
44 this State and shall be forwarded by the person to whom the same
45 are paid to the State Treasurer. The State Treasurer shall annually
46 deposit those moneys so forwarded in the "Autism Medical
47 Research and Treatment Fund" established pursuant to section 1 of
48 P.L.2003, c.144 (C.30:6D-62.2).

1 g. Notwithstanding the provisions of subsections a. and b. of
2 this section, \$2 shall be added to the amount of each fine and
3 penalty imposed and collected by a court under authority of any law
4 for any violation of the provisions of Title 39 of the Revised
5 Statutes or any other motor vehicle or traffic violation in this State
6 and shall be forwarded by the person to whom the same are paid to
7 the State Treasurer. The State Treasurer shall annually deposit
8 those moneys so forwarded in the "New Jersey Forensic DNA
9 Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to
10 depositing the moneys into the fund, the State Treasurer shall
11 forward to the Administrative Office of the Courts an amount not to
12 exceed \$475,000 from moneys initially collected pursuant to this
13 subsection to be used exclusively to establish a collection
14 mechanism and to provide funding to update the Automated Traffic
15 System Fund created pursuant to N.J.S.2B:12-30 to implement the
16 provisions of this subsection.

17 The authority to impose additional fines and penalties under this
18 subsection shall take effect 90 days after the effective date of
19 P.L.2003, c.183 and shall expire five years thereafter. Not later
20 than the 180th day prior to such expiration, the Attorney General
21 shall prepare and submit to the Governor and the Legislature a
22 report on the collection and use of DNA samples under P.L.1994,
23 c.136. The report shall cover the period beginning on that effective
24 date and ending four years thereafter. The report shall indicate
25 separately, for each one-year period during those four years that
26 begins on that effective date or an anniversary thereof, the number
27 of each type of biological sample taken and the total cost of taking
28 that type of sample, and also the number of identifications and
29 exonerations achieved through the use of the samples. In addition,
30 the report shall evaluate the effectiveness, including cost
31 effectiveness, of having the samples available to further police
32 investigations and other forensic purposes.

33 h. Notwithstanding the provisions of subsections a. and b. of
34 this section, \$1 shall be added to the amount of each fine and
35 penalty imposed and collected under authority of any law for any
36 violation of the provisions of Title 39 of the Revised Statutes or any
37 other motor vehicle or traffic violation in this State and shall be
38 forwarded by the person to whom the same are paid to the State
39 Treasurer. The State Treasurer shall annually deposit those moneys
40 so forwarded in the "New Jersey Brain Injury Research Fund"
41 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
42 The Administrative Office of the Courts may retain an amount
43 equal to \$475,000 from the moneys which it initially collects
44 pursuant to this subsection, prior to depositing any moneys in the
45 "New Jersey Brain Injury Research Fund," in order to meet the
46 expenses associated with utilizing the Automated Traffic System
47 Fund created pursuant to N.J.S.2B:12-30 to implement the
48 provisions of this subsection and serve other statutory purposes.

1 i. Notwithstanding the provisions of subsections a. and b. of
2 this section, all fines and penalties imposed and collected under
3 authority of law for any violation related to the unlawful operation
4 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
5 17.1) shall be forwarded by the judge to whom the same have been
6 paid to the State Treasurer, if the complaining witness is the chief
7 administrator, a member of his staff, a member of the State Police,
8 an inspector of the Board of Public Utilities, or a law enforcement
9 officer or other official of any other State agency; or, if the
10 complaining witness is not one of the foregoing, one-half to the
11 chief financial officer of the county and one-half to the chief
12 financial officer of the municipality wherein the violation occurred.
13 (cf: P.L.2007, c.178, s.2)

14

15 96. Section 4 of P.L.1997, c.265 (C.40A:12A-22.4) is amended
16 to read as follows:

17 4. a. Upon receipt of an applicant's criminal history record
18 information, an authority shall notify the applicant, in writing, as to
19 whether he is qualified or disqualified for employment pursuant to
20 this act. If the applicant is disqualified for employment, the
21 conviction or convictions which constitute the basis for the
22 disqualification shall be identified in the written notice.

23 b. An applicant to a housing authority which is subject to the
24 provisions of Title 11A of the New Jersey Statutes shall have 20
25 days from the date of written notice of disqualification to file an
26 appeal with the **【Department of Personnel】** Civil Service
27 Commission for a review on the accuracy of the criminal history
28 record information or to establish his or her rehabilitation under
29 subsection b. of section 2 of P.L.1997, c.265 (C.40A:12A-22.2)
30 pursuant to regulations promulgated by the **【Merit System Board】**
31 Civil Service Commission.

32 c. The **【Department of Personnel】** Civil Service Commission
33 or an authority shall not maintain an applicant's criminal history
34 record information or evidence of rehabilitation submitted under
35 this section for more than six months from the date the applicant is
36 hired or the date of the final disposition of the applicant's
37 disqualification, as the case may be.

38 This section shall not prohibit the **【Department of Personnel】**
39 Civil Service Commission from maintaining a copy of the decision
40 on the applicant's appeal, or the entire record in the case of a
41 judicial appeal.

42 (cf: P.L.1997,c.265, s.4)

43

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

46 1. a. In any municipality of this State, before any person shall be
47 appointed as a member of the paid fire department or paid member
48 of a part-paid fire department, the appointing authority may classify

1 all the duly qualified applicants for the position or positions to be
2 filled in the following classes:

3 I. Residents of the municipality.

4 II. Other residents of the county in which the municipality is
5 situate.

6 III. Other residents of the State.

7 IV. All other qualified applicants.

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

16 Preference in appointment second to that accorded to veterans
17 pursuant to current law but superseding that accorded non-veterans
18 shall be accorded all duly qualified applicants whose natural or
19 adoptive parent was killed in the lawful discharge of official duties
20 while serving as a member of any paid fire department or paid
21 member of any part-paid fire department in the State at any time
22 prior to the closing date for the filing of an application, provided
23 that required documentation is submitted with the application by the
24 closing date.

25 When a veteran and a non-veteran whose parent was killed in the
26 lawful discharge of official duties while serving as a member of any
27 paid fire department, or paid member of any part-paid fire
28 department are duly qualified applicants for a position, first
29 preference shall be given to the veteran.

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

38 c. In any such municipality operating under the provisions of
39 Title 11A of the New Jersey Statutes, the classes of qualified
40 applicants defined in subsection a. of this section shall be
41 considered as separate and successive lists of eligibles, and the
42 Department of ~~Personnel~~ the Treasury shall, when requested to
43 certify eligibles for positions specified in this section, make such
44 certifications from said classes separately and successively, and
45 shall certify no persons from any such class until all persons in the
46 preceding class or classes have been appointed or have declined
47 offers of appointment.

1 d. This section shall apply only to initial appointments and not
2 to promotional appointments of persons already members of the fire
3 department.

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

8 (cf: P.L.2005, c.290, s.1)

9

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

12 2. a. In any municipality of this State, before any person shall be
13 appointed as a member of the police department and force, the
14 appointing authority may classify all the duly qualified applicants
15 for the position or positions to be filled 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
24 months prior to making application to such municipality who fulfill
25 the requirements of N.J.S.40A:14-123.1, and who, thereby, are
26 entitled to appointment notwithstanding their failure to meet the
27 New Jersey residency requirement at the time of their initial
28 application, shall be placed in Class III.

29 Preference in appointment second to that accorded to veterans
30 pursuant to current law but superceding that accorded non-veterans
31 shall be accorded all duly qualified applicants whose natural or
32 adoptive parent was killed in the lawful discharge of official duties
33 while serving as a law enforcement officer in any law enforcement
34 agency in the State at any time prior to the closing date for the
35 filing of an application, provided that required documentation is
36 submitted with the application by the closing date. This paragraph
37 shall not, however, be applicable if the municipality has entered
38 into a consent decree with the United States Department of Justice
39 concerning the hiring practices of the municipality.

40 When a veteran and a non-veteran whose parent was killed in the
41 lawful discharge of official duties while serving as a law
42 enforcement officer in any law enforcement agency in the State are
43 duly qualified applicants for a position, first preference shall be
44 given to the veteran.

45 As used in this section, "law enforcement officer" means any
46 person who is employed as a permanent full-time member of an
47 enforcement agency, who is statutorily empowered to act for the
48 detection, investigation, arrest and conviction of persons violating

1 the criminal laws of this State and statutorily required to
2 successfully complete a training course approved, or certified as
3 being substantially equivalent to such an approved course, by the
4 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
5 66 et seq.); and "law enforcement agency" means a department,
6 division, bureau, commission, board or other authority of the State
7 or of any political subdivision thereof which has by statute or
8 ordinance the responsibility of detecting and enforcing the general
9 criminal laws of this State.

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

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

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

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

35 (cf: P.L.2005, c.290, s.2)

36

37 99. Section 1 of P.L.1979, c.461 (C.40A:14-127.1) is amended
38 to read as follows:

39 1. a. Notwithstanding the provisions of any other law to the
40 contrary, any former State trooper, sheriff's officer or deputy, or
41 county or municipal police officer who has separated from service
42 voluntarily or involuntarily other than by removal for cause on
43 charges of misconduct or delinquency, shall be deemed to meet the
44 maximum age requirement for appointment established by
45 N.J.S.40A:14-127, if his actual age, less the number of years of his
46 previous service as a law enforcement officer, would meet the
47 maximum age requirement established by said section, but no
48 person may be appointed who is over the age of 45 as of the date of

1 his reappointment; except that in the case of a State trooper,
2 sheriff's officer or deputy, or county or municipal police officer
3 whose separation from service was involuntary due to a lay-off or
4 reduction in force, such person shall be deemed to meet the
5 maximum age requirement for appointment by complying with the
6 procedure established hereinbefore without regard to his actual age
7 at the time of reappointment.

8 b. For the purposes of meeting the maximum age requirement
9 for appointment established by N.J.S.40A:14-127 and for the
10 purpose of taking any civil service examination for appointment as
11 a municipal police officer, the **[Commissioner of Personnel]** State
12 Treasurer, for good cause shown, may deem an individual a former
13 State trooper, sheriff's officer or deputy, or county or municipal
14 police officer in accordance with subsection a. of this section, even
15 though that individual's separation from current service will not
16 occur except upon a new appointment.

17 (cf: P.L.1993, c.319, s.1)

18

19 100. Section 1 of P.L.1996, c.140 (C.40A:14-182) is amended to
20 read as follows:

21 1. a. The provisions of any other law to the contrary
22 notwithstanding, the appointing authority of a municipality which,
23 pursuant to N.J.S.40A:14-7, has established and maintains a paid or
24 part-paid fire department and force or the board of fire
25 commissioners in the case of a fire district established pursuant to
26 the provisions of N.J.S.40A:14-70 et seq., may appoint as a
27 member or officer of that fire department or force any person who:

28 (1) was serving as a civilian federal firefighter in good standing
29 at any U.S. military installation in the State;

30 (2) satisfactorily completed such firefighter training as is
31 required for employment as a civilian federal firefighter; and

32 (3) was, as a consequence of the closure of a federal military
33 installation in this State, terminated as a civilian federal firefighter
34 within 48 months prior to the appointment.

35 b. A municipality may employ such a person notwithstanding
36 that:

37 (1) Title 11A, Civil Service, of the New Jersey Statutes is
38 operative in that municipality;

39 (2) the municipality has available to it an eligible or regular
40 reemployment list of persons eligible for such appointments; and

41 (3) the appointed person is not on any eligible list. A
42 municipality which has adopted Title 11A, Civil Service, may not
43 employ such a person if a special reemployment list is in existence
44 for the firefighter title to be filled.

45 c. If a municipality determines to appoint a person pursuant to
46 the provisions of this act, it shall give first priority in making such
47 appointments to residents of the municipality and second priority to
48 residents of the county not residing in the municipality.

1 d. The seniority, seniority-related privileges and rank a civilian
2 federal firefighter possessed while employed at a federal military
3 installation shall not be transferable to a position in a municipal fire
4 department and force obtained pursuant to the provisions of this
5 section.

6 e. To effectuate the purposes of this section, the Department of
7 **【Personnel】** the Treasury shall prepare and circulate, to those
8 municipalities which have established and maintain fire
9 departments and forces pursuant to N.J.S.40A:14-7, and to boards
10 of fire commissioners in the case of fire districts established
11 pursuant to the provisions of N.J.S.40A:14-70 et seq., a list of
12 civilian federal firefighters eligible for appointment under the
13 provisions of this section. The Department of **【Personnel】** the
14 Treasury shall also circulate the list to municipalities and fire
15 districts that have not adopted Title 11A, Civil Service, of the New
16 Jersey Statutes.

17 Placement on the list compiled by the department shall be
18 governed by length of service as a federal firefighter. A federal
19 firefighter may apply for placement on the list at the time he or she
20 receives a notice of termination of position or a priority placement
21 program notice, and shall remain on the list for a period of four
22 years.

23 (cf: P.L.1996, c.140, s.1)

24
25 101. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to
26 read as follows:

27 11. a. When a local unit contracts, through a shared service or
28 joint meeting, to have another local unit or a joint meeting provide a
29 service it is currently providing using public employees and one or
30 more of the local units have adopted Title 11A, Civil Service, then
31 the agreement shall include an employment reconciliation plan in
32 accordance with this section that and, if one or more of the local
33 units have adopted Title 11A, Civil Service, shall specifically set
34 forth the intended jurisdiction of the Department of **【Personnel】** the
35 Treasury. An employment reconciliation plan shall be subject to
36 the following provisions:

37 (1) a determination of those employees, if any, that shall be
38 transferred to the providing local unit, retained by the recipient
39 local unit, or terminated from employment for reasons of economy
40 or efficiency, subject to the provisions of any existing collective
41 bargaining agreements within the local units.

42 (2) any employee terminated for reasons of economy or
43 efficiency by the local unit providing the service under the shared
44 service agreement shall be given a terminal leave payment of not
45 less than a period of one month for each five-year period of past
46 service as an employee with the local unit, or other enhanced
47 benefits that may be provided or negotiated. For the purposes of
48 this paragraph, "terminal leave payment" means a single, lump sum

1 payment, paid at termination, calculated using the regular base
2 salary at the time of termination. Unless otherwise negotiated or
3 provided by the employer, a terminal leave benefit shall not include
4 extended payment, or payment for retroactive salary increases,
5 bonuses, overtime, longevity, sick leave, accrued vacation or other
6 time benefit, or any other benefit.

7 (3) the Department of **【Personnel】** the Treasury shall place any
8 employee that has permanent status pursuant to Title 11A, Civil
9 Service, of the New Jersey Statutes that is terminated for reasons of
10 economy or efficiency at any time by either local unit on a special
11 reemployment list for any civil service employer within the county
12 of the agreement or any political subdivision therein.

13 (4) when a proposed shared service agreement affects
14 employees in local units subject to Title 11A, Civil Service, of the
15 New Jersey Statutes, an employment reconciliation plan shall be
16 filed with the Department of **【Personnel】** the Treasury prior to the
17 approval of the shared service agreement. The department shall
18 review it for consistency with this section within 45 days of receipt
19 and it shall be deemed approved, subject to approval of the shared
20 service agreement by the end of that time, unless the department has
21 responded with a denial or conditions that must be met in order for
22 it to be approved.

23 (5) when an action is required of the Department of **【Personnel】**
24 the Treasury by this section, parties to a planned shared service
25 agreement may consult with that department in advance of the
26 action and the department shall provide such technical support as
27 may be necessary to assist in the preparation of an employment
28 reconciliation plan or any other action required of the department
29 by this section.

30 b. If all the local units that are parties to the agreement are
31 subject to the provisions of Title 11A, Civil Service, of the New
32 Jersey Statutes, the Department of **【Personnel】** the Treasury shall
33 create an implementation plan for the agreement that will: (1)
34 transfer employees with current status in current title unless
35 reclassified, or (2) reclassify employees into job titles that best
36 reflect the work to be performed. The Department of **【Personnel】**
37 the Treasury shall review whether any existing hiring or
38 promotional lists should be merged, inactivated, or re-announced.
39 Non-transferred employees shall be removed or suspended only for
40 good cause and after the opportunity for a hearing before the **【Merit**
41 **System Board】** Civil Service Commission; provided, however, that
42 they may be laid-off in accordance with the provisions of
43 N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder.
44 The final decision of which employees shall transfer to the new
45 employer is vested solely with the local unit that will provide the
46 service and subject to the provisions of any existing collective
47 bargaining agreements within the local units.

1 c. If the local unit that will provide the service pursuant to a
2 shared service agreement is subject to Title 11A, Civil Service, of
3 the New Jersey Statutes, but the local unit to receive the service is
4 not subject to that Title, and the contracting local units desire that
5 some or all employees of the recipient local unit are to be
6 transferred to the providing local unit, the Department of
7 **Personnel** the Treasury shall vest only those employees who have
8 been employed for one year or more in permanent status pursuant to
9 N.J.S.11A:9-9 in appropriate titles, seniority, and tenure with the
10 providing local unit based on the duties of the position. The final
11 decision of which employees shall transfer to the new employer is
12 vested solely with the local unit that will provide the service and
13 subject to the provisions of any existing collective bargaining
14 agreements within the local units.

15 d. If the local unit that will provide the service is not subject to
16 the provisions of Title 11A, Civil Service, of the New Jersey
17 Statutes, but the local unit that will receive the service is subject to
18 that Title and the parties desire that some or all employees of the
19 recipient local unit are to be transferred to the providing local unit,
20 the transferred employees shall be granted tenure in office and shall
21 only be removed or suspended for good cause and after a hearing;
22 provided, however, that they may be laid-off in accordance with the
23 provisions of N.J.S.11A:8-1 et seq., and the regulations
24 promulgated thereunder. The transferred employees shall be
25 subject to layoff procedures prior to the transfer to the new entity.
26 Once transferred, they will be subject to any employment contracts
27 and provisions that exist for the new entity. The final decision of
28 which employees shall transfer to the new employer is vested solely
29 with the local unit that will provide the service and subject to the
30 provisions of any existing collective bargaining agreements within
31 the local units.

32 (cf: P.L.2007, c.63, s.11)

33

34 102. Section 19 of P.L.2007, c.63 (C.40A:65-19) is amended to
35 read as follows:

36 19. a. When a local unit agrees to participate in a joint meeting
37 that will provide a service that the local unit is currently providing
38 itself through public employees, the agreement shall include an
39 employment reconciliation plan in accordance with this section. An
40 employment reconciliation plan shall be subject to the following
41 provisions:

42 (1) a determination of those employees, if any, that shall be
43 transferred to the joint meeting, retained by the contracting local
44 unit, or terminated from employment for reasons of economy or
45 efficiency subject to the provisions of any collective bargaining
46 agreements within the local units.

47 (2) any employee terminated for reasons of economy or
48 efficiency by the contracting local unit providing the service or by

1 the joint meeting shall be given a terminal leave payment of not less
2 than a period of one month for each five-year period of past service
3 as an employee with the local unit, or other enhanced benefits that
4 may be provided or negotiated. Unless otherwise negotiated or
5 provided by the employer, a terminal leave benefit shall not include
6 extended payment, or payment for retroactive salary increases,
7 bonuses, overtime, longevity, sick leave, accrued vacation or other
8 time benefit, or any other benefit.

9 (3) the Department of **【Personnel】** the Treasury shall place any
10 employee that has permanent status pursuant to Title 11A, Civil
11 Service, of the New Jersey Statutes that is terminated for reasons of
12 economy or efficiency at any time by either local unit on a special
13 reemployment list for any civil service employer within the county
14 of the agreement or any political subdivision therein.

15 (4) when a proposed joint contract affects employees in local
16 units that operate under the provisions of Title 11A, Civil Service,
17 of the New Jersey Statutes, an employment reconciliation plan shall
18 be filed with the Department of **【Personnel】** of the Treasury prior to
19 the approval of the joint meeting agreement. That department shall
20 review the plan for consistency with this section within 45 days of
21 receipt and it shall be deemed approved, subject to approval of the
22 joint meeting agreement by the end of that time, unless that
23 department has responded with a denial or conditions that must be
24 met in order for it to be approved.

25 (5) when an action is required of the Department of **【Personnel】**
26 the Treasury by this section, parties to a proposed joint contract
27 may consult with the department in advance of the action and the
28 department shall provide such technical support as may be
29 necessary to assist in the preparation of an employment
30 reconciliation plan or any other action required of the department
31 by this section.

32 b. If both the local unit and joint meeting operate under the
33 provisions of Title 11A, Civil Service, of the New Jersey Statutes,
34 the Department of **【Personnel】** the Treasury shall create an
35 implementation plan for employees to be hired by the joint meeting
36 that will: (1) transfer employees with current status in current title
37 unless reclassified or (2) reclassify employees, if necessary, into job
38 titles that best reflect the work to be performed. The Department of
39 **【Personnel】** the Treasury shall review whether any existing hiring
40 or promotional lists should be merged, inactivated, or re-announced.
41 Non-transferred employees shall be removed or suspended only for
42 good cause and after the opportunity for a hearing before the **【Merit**
43 **System Board】** Civil Service Commission; provided, however, that
44 they may be laid-off in accordance with the provisions of
45 N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder.
46 The final decision of which employees shall transfer to the new
47 employer is vested solely with the local unit that will provide the

1 service and subject to the provisions of any existing collective
2 bargaining agreements within the local units.

3 c. If the joint meeting operates under the provisions of Title
4 11A, Civil Service, of the New Jersey Statutes, and a local unit
5 receiving the service is not subject to that Title, and the parties
6 desire that some or all employees of the local unit be transferred to
7 the joint meeting, the Department of **[Personnel]** the Treasury shall
8 vest only those employees who have been employed one year or
9 more in permanent status pursuant to N.J.S.40A:9-9 in appropriate
10 titles, seniority, and tenure with the providing local unit based on
11 the duties of the position. The final decision of which employees
12 shall transfer to the new employer is vested solely with the joint
13 meeting and subject to the agreements affecting the parties,
14 provided that those agreements do not conflict with the provisions
15 of any existing collective bargaining agreements within the local
16 units.

17 d. (1) If the joint meeting does not operate under the provisions
18 of Title 11A, Civil Service, of the New Jersey Statutes, and the
19 local unit receiving the service is subject to that Title, and the
20 parties desire that some or all employees of the recipient local unit
21 are to be transferred to the joint meeting, then the transferred
22 employees shall be granted tenure in office and shall be removed or
23 suspended only for good cause and after a hearing. The transferred
24 employees shall be subject to layoff procedures prior to the transfer
25 to the new entity. Once transferred, they will be subject to any
26 employment contracts and provisions that exist for the new entity.
27 The final decision of which employees shall transfer to the joint
28 meeting is vested solely with the joint meeting and subject to the
29 provisions of any existing collective bargaining agreements within
30 the local units.

31 (2) A joint meeting established after the effective date of
32 sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.) that affects
33 both employees in local units subject to Title 11A, Civil Service, of
34 the New Jersey Statutes and employees in local units not subject to
35 that Title, shall determine whether the employees of the joint
36 meeting shall be subject to the Title. If the joint meeting
37 determines that the employees shall not be subject to Title 11A,
38 Civil Service, of the New Jersey Statutes, then the employees from
39 the local units in which the Title is in effect shall have the same
40 rights as employees transferred pursuant to paragraph (1) of this
41 subsection.

42 (cf: P.L.2007, c.63, s.19)

43
44 103. Section 27 of P.L.2007, c.63 (C.40A:65-27) is amended to
45 read as follows:

46 27. a. Once a consolidation has been approved by the affected
47 municipal governing bodies or voters, the division shall create a
48 task force of State departments, offices and agencies, as it deems

1 appropriate, and representatives of affected negotiations units, to
2 facilitate the consolidation and provide technical assistance.

3 b. When a consolidation plan provides that the consolidated
4 municipality will be subject to the provisions of Title 11A, Civil
5 Service, of the New Jersey Statutes the Department of **Personnel**
6 the Treasury is specifically authorized to create a consolidation
7 implementation plan to vest non-civil service employees, based on
8 the education and experience of the individuals, in appropriate titles
9 and tenure.

10 c. Whenever a referendum question to decide if a consolidated
11 municipality shall be subject to the provisions of Title 11A, Civil
12 Service, of the New Jersey Statutes fails, the employees of a
13 municipality already subject to that Title shall be given non-civil
14 service titles in the new entity and previously held tenure shall be
15 vacated.

16 d. The Public Employment Relations Commission is authorized
17 to provide technical advice, pursuant to section 12 of P.L.1968,
18 c.303 (C.34:13A-8.3), to assist a new municipality and existing
19 labor unions to integrate separate labor agreements into
20 consolidated agreements and to adjust the structure of collective
21 negotiations units, as the commission determines appropriate for the
22 consolidated municipality.

23 (cf: P.L.2007, c.63, s.27)

24

25 104. Section 12 of P.L.1971, c.182 (C.52:13D-23) is amended to
26 read as follows:

27 12. (a) (1) The head of each State agency, or the principal
28 officer in charge of a division, board, bureau, commission or other
29 instrumentality within a department of State Government
30 designated by the head of such department for the purposes
31 hereinafter set forth, shall within six months from the date of
32 enactment, promulgate a code of ethics to govern and guide the
33 conduct of the members of the Legislature, the State officers and
34 employees or the special State officers and employees in the agency
35 to which said code is applicable. Such code shall conform to the
36 general standards hereinafter set forth in this section, but it shall be
37 formulated with respect to the particular needs and problems of the
38 agency to which said code is to apply and, when applicable, shall be
39 a supplement to the uniform ethics code promulgated pursuant to
40 paragraph (2) of this subsection. Notwithstanding any other
41 provisions of this section, the New Jersey members to any interstate
42 agency to which New Jersey is a party and the officers and
43 employees of any State agency which fails to promulgate a code of
44 ethics shall be deemed to be subject to a code of ethics the
45 provisions of which shall be paragraphs (1) through (6) of
46 subsection (e) of this section.

47 (2) Within 180 days following the effective date of this act,
48 P.L.2005, c.382, the State Ethics Commission shall promulgate a

1 uniform ethics code to govern and guide the conduct of State
2 officers and employees and special State officers and employees in
3 State agencies in the Executive Branch. Such code shall conform to
4 the general standards hereinafter set forth in this section, shall be
5 the primary code of ethics for State agencies once it is adopted and
6 a code promulgated pursuant to paragraph (1) of this subsection
7 shall be a supplement to the primary code. The head of each State
8 agency, or the principal officer in charge of a division, board,
9 bureau, commission or other instrumentality within a department of
10 State Government designated by the head of such department shall
11 revise each code of ethics promulgated prior to the uniform code to
12 recognize the uniform code as the primary code.

13 (b) A code of ethics formulated pursuant to subsection (a) of
14 this section to govern and guide the conduct of the State officers
15 and employees or the special State officers and employees in any
16 State agency in the Executive Branch, or any portion of such a
17 code, shall not be effective unless it has first been approved by the
18 State Ethics Commission. When a proposed code is submitted to
19 the said commission it shall be accompanied by an opinion of the
20 Attorney General as to its compliance with the provisions of this act
21 and any other applicable provision of law. Nothing contained herein
22 shall prevent officers of State agencies in the Executive Branch
23 from consulting with the Attorney General or with the State Ethics
24 Commission at any time in connection with the preparation or
25 revision of such codes of ethics.

26 (c) A code of ethics formulated pursuant to this section to
27 govern and guide the conduct of the members of the Legislature,
28 State officers and employees or special State officers and
29 employees in any State agency in the Legislative Branch, or any
30 portion of such code, shall not be effective unless it has first been
31 approved by the Legislature by concurrent resolution. When a
32 proposed code is submitted to the Legislature for approval it shall
33 be accompanied by an opinion of the chief counsel as to its
34 compliance with the provisions of this act and any other applicable
35 provisions of law. Nothing contained herein shall prevent officers
36 of State agencies in the Legislative Branch from consulting with the
37 Chief Legislative Counsel or the Joint Legislative Committee on
38 Ethical Standards at any time in connection with the preparation or
39 revision of such codes of ethics.

40 (d) Violations of a code of ethics promulgated pursuant to this
41 section shall be cause for removal, suspension, demotion or other
42 disciplinary action by the State officer or agency having the power
43 of removal or discipline. When a person who is in the classified
44 civil service is charged with a violation of such a code of ethics, the
45 procedure leading to such removal or discipline shall be governed
46 by any applicable provisions of the Civil Service Act, N.J.S. 11A:1-
47 1 et seq., and the Rules of the **[Department of Personnel]** Civil
48 Service Commission. No action for removal or discipline shall be

1 taken under this subsection except upon the referral or with the
2 approval of the State Ethics Commission or the Joint Legislative
3 Committee on Ethical Standards, whichever is authorized to
4 exercise jurisdiction with respect to the complaint upon which such
5 action for removal or discipline is to be taken.

6 (e) A code of ethics for officers and employees of a State
7 agency shall conform to the following general standards:

8 (1) No State officer or employee or special State officer or
9 employee should have any interest, financial or otherwise, direct or
10 indirect, or engage in any business or transaction or professional
11 activity, which is in substantial conflict with the proper discharge of
12 his duties in the public interest.

13 (2) No State officer or employee or special State officer or
14 employee should engage in any particular business, profession,
15 trade or occupation which is subject to licensing or regulation by a
16 specific agency of State Government without promptly filing notice
17 of such activity with the State Ethics Commission, if he is an officer
18 or employee in the Executive Branch, or with the Joint Legislative
19 Committee on Ethical Standards, if he is an officer or employee in
20 the Legislative Branch.

21 (3) No State officer or employee or special State officer or
22 employee should use or attempt to use his official position to secure
23 unwarranted privileges or advantages for himself or others.

24 (4) No State officer or employee or special State officer or
25 employee should act in his official capacity in any matter wherein
26 he has a direct or indirect personal financial interest that might
27 reasonably be expected to impair his objectivity or independence of
28 judgment.

29 (5) No State officer or employee or special State officer or
30 employee should undertake any employment or service, whether
31 compensated or not, which might reasonably be expected to impair
32 his objectivity and independence of judgment in the exercise of his
33 official duties.

34 (6) No State officer or employee or special State officer or
35 employee should accept any gift, favor, service or other thing of
36 value under circumstances from which it might be reasonably
37 inferred that such gift, service or other thing of value was given or
38 offered for the purpose of influencing him in the discharge of his
39 official duties.

40 (7) No State officer or employee or special State officer or
41 employee should knowingly act in any way that might reasonably
42 be expected to create an impression or suspicion among the public
43 having knowledge of his acts that he may be engaged in conduct
44 violative of his trust as a State officer or employee or special State
45 officer or employee.

46 (8) Rules of conduct adopted pursuant to these principles should
47 recognize that under our democratic form of government public
48 officials and employees should be drawn from all of our society,

1 that citizens who serve in government cannot and should not be
2 expected to be without any personal interest in the decisions and
3 policies of government; that citizens who are government officials
4 and employees have a right to private interests of a personal,
5 financial and economic nature; that standards of conduct should
6 separate those conflicts of interest which are unavoidable in a free
7 society from those conflicts of interest which are substantial and
8 material, or which bring government into disrepute.

9 (f) The code of ethics for members of the Legislature shall
10 conform to subsection (e) hereof as nearly as may be possible.

11 (cf: P.L.2005, c.382, s.10)

12

13 105. Section 13 of P.L.1971, c.182 (52:13D-24) is amended to
14 read as follows:

15 13. a. No State officer or employee, special State officer or
16 employee, or member of the Legislature shall solicit, receive or
17 agree to receive, whether directly or indirectly, any compensation,
18 reward, employment, gift, honorarium, out-of-State travel or
19 subsistence expense or other thing of value from any source other
20 than the State of New Jersey, for any service, advice, assistance,
21 appearance, speech or other matter related to the officer, employee,
22 or member's official duties, except as authorized in this section.

23 b. A State officer or employee, special State officer or
24 employee, or member of the Legislature may, in connection with
25 any service, advice, assistance, appearance, speech or other matter
26 related to the officer, employee, or member's official duties, solicit,
27 receive or agree to receive, whether directly or indirectly, from
28 sources other than the State, the following:

29 (1) reasonable fees for published books on matters within the
30 officer, employee, or member's official duties;

31 (2) reimbursement or payment of actual and reasonable
32 expenditures for travel or subsistence and allowable entertainment
33 expenses associated with attending an event in New Jersey if
34 expenditures for travel or subsistence and entertainment expenses
35 are not paid for by the State of New Jersey;

36 (3) reimbursement or payment of actual and reasonable
37 expenditures for travel or subsistence outside New Jersey, not to
38 exceed \$500.00 per trip, if expenditures for travel or subsistence
39 and entertainment expenses are not paid for by the State of New
40 Jersey. The \$500 per trip limitation shall not apply if the
41 reimbursement or payment is made by (a) a nonprofit organization
42 of which the officer, employee, or member is, at the time of
43 reimbursement or payment, an active member as a result of the
44 payment of a fee or charge for membership to the organization by
45 the State or the Legislature in the case of a member of the
46 Legislature; (b) a nonprofit organization that does not contract with
47 the State to provide goods, materials, equipment, or services; or (c)
48 any agency of the federal government, any agency of another state

1 or of two or more states, or any political subdivision of another
2 state.

3 Members of the Legislature shall obtain the approval of the
4 presiding officer of the member's House before accepting any
5 reimbursement or payment of expenditures for travel or subsistence
6 outside New Jersey.

7 As used in this subsection, "reasonable expenditures for travel or
8 subsistence" means commercial travel rates directly to and from an
9 event and food and lodging expenses which are moderate and
10 neither elaborate nor excessive; and "allowable entertainment
11 expenses" means the costs for a guest speaker, incidental music and
12 other ancillary entertainment at any meal at an event, provided they
13 are moderate and not elaborate or excessive, but does not include
14 the costs of personal recreation, such as being a spectator at or
15 engaging in a sporting or athletic activity which may occur as part
16 of that event.

17 c. This section shall not apply to the solicitation or acceptance
18 of contributions to the campaign of an announced candidate for
19 elective public office, except that campaign contributions may not
20 be accepted if they are known to be given in lieu of a payment
21 prohibited pursuant to this section.

22 d. (1) Notwithstanding any other provision of law, a designated
23 State officer as defined in paragraph (2) of this subsection shall not
24 solicit, receive or agree to receive, whether directly or indirectly,
25 any compensation, salary, honorarium, fee, or other form of income
26 from any source, other than the compensation paid or reimbursed to
27 him or her by the State for the performance of official duties, for
28 any service, advice, assistance, appearance, speech or other matter,
29 except for investment income from stocks, mutual funds, bonds,
30 bank accounts, notes, a beneficial interest in a trust, financial
31 compensation received as a result of prior employment or
32 contractual relationships, and income from the disposition or rental
33 of real property, or any other similar financial instrument and
34 except for reimbursement for travel as authorized in subsections (2)
35 and (3) of paragraph b. of this section. To receive such income, a
36 designated State officer shall first seek review and approval by the
37 State Ethics Commission to ensure that the receipt of such income
38 does not violate the "New Jersey Conflicts of Interest Law,"
39 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of
40 ethics, and does not undermine the full and diligent performance of
41 the designated State officer's duties.

42 (2) For the purposes of this subsection, "designated State
43 officer" shall include: the Governor, the Adjutant General, the
44 Secretary of Agriculture, the Attorney General, the Commissioner
45 of Banking and Insurance, the Secretary and Chief Executive
46 Officer of the Commerce and Economic Growth Commission, the
47 Commissioner of Community Affairs, the Commissioner of
48 Corrections, the Commissioner of Education, the Commissioner of

1 Environmental Protection, the Commissioner of Health and Senior
2 Services, the Commissioner of Human Services, the Commissioner
3 of Children and Families, the Commissioner of Labor and
4 Workforce Development, [the Commissioner of Personnel,] the
5 President of the State Board of Public Utilities, the Secretary of
6 State, the Superintendent of State Police, the Commissioner of
7 Transportation, the State Treasurer, the head of any other
8 department in the Executive Branch, and the following members of
9 the staff of the Office of the Governor: Chief of Staff, Chief of
10 Management and Operations, Chief of Policy and Communications,
11 Chief Counsel to the Governor, Director of Communications, Policy
12 Counselor to the Governor, and any deputy or principal
13 administrative assistant to any of the aforementioned members of
14 the staff of the Office of the Governor listed in this subsection.

15 e. A violation of this section shall not constitute a crime or
16 offense under the laws of this State.

17 (cf: P.L.2006, c.47, s.188)

18

19 106. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
20 read as follows:

21 1. Notwithstanding the provisions of the annual appropriations
22 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
23 shall fix and establish the annual salary, not to exceed \$133,330 in
24 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
25 in calendar year 2002 and thereafter, for each of the following
26 officers:

27 Title

28 Agriculture Department

29 Secretary of Agriculture

30 Children and Families Department

31 Commissioner of Children and Families

32 Community Affairs Department

33 Commissioner of Community Affairs

34 Corrections Department

35 Commissioner of Corrections

36 Education Department

37 Commissioner of Education

38 Environmental Protection Department

39 Commissioner of Environmental Protection

40 Health and Senior Services Department

41 Commissioner of Health and Senior Services

42 Human Services Department

43 Commissioner of Human Services

44 Banking and Insurance Department

45 Commissioner of Banking and Insurance

46 Labor and Workforce Development Department

47 Commissioner of Labor and Workforce Development

48 Law and Public Safety Department

1 Attorney General
2 Military and Veterans' Affairs Department
3 Adjutant General
4 **【Personnel Department**
5 **Commissioner of Personnel】**
6 State Department
7 Secretary of State
8 Transportation Department
9 Commissioner of Transportation
10 Treasury Department
11 State Treasurer
12 Members, Board of Public Utilities
13 Public Advocate Department
14 Public Advocate
15 (cf: P.L.2007, c.253, s.23)
16

17 107. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
18 read as follows:

19 2. The salary ranges for the following positions shall be as
20 established by the Department of **【Personnel with the approval of**
21 **the Director, Division of Budget and Accounting】** the Treasury.
22 The salary rate for any such position shall be the salary step in such
23 range next above the salary currently being paid; provided,
24 however, that any sums appropriated for salaries may be made
25 available for salary adjustments therein arising from various
26 exigencies of the State service and for normal merit salary
27 increments as the **【Commissioner of Personnel, the】** State Treasurer
28 **【and the Director of the Division of Budget and Accounting】** shall
29 determine; and provided, further, that nothing in this act shall
30 reduce the salary rate for any such position below that which is
31 being paid on the effective date of this act:

32 **【Personnel Department**
33 **Chief Examiner and Secretary】**
34 Community Affairs Department
35 Assistant Commissioner of Community Affairs
36 Director, Division of State and Regional Planning
37 Director, Division of Local Government Services
38 Director, Division of Housing and Urban Renewal
39 Director, Office of Aging Programs
40 Director, Office on Women
41 Environmental Protection Department
42 Director, Division of Water Resources
43 Director, Division of Parks and Forestry
44 Director of Fish, Game and Shell Fisheries
45 Director, Division of Marine Services
46 Director, Division of Environmental Quality
47 Health and Senior Services Department

1 Director, Division, of Narcotic and Drug Abuse Control
2 Corrections Department
3 Chairman, State Parole Board
4 Associate Member, State Parole Board
5 Public Defender
6 Labor and Workforce Development Department
7 Director, Workplace Standards
8 Law and Public Safety Department
9 Colonel and Superintendent, State Police
10 State Medical Examiner
11 Director, Division of Alcoholic Beverage Control
12 State Superintendent of Weights and Measures
13 Public Utilities Department
14 Director, Office of Cable Television
15 Executive Director, Public Broadcasting
16 State Department
17 Transportation Department
18 Assistant Commissioner for Highways
19 Assistant Commissioner for Public Transportation
20 Chief Administrator, New Jersey Motor Vehicle
21 Commission
22 Treasury Department
23 Director, Division of Budget and Accounting
24 Director, Division of Taxation
25 Director, Division of Purchase and Property
26 Director, Division of Pensions and Benefits
27 Director, Division of State Lottery.

28 (cf: P.L.2005, c.240, s.2)

29
30 108. Section 3 of P.L.1961, c.49 (C.52:14-17.27) is amended to
31 read as follows:

32 3. There is hereby created a State Health Benefits Commission,
33 consisting of five members: the State Treasurer; the Commissioner
34 of Banking and Insurance; the **Commissioner of Personnel**
35 Chairperson of the Civil Service Commission; a State employees'
36 representative chosen by the Public Employees' Committee of the
37 AFL-CIO; and, through June 30, 2008, when employers of
38 employees, as defined in section 32 of P.L.2007, c.103 (C.52:14-
39 17.46.2), will no longer be eligible to participate in the State Health
40 Benefits Program authorized by P.L.1961, c.49, a representative
41 chosen by the New Jersey Education Association, which represents
42 the largest number of employees of employers other than the State
43 participating in the State Health Benefits Program. Beginning July
44 1, 2008, the fifth member of the commission shall be a local
45 employees' representative chosen by the Public Employees'
46 Committee of the AFL-CIO.

47 The treasurer shall be chairman of the commission and the health
48 benefits program authorized by P.L.1961, c.49 shall be administered

1 in the Treasury Department. The Director of the Division of
2 Pensions and Benefits shall be the secretary of the commission. The
3 commission shall establish a health benefits program for the
4 employees of the State, the cost of which shall be paid as specified
5 in section 6 of P.L.1961, c.49. The commission shall establish rules
6 and regulations as may be deemed reasonable and necessary for the
7 administration of P.L.1961, c.49.

8 The Attorney General shall be the legal advisor of the
9 commission.

10 The members of the commission shall serve without
11 compensation but shall be reimbursed for any necessary
12 expenditures. The public employee members shall not suffer loss of
13 salary or wages during service on the commission.

14 The commission shall publish annually a report showing the
15 fiscal transactions of the program for the preceding year and stating
16 other facts pertaining to the plan. The commission shall submit the
17 report to the Governor and furnish a copy to every employer for use
18 of the participants and the public.

19 (cf: P.L.2007, c.103, s.20)

20

21 109. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
22 read as follows:

23 2. As used in this act:

24 "Approved school" shall mean a school approved and authorized
25 by the Police Training Commission to give police training courses
26 or a training course for State and county corrections officers and
27 juvenile detention officers as prescribed in this act.

28 "Commission" shall mean the Police Training Commission or
29 officers or employees thereof acting on its behalf.

30 "County" shall mean any county which within its jurisdiction has
31 or shall have a law enforcement unit as defined in this act.

32 "Law enforcement unit" shall mean any police force or
33 organization in a municipality or county which has by statute or
34 ordinance the responsibility of detecting crime and enforcing the
35 general criminal laws of this State.

36 "Municipality" shall mean a city of any class, township, borough,
37 village, camp meeting association, or any other type of municipality
38 in this State which, within its jurisdiction, has or shall have a law
39 enforcement unit as defined in this act.

40 "Permanent appointment" shall mean an appointment having
41 permanent status as a police officer in a law enforcement unit as
42 prescribed by Title 11A of the New Jersey Statutes, **[Merit System**
43 **Board]** Civil Service Commission Rules and Regulations, or of any
44 other law of this State, municipal ordinance, or rules and
45 regulations adopted thereunder.

46 "Police officer" shall mean any employee of a law enforcement
47 unit, including sheriff's officers and county investigators in the
48 office of the county prosecutor, other than civilian heads thereof,

1 assistant prosecutors and legal assistants, persons appointed
2 pursuant to the provisions of R.S.40:47-19, persons whose duties do
3 not include any police function, court attendants, State and county
4 corrections officers, juvenile corrections officers and juvenile
5 detention officers.

6 (cf: P.L.1995, c.280, s.54)

7

8 110. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
9 read as follows:

10 4. a. The advisory council to the Juvenile Justice Commission
11 shall consist of the following members:

12 (1) The Commissioner of the Department of Labor and
13 Workforce Development, the Commissioner of the Department of
14 Health, the Commissioner of the Department of Community
15 Affairs, the **【**Commissioner of the Department of Personnel**】**
16 Chairperson of the Civil Service Commission, the Public Defender
17 and a county prosecutor selected by and serving at the pleasure of
18 the Governor or a person designated by one of the forenamed
19 officers to serve in that officer's place;

20 (2) Nine members who shall be selected for their knowledge,
21 competence, experience or interest in the juvenile justice system.
22 Appointments shall be made as follows: three by the President of
23 the Senate, no more than two of whom shall be of the same political
24 party; three by the Speaker of the General Assembly, no more than
25 two of whom shall be of the same political party and three by the
26 Governor, no more than two of whom shall be of the same political
27 party.

28 b. The term of office of each public member of the advisory
29 council shall be three years; except that of the first members
30 appointed, one appointed by the Governor, one by the President of
31 the Senate and one by the Speaker of the General Assembly shall be
32 appointed for a term of one year, one appointed by the Governor,
33 one by the President of the Senate and one by the Speaker of the
34 General Assembly shall be appointed for a term of two years and
35 the remaining three members shall be appointed for a term of three
36 years. Each member shall serve until a successor has been
37 appointed and qualified, and vacancies shall be filled in the same
38 manner as the original appointments for the remainder of the
39 unexpired term. A member is eligible for reappointment to the
40 council.

41 c. The Governor shall appoint the chair of the advisory council
42 from among the members of the council. The chair shall serve at
43 the pleasure of the Governor during the Governor's term of office
44 and until the appointment and qualification of the chair's successor.
45 The members of the council shall elect a vice-chair from among the
46 members of the council.

1 d. The members of the council shall receive no compensation
2 for their services.

3 (cf: P.L.1995, c.284, s.4)

4

5 111. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
6 read as follows:

7 6. a. The Juvenile Justice Commission shall employ, within the
8 limits of available funds, juvenile corrections officers to staff each
9 State secure juvenile facility and to provide security for other State
10 juvenile facilities and programs including parole programs as
11 deemed appropriate and to perform all other duties related to
12 enforcement of confinement and conditions of release including
13 execution of warrants and legal process. Juvenile corrections
14 officers shall be in the competitive division of the career service
15 established pursuant to N.J.S.11A:3-2, "policemen" within the
16 meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members
17 of the Police and Firemen's Retirement System of New Jersey
18 established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2),
19 and shall be "employees" within the meaning of section 3 of
20 P.L.1941, c.100 (C.34:13A-3).

21 b. Except as provided in subsection c. of this section, no person
22 shall be appointed as a juvenile corrections officer unless that
23 person:

24 (1) Is a citizen of the United States;

25 (2) Is able to read, write and speak the English language well
26 and intelligently;

27 (3) Has a high school diploma or its equivalent;

28 (4) Is sound in body and of good health;

29 (5) Is of good moral character;

30 (6) Has not been convicted of any offense which would make
31 the person unfit to perform the duties of a juvenile corrections
32 officer;

33 (7) Has successfully completed the training course approved by
34 the Police Training Commission and required by section 5 of
35 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
36 provisions of that section; and

37 (8) Meets such other qualifications, including education and
38 training, as may be specified by the commission in consultation
39 with the Department of **Personnel** the Treasury.

40 c. (1) Pending appointment of a full complement of juvenile
41 corrections officers who meet the requirements of subsection b. of
42 this section, the commission and the Commissioner of Corrections
43 shall arrange through agreement for the assignment of corrections
44 officers necessary to fill the positions transferred pursuant to
45 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
46 assigned to the commission pursuant to such an agreement shall be
47 under the supervision of the commission during the period of
48 assignment as provided by the agreement between the commission

1 and the Commissioner of Corrections. The primary concerns of all
2 agreements governing assignment and supervision shall be public
3 safety and safety within the facilities and programs. No officer
4 assigned pursuant to such an agreement shall, by virtue of such
5 assignment, be considered an employee of the commission or lose
6 or suffer any diminution of any right, power, privilege or benefit to
7 which the employee would otherwise be entitled pursuant to the
8 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
9 Revised Statutes, or Title 43 of the Revised Statutes, including any
10 rights, powers, privileges or benefits as to salary, seniority,
11 promotion, re-employment, retirement, pension or representation
12 for purposes of collective bargaining;

13 (2) Notwithstanding the provisions of subsection b. of this
14 section, a corrections officer assigned to the commission pursuant
15 to this section shall not be considered ineligible for the position of
16 juvenile corrections officer solely because the officer does not meet
17 any educational or training requirement the commission may
18 establish and may be appointed as a juvenile corrections officer if
19 the officer applies for such position within 18 months of the
20 effective date of this act. A juvenile corrections officer appointed
21 pursuant to this subsection shall not be deprived of any right or
22 protection provided by Title 11A of the New Jersey Statutes or any
23 pension or retirement system and, notwithstanding any law or
24 regulation to the contrary, shall be eligible to compete for vacant
25 positions within the Department of Corrections with full credit for
26 experience, service and rank earned as an employee of the
27 Department of Corrections and such credit for experience, service
28 and rank earned as an employee of the commission as the
29 Commissioner of Corrections, after consultation with the
30 Commissioner of Personnel, deems appropriate.

31 d. Each juvenile corrections officer shall by virtue of such
32 employment and in addition to any other power or authority, be
33 empowered to act as an officer for the detection, apprehension,
34 arrest and adjudication of offenders against the law and, subject to
35 regulations promulgated by the commission and conditions set forth
36 in N.J.S.2C:39-6, shall have the authority to possess and carry a
37 firearm.

38 (cf: P.L.1995, c.284, s.6)

39

40 112. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to
41 read as follows:

42 8. a. The appointing authority of any municipality shall appoint
43 a construction official and any necessary subcode officials to
44 administer and enforce the code. The appointing authority may, by
45 resolution or order as appropriate, set the total number of weekly
46 hours of operation of the construction official's office and the total
47 number of weekly work hours of the construction official,
48 commensurate with the compensation paid to the construction

1 official. The appointing authority shall not set the specific work
2 hours of the construction official. The appointing authority shall
3 also appoint a construction board of appeals to hear and decide
4 appeals from decisions made by said construction official and
5 subcode officials, in the administration and enforcement of the
6 code. Nothing herein, however, shall prevent a municipality from
7 accepting inspections as to compliance with the code or any
8 subcode thereof made by an inspection authority approved by the
9 State of New Jersey pursuant to law.

10 b. To establish tenure rights or any other right or protection
11 provided by the "State Uniform Construction Code Act" or Title
12 11A, Civil Service, of the New Jersey Statutes, or any pension law
13 or retirement system, the job title "construction official" shall be
14 equivalent to that job title which, prior to the adoption of the State
15 Uniform Construction Code as provided in section 5 of the "State
16 Uniform Construction Code Act," entailed the chief administrative
17 responsibility to enforce all construction codes which had been
18 adopted by the municipal governing body, the enforcement of
19 which was not the responsibility of an authorized private inspection
20 agency; and the job title "subcode official" shall be equivalent to
21 that job title which, prior to the adoption of the State Uniform
22 Construction Code, entailed subordinate administrative
23 responsibility to enforce one or more of the following construction
24 codes: building, plumbing, electrical or fire code.

25 Any person, in a municipality operating under Title 11A, Civil
26 Service, of the New Jersey Statutes, who, prior to the adoption of
27 the State Uniform Construction Code, held the equivalent of the job
28 title "construction" official or "subcode" official, but who no longer
29 holds his position as a result of a determination that his old job title
30 was not equivalent to that of "construction" official or "subcode"
31 official, shall be offered reappointment as a construction official or
32 subcode official, as the case may be, and shall be granted permanent
33 classified status in such position. Tenure shall continue for (1) any
34 construction official or subcode official who is serving under tenure
35 as otherwise provided by law on the effective date of this act or
36 within one year thereafter, or (2) any person certified pursuant to
37 subsection c. of this section and who subsequently gains such
38 tenure.

39 A construction official or subcode official appointed in a
40 municipality operating under the provisions of Title 11A, Civil
41 Service, of the New Jersey Statutes, who, at the time of adoption of
42 the State Uniform Construction Code, January 1, 1977, or prior to
43 January 1, 1981, had permanent classified status or was employed
44 as a construction official or subcode official or in another position
45 in the unclassified service, shall be included in the classified service
46 without civil service examination in his respective title of
47 construction official or subcode official. Any individual employed
48 by a municipality, who, in his employment with the municipality

1 between January 1, 1977 and prior to January 1, 1981, was charged
2 with the chief administrative responsibility to enforce all existing
3 municipal construction codes, shall be deemed as appointed to the
4 position of construction official for the purposes of this act. Any
5 individual employed by a municipality, who, in his employment
6 with the municipality between January 1, 1977 and prior to January
7 1, 1981, was charged with chief responsibility to enforce the
8 municipal building, plumbing, fire, or electrical code, shall be
9 deemed as appointed to the position of subcode official for the
10 purposes of this act. No person, on or after January 1, 1981, shall
11 be appointed as construction or subcode official in a municipality
12 operating under Title 11A, Civil Service, of the New Jersey Statutes
13 without having passed an examination administered by the **【Merit**
14 **System Board】** Civil Service Commission certifying the merit and
15 fitness of the person to hold such position; provided that, whenever
16 a noncivil service municipality adopts the provisions of that Title,
17 construction code officials and subcode officials of such
18 municipality appointed prior to the filing of the petition for the
19 adoption of civil service, shall attain permanent status in the
20 classified service without examination. Any construction or
21 subcode official appointed after January 1, 1981 on a provisional
22 basis in a municipality which has adopted the provisions of Title
23 11A, Civil Service, of the New Jersey Statutes, may not be removed
24 from office except for just cause after a fair and impartial hearing
25 has been held at the local level, with no further appeal to the **【Merit**
26 **System Board】** Civil Service Commission; provided, however, that
27 such a construction or subcode official may be removed to permit
28 the appointment of a person certified for appointment by the **【Merit**
29 **System Board】** Civil Service Commission.

30 A construction official or subcode official in a noncivil service
31 municipality shall be appointed for a term of four years and shall,
32 upon appointment to a second consecutive term or on or after the
33 commencement of a fifth consecutive year of service, including
34 years of service in an equivalent job title held prior to the adoption
35 of the State Uniform Construction Code, be granted tenure and shall
36 not be removed from office except for just cause after a fair and
37 impartial hearing.

38 A construction or subcode official, to be eligible for appointment
39 in civil service or noncivil service municipalities, shall be certified
40 by the State of New Jersey in accordance with subsection c. of this
41 section and shall have had at least three years' experience in
42 construction, design or supervision as a licensed engineer or
43 registered architect; or five years' experience in construction,
44 design, or supervision as an architect or engineer with a bachelor's
45 degree from an accredited institution of higher education; or 10
46 years' experience in construction, design or supervision as a

1 journeyman in a trade or as a contractor. A subcode official shall,
2 pursuant to any subcode which he administers, pass upon:

3 (1) matters relative to the mode, manner of construction or
4 materials to be used in the erection or alteration of buildings or
5 structures, except as to any such matter foreclosed by State
6 approval pursuant to this act, and (2) actual execution of the
7 approved plans and the installation of the materials approved by the
8 State. The construction official in each municipality shall be the
9 chief administrator of the "enforcing agency." He shall have the
10 power to overrule a determination of a subcode official based on an
11 interpretation of a substantive provision of the subcode which such
12 subcode official administers, only if the construction official is
13 qualified to act pursuant to this act as a subcode official for such
14 subcode. He may serve as subcode official for any subcode which
15 he is qualified under this act to administer. A subcode official or
16 municipal engineer may serve as a construction official if otherwise
17 qualified under the provisions of this act. The municipal enforcing
18 agency shall require compliance with the provisions of the code, of
19 all rules lawfully adopted and promulgated thereunder and of laws
20 relating to the construction, alteration, repair, removal, demolition
21 and integral equipment and location, occupancy and maintenance
22 of buildings and structures, except as may be otherwise provided
23 for.

24 Two or more municipalities may provide by ordinance, subject to
25 regulations established by the commissioner, for the joint
26 appointment of a construction official and subcode official for the
27 purpose of enforcing the provisions of the code in the same manner.

28 c. No person shall act as a construction official or subcode
29 official for any municipality unless the commissioner determines
30 that said person is so qualified, except for the following:

31 (1) a municipal construction official or subcode official holding
32 office under permanent civil service status, or tenure as otherwise
33 provided by law on the effective date of this act or within one year
34 thereafter and (2) a municipal construction official or subcode
35 official holding office without such permanent civil service status
36 or tenure on the effective date of this act or within one year
37 thereafter; provided said construction official or subcode official
38 not having such permanent civil service status or tenure shall be
39 certified in accordance with this act within four years of the
40 effective date thereof; provided further that a person holding on the
41 effective date of this act a valid plumbing inspector's license from
42 the Department of Health and Senior Services pursuant to Title 26
43 of the Revised Statutes may serve as a plumbing subcode official
44 and a person holding on the effective date of this act a valid
45 electrical inspector's license from the Board of Public Utilities
46 pursuant to Title 48 of the Revised Statutes may serve as an
47 electrical subcode official. The commissioner, after consultation
48 with the code advisory board, may authorize the preparation and

1 conducting of oral, written and practical examinations to determine
2 if a person is qualified by this act to be eligible to be a construction
3 official or subcode official or, in the alternative, may accept
4 successful completion of programs of training as proof of
5 qualification within the meaning of this act. Upon a determination
6 of qualification the commissioner shall issue or cause to be issued a
7 certificate to the construction official or subcode official or trainee
8 stating that he is so certified. The commissioner, after consultation
9 with the code advisory board, may establish classes of certification
10 that will recognize the varying complexities of code enforcement in
11 the municipalities within the State. The commissioner shall, after
12 consultation with the code advisory board, provide for educational
13 programs designed to train and assist construction officials and
14 subcode officials in carrying out their responsibilities.

15 Whenever the commissioner is required by the terms of this
16 subsection to consult with the code advisory board and the matter in
17 question concerns plumbing subcode officials, the commissioner
18 shall also consult with the Public Health Council and Commissioner
19 of Health and Senior Services.

20 d. The commissioner, after consultation with the code advisory
21 board, may periodically require that each construction official and
22 subcode official demonstrate a working knowledge of innovations
23 in construction technology and materials, recent changes in and
24 additions to the relevant portions of the State Uniform Construction
25 Code, and current standards of professional ethics and legal
26 responsibility; or, in the alternative, the commissioner, after
27 consultation with the code advisory board, may accept successful
28 completion of appropriate programs of training as proof of such
29 working knowledge.

30 (cf: P.L.2000, c.126, s.29)

31

32 113. Section 10 of P.L.1989, c.222 (C.App.A:9-42.1b) is
33 amended to read as follows:

34 10. The deputy emergency management coordinator position
35 shall be filled by the governing body in each county by: a. the
36 appointment of a qualified individual; b. the selection of a qualified
37 volunteer; or, if appropriate, c. the selection of an individual
38 pursuant to the rules and regulations of the **【Department of**
39 **【Personnel】 Civil Service Commission** of the State of New Jersey.

40 (cf: P.L.1989, c.222, s.10)

41

42 114. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
43 read as follows:

44 24. a. (1) There is established in the Department of
45 Environmental Protection the Office of Green Acres. The
46 commissioner may appoint an administrator or director who shall
47 supervise the office, and the department may employ such other
48 personnel and staff as may be required to carry out the duties and

1 responsibilities of the department and the office pursuant to this act,
2 all without regard to the provisions of Title 11A, Civil Service, of
3 the New Jersey Statutes. Persons appointed or employed as
4 provided pursuant to this subsection shall be compensated in a
5 manner similar to other employees in the Executive Branch, and
6 their compensation shall be determined by the [Commissioner of
7 Personnel] State Treasurer.

8 (2) The Green Acres Program in the Department of
9 Environmental Protection, together with all of its functions, powers
10 and duties, are continued and transferred to and constituted as the
11 Office of Green Acres in the Department of Environmental
12 Protection. Whenever, in any law, rule, regulation, order, contract,
13 document, judicial or administrative proceeding or otherwise,
14 reference is made to the Green Acres Program, the same shall mean
15 and refer to the Office of Green Acres in the Department of
16 Environmental Protection. This transfer shall be subject to the
17 provisions of the "State Agency Transfer Act," P.L.1971, c.375
18 (C.52:14D-1 et seq.).

19 b. The duties and responsibilities of the office shall be as
20 follows:

21 (1) Administer all provisions of this act pertaining to funding
22 the acquisition and development of lands for recreation and
23 conservation purposes as authorized pursuant to Article VIII,
24 Section II, paragraph 7 of the State Constitution;

25 (2) Continue to administer all grant and loan programs for the
26 acquisition and development of lands for recreation and
27 conservation purposes, including the Green Trust, established or
28 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1
29 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155
30 (C.13:8A-35 et seq.); or any Green Acres bond act; and

31 (3) Adopt, with the approval of the commissioner and pursuant
32 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
33 1 et seq.), rules and regulations:

34 (a) establishing application procedures for grants and loans for
35 the acquisition and development of lands for recreation and
36 conservation purposes, criteria and policies for the evaluation and
37 priority ranking of projects for eligibility to receive funding for
38 recreation and conservation purposes using constitutionally
39 dedicated moneys, any conditions that may be placed on the award
40 of a grant or loan for recreation and conservation purposes pursuant
41 to this act, and any restrictions that may be placed on the use of
42 lands acquired or developed with a grant or loan for recreation and
43 conservation purposes pursuant to this act. The criteria and policies
44 established pursuant to this subparagraph for the evaluation and
45 priority ranking of projects for eligibility to receive funding for
46 recreation and conservation purposes using constitutionally
47 dedicated moneys may be based upon, but need not be limited to,
48 such factors as: protection of the environment, natural resources,

1 water resources, watersheds, aquifers, wetlands, floodplains and
2 flood-prone areas, stream corridors, beaches and coastal resources,
3 forests and grasslands, scenic views, biodiversity, habitat for
4 wildlife, rare, threatened, or endangered species, and plants; degree
5 of likelihood of development; promotion of greenways; provision
6 for recreational access and use; protection of geologic, historic,
7 archaeological, and cultural resources; relative cost; parcel size; and
8 degree of public support; and

9 (b) addressing any other matters deemed necessary to implement
10 and carry out the goals and objectives of Article VIII, Section II,
11 paragraph 7 of the State Constitution and this act with respect to the
12 acquisition and development of lands for recreation and
13 conservation purposes; and

14 (4) Establishing criteria and policies for the evaluation and
15 priority ranking of State projects to acquire and develop lands for
16 recreation and conservation purposes using constitutionally
17 dedicated moneys, which criteria and policies may be based upon,
18 but need not be limited to, such factors as: protection of the
19 environment, natural resources, water resources, watersheds,
20 aquifers, wetlands, floodplains and flood-prone areas, stream
21 corridors, beaches and coastal resources, forests and grasslands,
22 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
23 endangered species, and plants; degree of likelihood of
24 development; promotion of greenways; provision for recreational
25 access and use; protection of geologic, historic, archaeological, and
26 cultural resources; relative cost; parcel size; and degree of public
27 support.

28 (cf: P.L.2002, c.76, s.2)

29

30 115. (New section) a. The Attorney General shall maintain a
31 toll-free information "Law Enforcement Officer Crisis Intervention
32 Services" telephone hotline on a 24-hour basis.

33 The hotline shall receive and respond to calls from law
34 enforcement officers and sheriff's officers who have been involved
35 in any event or incident which has produced personal or job-related
36 depression, anxiety, stress, or other psychological or emotional
37 tension, trauma, or disorder for the officer and officers who have
38 been wounded in the line of duty. The operators of the hotline shall
39 seek to identify those officers who should be referred to further
40 debriefing and counseling services, and to provide such referrals.
41 In the case of wounded officers, those services may include peer
42 counseling, diffusing, debriefing, group therapy and individual
43 therapy as part of a coordinated assistance program, to be known as
44 the "Blue Heart Law Enforcement Assistance Program," designed
45 and implemented by the University of Medicine and Dentistry of
46 New Jersey's University Behavioral Healthcare Unit.

47 b. The operators of the hotline shall be trained by the
48 Department of Law and Public Safety and, to the greatest extent

1 possible, shall be persons, who by experience or education, are: (1)
2 familiar with post trauma disorders and the emotional and
3 psychological tensions, depressions, and anxieties unique to law
4 enforcement officers and sheriff's officers; or (2) trained to provide
5 counseling services involving marriage and family life, substance
6 abuse, personal stress management and other emotional or
7 psychological disorders or conditions which may be likely to
8 adversely affect the personal and professional well-being of a law
9 enforcement officer and a sheriff's officer.

10 c. To ensure the integrity of the telephone hotline and to
11 encourage officers to utilize it, the Attorney General shall provide
12 for the confidentiality of the names of the officers calling, the
13 information discussed by that officer and the operator, and any
14 referrals for further debriefing or counseling; provided, however,
15 the Attorney General may, by rule and regulation, (1) establish
16 guidelines providing for the tracking of any officer who exhibits a
17 severe emotional or psychological disorder or condition which the
18 operator handling the call reasonably believes might result in harm
19 to the officer or others and (2) establish a confidential registry of
20 wounded New Jersey law enforcement officers.

21

22 116. (New section) The Attorney General shall prepare a list of
23 appropriately licensed or certified psychiatrists, psychologists, and
24 social workers; other appropriately trained and qualified counselors;
25 and experienced former law enforcement officers who are willing to
26 accept referrals and to participate in the debriefing and counseling
27 offered law enforcement officers and sheriff's officers under the
28 provisions of sections 115 to 116 of P.L. , c. (C.)(pending
29 before the Legislature as this bill).

30

31 117. The following statutes are repealed:

32

33 N.J.S.11A:2-8

34 N.J.S.11A:2-9

35 N.J.S.11A:2-10

36 N.J.S.11A:12-4

37 N.J.S.11A:12-5

38 Sections 1, 2, and 3 of P.L.1998, c.149 (C.11A:2-25 through 11A:2-
39 27)

40

41 118. This act shall take effect immediately and any actions
42 necessary to implement this act may be taken any time thereafter.
43 General implementation shall be completed no later than 12 months
44 following enactment.

STATEMENT

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This bill abolishes the Department of Personnel as a principal department in the Executive Branch of State government. The offices and terms of the Commissioner of Personnel and the deputy and assistant commissioners and division and office directors are terminated.

The bill creates a new Civil Service Commission allocated in, but not of, the Department of Labor and Workforce Development to assume the functions, powers, and duties of the current Merit System Board. The current members of the Merit System Board will continue as members of the Civil Service Commission, except for the Commissioner of Personnel who will be replaced as a member of the Civil Service Commission by an appointment by the Governor with the advice and consent of the Senate. The Governor is given the authority to designate the chairperson of the commission. The Civil Service Commission will have the continued authority to promulgate rules and regulations with regard to civil service matters in Title 11A of the New Jersey Statutes.

The functions, powers, and duties of the Department of Personnel and the Commissioner of Personnel are continued and transferred to the State Treasurer and Department of the Treasury to be allocated within that department as the State Treasurer will determine. The State Treasurer will have the continued authority to recommends rules for promulgation by the Civil Service Commission.

The Division of Equal Employment Opportunity and Affirmative Action, with its functions, powers, and duties, is continued and transferred to the Department of Law and Public Safety to be allocated within that department as the Attorney General will determine. The Equal Employment Opportunity Advisory Commission is continued and transferred to the Department of Law and Public Safety to be allocated within that department as the Attorney General will determine. The current members of the Equal Employment Opportunity Advisory Commission will continue as members of the commission.

The Working Well NJ State employee wellness program is continued and transferred to the Department of Health and Senior Services to be allocated within that department as the commissioner will determine.

The toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline is continued and transferred to the Department of Law and Public Safety, pursuant to sections 115 to 116 of the bill, to be allocated within that department as the Attorney General will determine.

The New Jersey Employee Awards Committee is continued and transferred to the Department of the Treasury to be allocated within that department as the State Treasurer will determine. The current

1 members of the New Jersey Employee Awards Committee will
2 continue as members of the committee.

3 The bill amends current law to give the State Treasurer the
4 authority to develop a plan for the consolidation and coordination of
5 personnel, training, and related functions, including, but not limited
6 to, classification, compensation, and workforce planning, in the
7 Executive Branch of State government and for transfer to the
8 Department of the Treasury such employees, positions, funding,
9 facilities, equipment, powers, and duties from throughout the
10 Executive Branch of State government as necessary and appropriate
11 to effectuate such consolidation and coordination. The State
12 Treasurer is to submit the plan to the Governor for review and
13 approval. With the approval of the Governor, the State Treasurer
14 would direct the implementation of the plan. The consolidation
15 would not apply to those functions which the State Treasurer
16 determines are unique to each department or agency in its capacity
17 as an appointing authority.

18 The transfers provided by this bill will be made pursuant to the
19 State Agency Transfer Act.

20 The bill amends various provisions of current law that refer to
21 the Department of Personnel, Commissioner of Personnel, or Merit
22 System Board to reflect these transfers.

23 The bill repeals several sections of Title 11A of the New Jersey
24 Statutes that establish the office of Commissioner of Personnel and
25 the term of and compensation for that office. Also, the bill repeals
26 current law that established the toll-free information "Law
27 Enforcement Officer Crisis Intervention Services" telephone hotline
28 within the Department of Personnel and recreates those provisions
29 in sections 115 through 116 of this bill to provide for their allocation
30 within the statutes that establish the Department of Law and Public
31 Safety. Finally, the bill repeals three provisions of law that
32 concerned an appropriation for, a report of, and the effective date of
33 the 1986 law that created Title 11A of the New Jersey Statutes.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2803

STATE OF NEW JERSEY

DATED: JUNE 19, 2008

The Assembly Budget Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2803.

This substitute abolishes the Department of Personnel as a principal department in the Executive Branch of State government. The offices and terms of the Commissioner of Personnel and the deputy and assistant commissioners and division and office directors are terminated.

The substitute creates a new Civil Service Commission allocated in, but not of, the Department of Labor and Workforce Development to assume the functions, powers, and duties of the current Merit System Board and Commissioner of Personnel. The current members of the Merit System Board will continue as members of the Civil Service Commission, except for the Commissioner of Personnel who will be replaced as a member of the Civil Service Commission by an appointment by the Governor with the advice and consent of the Senate. The Governor is given the authority to designate the chairperson of the commission. The chairperson will be the chief executive officer and administrator of the commission and is to devote full time to the duties of the position. The chairperson will serve at the pleasure of the Governor.

The Civil Service Commission will have the continued authority to promulgate rules and regulations with regard to civil service matters in Title 11A of the New Jersey Statutes.

The functions, powers, and duties of the Department of Personnel and the Commissioner of Personnel are continued and transferred to the Civil Service Commission. The State Treasurer is provided the responsibility and authority to develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives, establish an internship program, and assist the Governor in general work force planning, personnel matters and labor relations.

The Division of Equal Employment Opportunity and Affirmative Action, with its functions, powers, and duties, is continued and transferred to the Department of the Treasury to be allocated within that department as the State Treasurer will determine. The Equal

Employment Opportunity Advisory Commission is continued and transferred to the Department of the Treasury to be allocated within that department as the State Treasurer will determine. The current members of the Equal Employment Opportunity Advisory Commission will continue as members of the commission.

The Working Well NJ State employee wellness program is continued and transferred to the Department of Health and Senior Services to be allocated within that department as the commissioner will determine.

The toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline is continued and transferred to the Department of Health and Senior Services, pursuant to sections 115 to 116 of the substitute, to be allocated within that department as the commissioner will determine.

The New Jersey Employee Awards Committee is continued and transferred to the Civil Service Commission. The current members of the New Jersey Employee Awards Committee will continue as members of the committee.

The planning and research unit and function of the Department of Personnel is transferred to the Department of the Treasury.

The substitute amends current law to give the Civil Service Commission the authority to develop a plan for the consolidation and coordination of personnel and related functions, including, but not limited to, classification, compensation, and workforce planning, in the Executive Branch of State government and for transfer to the commission such employees, positions, funding, facilities, equipment, powers, and duties from throughout the Executive Branch of State government as necessary and appropriate to effectuate such consolidation and coordination. The commission is to submit the plan to the Governor for review and approval. With the approval of the Governor, the commission would direct the implementation of the plan. The consolidation would not apply to those functions which the commission determines are unique to each department or agency in its capacity as an appointing authority.

The transfers provided by this substitute will be made pursuant to the State Agency Transfer Act.

The substitute amends various provisions of current law that refer to the Department of Personnel, Commissioner of Personnel, or Merit System Board to reflect these transfers.

The substitute repeals several sections of Title 11A of the New Jersey Statutes that establish the office of Commissioner of Personnel and the term of and compensation for that office. Also, the substitute repeals current law that established the toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline within the Department of Personnel and recreates those provisions in sections 115 through 116 of this substitute to provide for their allocation within the statutes that establish the Department of Health

and Senior Services. Finally, the substitute repeals three provisions of law that concerned an appropriation for, a report of, and the effective date of the 1986 law that created Title 11A of the New Jersey Statutes.

The substitute creates a temporary Civil Service Reform Task Force within the Department of the Treasury. The task force will be comprised of the following members: the Chair of the Civil Service Commission, or his designee, who shall serve ex officio; the State Treasurer, or his designee, who shall serve ex officio; and seven public members to be appointed by the Governor. The majority of the public members must, to the extent practicable, have expertise in civil service or public sector personnel management matters. The task force will study and evaluate the current civil service system and develop recommendations with regard to its reform. The task force must report to the Governor, the Civil Service Commission, and the Legislature on its findings and recommendations within 12 months following its organizational meeting. The task force will expire 30 days after the submission of its report.

FISCAL IMPACT:

According to the Office of Management and Budget in the Department of the Treasury, savings to the State from the elimination of the Department of Personnel are estimated to total \$1,008,000 in FY 2009.