

40: 41A-37 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:41A-37 et al.

Laws of 1975 Chapter 257

Bill No. S 3407

Sponsor(s) McGahn & Musto

Date Introduced Nov. 17, 1975

Committee: Assembly -----

Senate -----

Amended during passage  Yes  No

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Senate Nov. 24, 1975

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Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

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CHAPTER 257 L. 1975

APPROVED 12-9-75

SENATE, No. 3407

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1975

By Senators McGAHN and MUSTO

(Without Reference)

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154) and R. S. 11:22-2.

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

1 1. Section 37 of P. L. 1972, c. 154 (C. 40:41A-37) is amended  
2 to read as follows:

3 37. Powers. The county executive:

4 a. Shall supervise, direct and control all county administrative  
5 departments;

6 b. With the advice and consent of the board, shall appoint the  
7 administrator, the heads of departments and, *if so provided in the*  
8 *administrative code, of any designated divisions within such de-*  
9 *partments, and the members of all county boards, [and] com-*  
10 *missions and authorities;*

11 c. May, at his discretion, remove or suspend any official in the  
12 unclassified service of the county over whose office the county execu-  
13 tive has power of appointment in accordance with the provisions of  
14 section 87 b.;

15 d. May, at his discretion, *but subject to any pertinent provisions*  
16 *of the administrative code or civil service requirements,* delegate  
17 to department heads powers of appointment and removal, subject  
18 to civil service provisions, of their departmental employees. If  
19 the county executive does not so delegate his power he may appoint  
20 and remove, subject to civil service requirements, all employees  
21 whose positions have been [authorized by resolution of the board]  
22 *created in accordance with the administrative code, [by civil service,*  
23 *or as provided in the adopted county budget,]* and the manner of  
24 whose appointment is not specified elsewhere in this article;

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

25 e. May require reports and examine the accounts, records and  
26 operations of any agency of county government;

27 f. May at his discretion order any agency under his jurisdiction  
28 as specified in the administrative code to undertake any task for any  
29 other agency on a temporary basis if he deems it necessary for the  
30 proper and efficient administration of the county government to do  
31 so;

32 g. Shall approve each ordinance of the board by signing it, or  
33 may veto any ordinance by returning it to the clerk of the board  
34 within 10 days of passage with a written statement of his objections  
35 to the ordinance. If two-thirds of the full membership of the  
36 board, upon reconsideration of the measure, shall vote for it,  
37 the executive's veto shall be overridden and the ordinance shall  
38 become law without the executive's signature in accordance with  
39 the provisions of law.

1 2. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
2 to read as follows:

3 51. Powers. The county manager:

4 a. Shall supervise, direct and control all county administrative  
5 departments;

6 b. Shall appoint the deputy manager, if that position is created  
7 by the board, the heads of all county departments *and, if so pro-*  
8 *vided in the administrative code, of any designated divisions within*  
9 *such departments*, and all other administrative officers and county  
10 personnel the manner of whose appointment is not prescribed  
11 elsewhere in this article;

12 c. May, at his discretion, remove or suspend any official in the  
13 unclassified service of the county over whose office the county man-  
14 ager has power of appointment in accordance with the provisions  
15 of section 87 b.;

16 d. May, at his discretion, *but subject to any pertinent provisions*  
17 *of the administrative code or civil service requirements*, delegate  
18 to any department head powers of appointment and removal of  
19 their departmental employees **[subject to civil service provisions]**.  
20 If the county manager does not so delegate his power he may  
21 appoint and remove, subject to civil service requirements, all  
22 employees whose positions have been **[authorized by resolution of**  
23 **the board]** *created in accordance with the administrative code,*  
24 **[by civil service, or as provided in the adopted county budget;]** and  
25 the manner of whose appointment is not specified elsewhere in the  
26 article;

27 e. May require reports and examine the accounts, records and  
28 operations of any agency of county government;

29 f. May, at his discretion, order any agency under his jurisdiction  
30 as specified in the administrative code to undertake any task for  
31 any other agency on a temporary basis if he deems it necessary for  
32 the proper and efficient administration to do so.

1 3. Section 65 of P. L. 1972, c. 154 (C. 40:51A-65) is amended  
2 to read as follows:

3 65. Powers. The county supervisor shall:

4 a. Insure adequate supervision, direction and control of all  
5 county administrative departments, and care and maintenance of  
6 all county properties, institutions and agencies by the county  
7 administrator;

8 b. With the advice and consent of the board, appoint members  
9 of boards, **[and]** *commissions and authorities*, and all other officials  
10 whose manner of appointment is not prescribed elsewhere in this  
11 article;

12 c. At his discretion, remove or suspend anyone occupying one  
13 of the offices over which the county supervisor has power of  
14 appointment in accordance with the provisions of section 87 b.;

15 d. At his discretion, require from the county administrative  
16 officer reports, and examine the accounts, records and operations  
17 of any agency of county government;

18 e. At his discretion, order any agency under his jurisdiction as  
19 specified in the administrative code to undertake any task for any  
20 other agency on a temporary basis if he deems it necessary for  
21 the proper and efficient administration to do so;

22 f. Approve each ordinance of the board by signing it, or may  
23 veto any ordinance by returning it to the clerk of the board within  
24 10 days of passage with a written statement of his objections to  
25 the ordinance. If two-thirds of the full membership of the board,  
26 upon reconsideration of the measure, shall vote for it, the super-  
27 visor's veto shall be overridden and the ordinance shall become  
28 law without the supervisor's signature in accordance with the  
29 provisions of law.

1 4. Section 71 of P. L. 1972, c. 154 (C. 40:41A-71) is amended to  
2 read as follows:

3 71. Powers. The administrative officer shall:

4 a. Supervise, direct and control all county administrative de-  
5 partments;

6 b. Appoint the heads of all county departments *and, if so pro-*  
7 *vided in the administrative code, of any designated divisions within*

8 *such departments*, and all other county personnel the manner of  
9 whose appointment is not prescribed elsewhere in this article;

10 c. At his discretion, remove or suspend any official in the un-  
11 classified service of the county over whose office the administrative  
12 officer has power of appointment in accordance with the provisions  
13 of section 87 b;

14 d. At his discretion, *but subject to any pertinent provisions of*  
15 *the administrative code or civil service requirements*, delegate to  
16 any department head powers of appointment and removal of their  
17 departmental employees [subject to civil service provisions]. If  
18 the administrative officer does not so delegate his power he may  
19 appoint and remove, subject to civil service requirements, all em-  
20 ployees whose positions have been [authorized by resolution of  
21 the board] *created in accordance with the administrative code* [,  
22 by civil service, or as provided in the adopted county budget];

23 e. At his discretion, require reports and examine the accounts,  
24 records and operation of any agency of county government;

25 f. May, at his discretion, order any agency under his jurisdiction  
26 as specified in the administrative code to undertake any task for  
27 any other agency on a temporary basis if he deems it necessary for  
28 the proper and efficient administration to do so.

1 5. Section 78 of P. L. 1972, c. 154 (C. 40:41A-78) is amended to  
2 read as follows:

3 78. Powers. The board president shall:

4 a. Insure adequate supervision, direction and control of all  
5 county administrative departments, and care and maintenance of  
6 all county properties, institutions and agencies by the administra-  
7 tive officer;

8 b. With the advice and consent of the board, appoint all mem-  
9 bers of boards, [and] commissions *and authorities*, and all other  
10 officials not serving in the administrative service of the county the  
11 manner of whose appointment is not prescribed elsewhere in this  
12 article;

13 c. Serve as an ex-officio nonvoting member of all appointive  
14 bodies in county government;

15 d. At his discretion, require from the administrative officer re-  
16 ports and examine the accounts, records and operations of any  
17 agency of county government;

18 e. At his discretion, remove or suspend anyone occupying one  
19 of the offices specified in subsection b. of this section subject to the  
20 procedures set forth in section 87 b. of this act.

1 6. Section 85 of P. L. 1972, c. 154 (C. 40:41A-85) is amended  
2 to read as follows:

3 85. Powers. The administrative officer shall:

4 a. Supervise, direct and control all county administrative de-  
5 partments;

6 b. Appoint the heads of all county departments *and, if so pro-*  
7 *vided in the administrative code, of any designated divisions within*  
8 *such departments*, with the advice and consent of the board of  
9 freeholders, and appoint all other county personnel the manner of  
10 whose appointment is not prescribed elsewhere in this article;

11 c. At his discretion, remove or suspend any official in the un-  
12 classified service of the county over whose office the administrative  
13 officer has power of appointment, in accordance with the provisions  
14 of section 87 b.;

15 d. At his discretion, *but subject to any pertinent provisions of*  
16 *the administrative code or civil service requirements*, delegate to  
17 any department head powers of appointment and removal of his  
18 departmental employees [subject to civil service provisions]. If  
19 the administrative officer does not so delegate his power he may  
20 appoint and remove, subject to civil service requirements, all em-  
21 ployees whose positions have been [authorized by resolution of  
22 the board] *created in accordance with the administrative code,*  
23 [by civil service, or as provided in the adopted county budget,]  
24 and the manner of whose appointment is not specified elsewhere in  
25 this article;

26 e. At his discretion, require reports and examine the accounts,  
27 records and operations of any agency of county government;

28 f. At his discretion, order any agency under his jurisdiction as  
29 specified in the administrative code to undertake any task for any  
30 other agency on a temporary basis if he deems it necessary for  
31 proper and efficient administration to do so.

1 7. R. S. 11:22-2 is amended to read as follows:

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

4 a. Officers elected by popular vote;

5 b. Members of district boards of elections; employees in voting  
6 machine departments and the chief deputy, chief clerk, secretary,  
7 clerical and other assistants or employees appointed by the super-  
8 intendants of elections and commissioners of registration in coun-  
9 ties of the first class having less than 800,000 inhabitants, and by  
10 the county boards of elections in all other counties and such of said

11 officers, assistants and employees as are appointed by superin-  
12 tendents of elections in counties of the first class having more than  
13 800,000 inhabitants to serve for terms of 6 months or less in any 1  
14 year;

15 c. Appointments of the mayor;

16 d. Heads of *municipal* departments, [except that county depart-  
17 ment heads, in such departments as shall be designated by the  
18 board of freeholders, shall not exceed 12 in number,] the members  
19 of commissions and boards elected by the board of aldermen, com-  
20 mon council or other governing body of any county, municipality  
21 or school district operating under this subtitle;

22 e. *Heads of such county departments as shall be designated by*  
23 *the board of chosen freeholders, which departments shall not ex-*  
24 *ceed 12 in number, and if so provided in the administrative code*  
25 *of any county organized pursuant to any of the plans contained in*  
26 *the Optional County Charter Law (P. L. 1972, c. 154, C. 40:41A-1*  
27 *et seq.), the heads of any designated divisions within such depart-*  
28 *ments; provided, however, that the total number of positions cre-*  
29 *ated pursuant to this subsection shall not exceed 20 in number;*

30 [e.] f. Law officers of a county, municipality or school district  
31 operating under this subtitle;

32 [f.] g. Teaching staff members, as defined in N. J. S. 18A :1-1,  
33 in the public schools and county superintendents and members and  
34 business managers of boards of education;

35 [g.] h. Police magistrates appointed by the mayor or other head  
36 officer of the municipality operating under this subtitle;

37 [h.] i. Officers and employees of county park commissioners in  
38 counties of the second class appointed under the provisions of  
39 sections 40:37-96 to 40:37-174 of the Title, Municipalities and  
40 Counties;

41 [i.] j. The superintendent of a county hospital for persons suf-  
42 fering from communicable diseases appointed under the provisions  
43 of R. S. 30:9-61 and 30:9-69; and

44 [j.] k. The deputy or first assistant of principal executive offi-  
45 cers authorized by law to act generally for and in place of his  
46 principal;

47 [k.] l. The legal assistants of the law department of the coun-  
48 ties, municipalities or school districts operating under this subtitle  
49 except as herein otherwise provided;

50 [l.] m. One secretary, clerk or executive director of each depart-  
51 ment, appointed board or commission authorized by law to appoint  
52 a secretary, clerk or executive director;

53 *n. One secretary or confidential aide, if so provided in the ad-*  
 54 *ministrative code of any county organized pursuant to any of the*  
 55 *plans contained in the Optional County Charter Law, to be ap-*  
 56 *pointed by each head of any county department or of any designated*  
 57 *division within such department, when the head of any such divi-*  
 58 *sion is an unclassified position;*

59 **[m.] o.** One private secretary or clerk or stenographer of each  
 60 judge or principal executive officer;

61 **[n.] p.** All officials of county or municipal institutions who must  
 62 of necessity be physicians;

63 **[o.] q.** Offices or positions whose incumbents by specific statute  
 64 serve for fixed terms, or whose incumbents by specific statute serve  
 65 at the pleasure of the appointing authority;

66 **[p.] r.** One council secretary to the municipal council appointed  
 67 by the council in any city of the first class with a population of less  
 68 than 300,000; and

69 **[q.] s.** Such other officers and positions not now included in the  
 70 unclassified service by this section or by any other statute, as the  
 71 Civil Service Commission shall, from time to time, determine, ac-  
 72 cording to law, to be in the unclassified service.

1 8. This act shall take effect immediately.

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#### STATEMENT

The primary purpose of this bill is to place in the unclassified service certain policy making, subdepartment positions in counties having adopted any of the plans contained in the Optional County Charter Law. In addition, the bill provides that appointments to county authorities shall be made in the same manner as appointments to county boards or commissions under the appropriate plans.

An optional charter county may, pursuant to the provisions of this bill, provide in its administrative code that heads of any divisions within county departments shall be unclassified positions. The total number of positions of department and division heads in the unclassified service shall not exceed 20 in number in any single county. The heads of divisions, if in the unclassified service, shall be designated and removed in the same manner as department heads, and the power of appointment and removal of division heads shall be delegated to department heads only if so provided in the administrative code. Furthermore, each head of a county department, or of a designated division therein, in the unclassified service, may be authorized by the administrative code to appoint one secretary or confidential aide, which position shall be of an unclassified nature.