

32:8-3.5

LEGISLATIVE HISTORY CHECKLIST
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(Delaware River Joint Toll Bridge Commission
--open competitive hiring)

NJSA: 32:8-3.5

LAWS OF: 1994 **CHAPTER:** 176

BILL NO: A1232

SPONSOR(S): DeCroce

DATE INTRODUCED:

COMMITTEE: **ASSEMBLY:** Transportation & Communication

SENATE: Transportation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 17, 1994

SENATE: November 10, 1994

DATE OF APPROVAL: December 20, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

P.L.1994, CHAPTER 176, approved December 20, 1994
1994 Assembly No. 1232

1 AN ACT concerning employment policies of the Delaware River
2 Joint Toll Bridge Commission and supplementing chapter 8 of
3 Title 32 of the Revised Statutes.

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

7 1. The Legislature finds and declares that:

8 a. The Delaware River Joint Toll Bridge Commission was
9 created by this State and the Commonwealth of Pennsylvania,
10 with the consent of Congress, to provide an efficient means of
11 carrying out the planning, construction, maintenance and
12 rehabilitation of certain Delaware river crossings.

13 b. The State and the Commonwealth rely upon the commission
14 to competently execute the duties and powers delegated to it as
15 well as to carefully manage the not inconsiderable financial
16 means available to the commission.

17 c. Notwithstanding the delegation of power to the commission,
18 it is incumbent upon the State of New Jersey and the
19 Commonwealth of Pennsylvania to ensure that the commission
20 executes its powers in a manner which ensures fairness to
21 prospective employees. In addition, it is appropriate for the
22 State of New Jersey and the Commonwealth of Pennsylvania to
23 include certain fundamental governmental policies, such as equal
24 employment opportunity, in the commission's enabling laws.

25 d. Therefore, it is in the best interest of the public to
26 supplement or limit the powers of the commission, as the case
27 may be, to ensure that commission employment practices are in
28 accordance with the public policies of the State of New Jersey
29 and the Commonwealth of Pennsylvania.

30 2. a. The Delaware River Joint Toll Bridge Commission shall
31 formulate and abide by an affirmative action program of equal
32 opportunity whereby it will provide equal employment
33 opportunity to members of minority groups qualified in all
34 employment categories, including the handicapped, in accordance
35 with the provisions of the "Law Against Discrimination,"
36 P.L.1945, c.169 (C.10:5-1) and the "Pennsylvania Human
37 Relations Act," number 222 of the laws of Pennsylvania of 1955,
38 except in the case of the mentally handicapped, if it can be
39 clearly shown that such handicap would prevent such person from
40 performing a particular job.

41 b. Contracts and subcontracts to be awarded by the
42 commission in connection with the construction, renovation or
43 reconstruction of any structure or facility owned or used by the
44 commission shall contain appropriate provisions by which
45 contractors and subcontractors or their assignees agree to afford

1 an equal employment opportunity to all prospective employees
2 and to all actual employees to be employed by the contractor or
3 subcontractor in accordance with an affirmative action program
4 consonant with the provisions of the "Law Against
5 Discrimination," P.L.1945, c.169 (C.10:5-1) and the
6 "Pennsylvania Human Relations Act," number 222 of the laws of
7 Pennsylvania of 1955.

8 3. The Delaware River Joint Toll Bridge Commission, in the
9 exercise of its authority to appoint officers, agents and
10 employees, shall adopt a policy of open and competitive hiring
11 practices. The policy shall provide, at a minimum, that:

12 a. Job application forms shall be available at all commission
13 facilities; and

14 b. All open positions shall be advertised in at least two
15 newspapers published in New Jersey and two newspapers
16 published in Pennsylvania.

17 4. This act shall take effect upon the enactment into law by
18 the Commonwealth of Pennsylvania of legislation having an
19 identical effect with this act, but if the Commonwealth of
20 Pennsylvania has already enacted such legislation, this act shall
21 take effect immediately, but this act shall remain inoperative
22 until the enactment into law of P.L. c. (now before the
23 Legislature as Assembly Bill No. 1229 of 1994), the enactment
24 into law of legislation substantially similar to P.L. c. (now
25 before the Legislature as Assembly Bill No. 1229 of 1994) by the
26 Commonwealth of Pennsylvania, and the approval of Congress, if
27 necessary, of the supplemental compact or agreement provided
28 for in P.L. c. (now before the Legislature as Assembly Bill
29 No. 1229 of 1994).

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32 STATEMENT

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34 This bill would require the Delaware River Joint Toll Bridge
35 Commission to adopt an affirmative action program and open and
36 competitive hiring practices.

37 The bill requires the commission to adopt a policy of open and
38 competitive hiring and provides that the policy must, at a
39 minimum, include that job application forms be available at all
40 commission facilities and all open positions be advertised in at
41 least two New Jersey and two Pennsylvania newspapers.

42 In addition, the bill requires the commission to adopt an
43 affirmative action program for commission hiring practices. The
44 bill also requires the contracts for the construction, renovation or
45 reconstruction of any structure or facility owned or used by the
46 commission include a provision requiring the contractors and
47 subcontractors to provide equal employment opportunity.

48 Since the commission is a bi-State agency, enactment of
49 legislation identical in effect to this bill in Pennsylvania is
50 required before the provisions of this bill will take effect. The
51 provision of the bill would become operative only when the
52 provisions of Assembly Bill No. 1229 of 1994 which amends
53 portions of the commission's enabling compact become operative.

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3 Requires Delaware River Joint Toll Bridge Commission to adopt
4 affirmative action program and open and competitive hiring
5 practices.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1232

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 1994

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 1232.

This bill would require the Delaware River Joint Toll Bridge Commission to adopt an affirmative action program, and open and competitive hiring practices.

The bill requires the commission to adopt a policy of open and competitive hiring and provides that the policy must, at a minimum, include the requirements that job application forms be available at all commission facilities and that all open positions be advertised in at least two New Jersey and two Pennsylvania newspapers.

In addition, the bill requires the commission to adopt an affirmative action program for commission hiring practices. The bill also requires that contracts for the construction, renovation or reconstruction of any structure or facility owned or used by the commission include a provision requiring the contractors and subcontractors to provide equal employment opportunity.

Since the commission is a bi-State agency, enactment of legislation identical in effect to this bill in Pennsylvania is required before the provisions of this bill will take effect. The provision of the bill would become operative only when the provisions of Assembly Bill No. 1229 of 1994, which amends portions of the commission's enabling compact, become operative.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1232

STATE OF NEW JERSEY

DATED: MARCH 21, 1994

The Senate Transportation Committee favorably reports Assembly Bill No. 1232.

This bill would require the Delaware River Joint Toll Bridge Commission to adopt an affirmative action program, and open and competitive hiring practices.

The bill requires the commission to adopt a policy of open and competitive hiring and provides that the policy must, at a minimum, include the requirements that job application forms be available at all commission facilities and that all open positions be advertised in at least two New Jersey and two Pennsylvania newspapers.

In addition, the bill requires the commission to adopt an affirmative action program for commission hiring practices. The bill also requires that contracts for the construction, renovation or reconstruction of any structure or facility owned or used by the commission include a provision requiring the contractors and subcontractors to provide equal employment opportunity.

Since the commission is a bi-State agency, enactment of legislation identical in effect to this bill in Pennsylvania is required before the provisions of this bill will take effect. The provision of the bill would become operative only when the provisions of Assembly Bill No. 1229 of 1994, which amends portions of the commission's enabling compact, become operative.

This bill is substantially identical to S-631, released by the committee on the same date.