

11 A: 11-2

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Dept of Personnel)

NJSA: 11A:11-2

LAWS OF: 1993 **CHAPTER:** 114

BILL NO: A1723

SPONSOR(S) Kamin

DATE INTRODUCED: August 3, 1992

COMMITTEE: **ASSEMBLY:** State Government

SENATE: State Government

AMENDED DURING PASSAGE: Yes
Second reprint enacted

DATE OF PASSAGE: **ASSEMBLY:** October 15, 1992 Re-enacted 2-18-93

SENATE: Decmber 14, 1992 Re-enacted 5-13-93

DATE OF APPROVAL: May 19, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

974.90 New Jersey. Dept. of Personnel.
R424 Department of Personnel final consolidation plan,
1993d implementation of executive order no. 70, Jan. 7, 1993.

KBG:pp

[SECOND REPRINT]
ASSEMBLY, No. 1723

STATE OF NEW JERSEY

INTRODUCED AUGUST 3, 1992

By Assemblyman KAMIN, Assemblywoman DERMAN
and Assemblyman Baer

1 AN ACT consolidating personnel functions in the Department of
2 Personnel and amending N.J.S.11A:11-2.

3

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

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

7 11A:11-2. Department of Personnel. ²a.² The Department of
8 Personnel shall replace the Department of Civil Service. Except
9 as otherwise stated in this title, all employees of the Department
10 of Civil Service shall become employees of the Department of
11 [Personnel] Personnel.

12 ²[In] b. The commissioner shall develop a plan for the
13 consolidation and coordination of personnel, training, and related
14 functions, including, but not limited to, classification,
15 compensation, and workforce planning, in the executive branch of
16 State government and for transfer to the Department of
17 Personnel such employees, positions, funding, facilities,
18 equipment, powers, and duties from throughout the executive
19 branch of State government as necessary and appropriate to
20 effectuate such consolidation and coordination.

21 c. The commissioner shall submit the plan prepared pursuant
22 to subsection b. of this section to the Governor for review and
23 approval. With the approval of the Governor and in² accordance
24 with regulations adopted by the commissioner, the commissioner
25 ², pursuant to the approved plan,² [may] shall direct the
26 consolidation and coordination of personnel, training and related
27 functions, including, but not limited to, classification,
28 compensation and workforce planning, in the executive branch of
29 State government and transfer to the Department of Personnel
30 such employees, positions, funding, facilities, equipment, powers,
31 duties and functions from throughout the executive branch of
32 State government to effectuate such consolidation and
33 coordination. The commissioner shall organize these functions in
34 such units as the commissioner determines are necessary for the
35 efficient operation of the department ²and in such a manner as
36 will provide the appointing authorities and all State employees
37 with proper support in personnel matters². ¹The consolidation
38 shall not apply to those functions which the commissioner has
39 determined are unique to each department or agency in its
40 capacity as an appointing authority.¹

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted October 8, 1992.

² Assembly amendments adopted in accordance with Governor's
recommendations February 1, 1993.

1 ²d.² Each department, office, division, bureau or agency in the
2 executive branch of State government shall cooperate with the
3 commissioner and make available to the commissioner such
4 information, personnel and assistance necessary to effectuate the
5 purposes of this amendatory act, P.L. , c. (C.) (now
6 pending before the Legislature as this bill).

7 ²e. This section shall not be construed to permit or require
8 negotiations pursuant to the "New Jersey Employer-Employee
9 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule
10 or regulation promulgated by the Commissioner of Personnel or
11 the Merit System Board pursuant to this section or any other
12 section of this title.²
13 (cf: N.J.S.11A:11-2)

14 2. This act shall take effect immediately ²and shall apply
15 retroactively to any actions taken in conformity with this act
16 after November 1, 1992².

17
18
19
20
21 _____

Consolidates personnel functions in the Dept. of Personnel.

ASSEMBLY, No. 1723

STATE OF NEW JERSEY

INTRODUCED AUGUST 3, 1992

LAW LIBRARY COPY

By Assemblyman KAMIN and Assemblywoman DERMAN

1 AN ACT consolidating personnel functions in the Department of
2 Personnel and amending N.J.S.11A:11-2.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

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

7 11A:11-2. Department of Personnel. The Department of
8 Personnel shall replace the Department of Civil Service. Except
9 as otherwise stated in this title, all employees of the Department
10 of Civil Service shall become employees of the Department of
11 [Personnel] Personnel.

12 In accordance with regulations adopted by the commissioner,
13 the commissioner [may] shall direct the consolidation and
14 coordination of personnel, training and related functions,
15 including, but not limited to, classification, compensation and
16 workforce planning, in the executive branch of State government
17 and transfer to the Department of Personnel such employees,
18 positions, funding, facilities, equipment, powers, duties and
19 functions from throughout the executive branch of State
20 government to effectuate such consolidation and coordination.
21 The commissioner shall organize these functions in such units as
22 the commissioner determines are necessary for the efficient
23 operation of the department.

24 Each department, office, division, bureau or agency in the
25 executive branch of State government shall cooperate with the
26 commissioner and make available to the commissioner such
27 information, personnel and assistance necessary to effectuate the
28 purposes of this amendatory act, P.L. , c. (C.) (now
29 pending before the Legislature as this bill).

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

31 2. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 The purpose of this bill is to consolidate and coordinate
37 personnel functions in the Department of Personnel. The bill
38 amends the existing law to mandate that the commissioner direct
39 the consolidation and coordination of personnel, training and
40 related functions, including, but not limited to, classification,
41 compensation and workforce planning, in the executive branch of
42 State government. The commissioner shall organize these

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 functions in such units as the commissioner determines are
2 necessary for the efficient operation of the department. The bill
3 also specifies that each department, office, division, bureau or
4 agency in the executive branch of State government shall
5 cooperate with the commissioner and make available to the
6 commissioner such information, personnel and assistance
7 necessary to effectuate the purposes of this act.

8

9

10

11

12 Consolidates personnel functions in the Dept. of Personnel.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1723

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 1992

The Assembly State Government Committee reports favorably Assembly Bill No. 1723.

This bill provides for the consolidation of State personnel functions in, and coordination of those functions by, the Department of Personnel.

The bill amends existing law to require, rather than simply authorize, the commissioner to (1) direct the consolidation and coordination of personnel, training and related functions, including but not limited to classification, compensation and workforce planning, in the executive branch of State government, and (2) to transfer to the Department of Personnel such employees, positions, funding, equipment, powers, duties, and functions from throughout the executive branch as necessary to effectuate that consolidation and coordination. In addition, the scope of this power of transfer is broadened to include facilities. The commissioner is to organize transferred functions in such units as may be necessary for the efficient operation of the department.

The bill requires all executive departments and agencies to cooperate with the commissioner and make available to the commissioner such information, personnel and assistance as may be necessary to effectuate the purposes of the legislation.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1723

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Senate State Government Committee reports favorably Assembly Bill No. 1723 [1R].

This bill consolidates and coordinates personnel functions in the Department of Personnel. It amends existing law to require, rather than simply authorize, the commissioner to (1) direct the consolidation and coordination of personnel, training and related functions, including, but not limited, to classification, compensation and workforce planning, in the executive branch of State government, and (2) transfer to the Department of Personnel such employees, positions, funding, equipment, powers, duties, and functions from throughout the executive branch as necessary to effectuate that consolidation and coordination. In addition, the scope of this transfer power is broadened to include facilities. The commissioner shall organize transferred functions in such units as may be necessary for the efficient operation of the department.

The bill requires all executive departments and agencies to cooperate with the commissioner and make available to the commissioner such information, personnel and assistance as may be necessary to effectuate the purposes of the legislation.

This consolidation shall not apply to those functions which the commissioner determines to be unique to each department or agency in its capacity as an appointing authority.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 1723

STATE OF NEW JERSEY

DATED: November 24, 1992

Assembly Bill No. 1723 (1R) of 1992 would consolidate certain personnel functions currently performed in each of the several departments in the Department of Personnel. The bill amends existing law to mandate that the Commissioner of Personnel direct the consolidation and coordination of personnel, training and related functions, including, but not limited to, classification, compensation and workforce planning, in the executive branch of State government. The commissioner shall organize these functions in such units as the commissioner determines are necessary for the efficient operation of the department. The bill also specifies that each department, office, bureau or agency in the executive branch of State government shall cooperate with the commissioner and make available to the commissioner such information, personnel and assistance necessary to effectuate the purposes of this act.

Neither the Department of Personnel (DOP) nor the Office of Management and Budget has provided updated fiscal information on this bill. However, the May 19, 1992 "Consolidation Report" of the DOP stated that the consolidation of personnel functions within the DOP would be more effective and cost-efficient than the current practice of delegating classification and compensation functions to each department and agency. The DOP estimated that 908 professional and 300 clerical employees currently perform personnel work in the various departments and agencies. The department estimated that the consolidation of classification and compensation functions within the DOP would require the transfer of 67 existing personnel from the various departments to the DOP and would result in an overall reduction of 209 positions Statewide with estimated annual recurring salary savings of \$6.9 million. The department estimated an additional \$2.0 million in savings from a reduction in fringe benefits and overhead savings of \$1.4 million for total first year savings of \$10.2 million.

The department stated that the remaining 932 individuals would remain in the various departments and agencies performing recruitment, employee orientation, employee relations, counseling and employee evaluation.

The Office of Legislative Services concurs with this estimate but notes that it is difficult to quantify the cost of layoffs and bumping. The OLS also notes that the DOP FY 1993 appropriation includes approximately \$2.9 million to implement the transfer of the 67 positions from the various departments and agencies. In addition, the various departments and agencies losing personnel, either as transfers to the DOP or through layoffs, had their FY 1993 appropriations reduced.

This Legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

February 1, 1993

ASSEMBLY BILL NO. 1723

(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 1723 (First Reprint) with my recommendations for reconsideration.

This bill would amend current law to require, rather than just permit, the Commissioner of Personnel to consolidate personnel functions within the Department of Personnel. In particular, this bill would require the Commissioner of Personnel to consolidate the exclusive authority to make classification, compensation, and workforce planning decisions within the Department of Personnel.

At the outset, let me make it clear that I am in complete agreement with the spirit and purpose of this bill. I firmly believe that consolidating the authority to make classification decisions within the Department of Personnel -- the agency that was established precisely in order to coordinate State government's vast personnel responsibilities -- will give the State greater control over the classification process. The State needs to ensure greater continuity of classification decisions among all State departments, for without continuity we cannot be guaranteed that these decisions will be made in a manner that demonstrates adequate concern for the taxpayers of this State, as well as the government workforce. Consolidation of personnel functions will not only bring greater discipline to this process, but it will also allow the State to gain greater efficiencies by eventually reducing the amount of staff that devotes itself to personnel duties.

For these reasons, last November I issued Executive Order No. 70, which directed my Commissioner of Personnel, Anthony J. Cimino, to proceed with consolidation as permitted under current law. In the Executive Order, I directed Commissioner Cimino to prepare a consolidation plan for my review and approval, and called

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

upon him to present me with a proposal that balanced the objectives of consolidation against the unique personnel needs of each of the departments. I am pleased to say that on January 7, 1993, Commissioner Cimino presented me with a plan that met completely with the objectives of the Executive Order, and which benefitted greatly from the cooperation of my entire Cabinet. I approved Commissioner Cimino's proposal on the same day, and directed that the plan be immediately implemented.

In almost every respect, this bill conforms to the process initiated by Executive Order No. 70. Except for a few minor changes, this bill ought to become law. Even though consolidation is well on its way to fruition, this legislation is appropriate because it would establish personnel consolidation as a mandatory policy of this State, rather than, as under current law, a policy that is permitted but not required. We should take the guessing out of this issue, and once and for all commit ourselves to this sensible and sound policy.

Nevertheless, I am conditionally vetoing this bill today, because I believe this bill should be amended to ensure that it conforms completely to the consolidation process that is already underway. The amendments I am recommending today clarify the process by which consolidation should take place, and extend the bill's scope to encompass the actions that were commenced with the issuance of Executive Order No. 70. In addition, I am recommending language that makes it clear that this legislation does not change current law regarding the negotiability of rules and regulations promulgated by the Department of Personnel.

Accordingly, for the reasons stated above, I herewith return Assembly Bill No. 1723 (First Reprint) and recommend that it be amended as follows:

- Page 1, Section 1, Line 7: Before "The Department of" insert "a."
- Page 1, Section 1, Line 12: Delete "In" insert "b. The commissioner shall develop a plan for the consolidation and coordination of personnel, training, and related functions, including but not limited to"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

classification, compensation, and workforce planning, in the executive branch of State government and for transfer to the Department of Personnel 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.

"c. The commissioner shall submit the plan prepared pursuant to subsection b. of this section to the Governor for review and approval. With the approval of the Governor and in"

Page 1, Section 1, Line 13: After "commissioner" insert ", pursuant to the approved plan."

Page 1, Section 2, Line 23: After "department" insert "and in such a manner as will provide the appointing authorities and all State employees with proper support in personnel matters"

Page 1, Section 1, Line 27: Before "Each" insert "d."

Page 1, Section 1, Line 33: Before "(cf: N.J.S.11A:11-2)" insert "e. This section shall not be construed to permit or require negotiations pursuant to the "New Jersey Employer-Employee Relations Act" P.L. 1941, c.100 (C.34:13A-1 et seq.), of any rule or regulation promulgated by the Commissioner of Personnel or the Merit System Board pursuant to this section or any other section of this title."

Page 1, Section 2, Line 34: After "immediately" insert "and shall apply retroactively to any actions taken in conformity with this act after November 1, 1992"

Respectfully

/s/ Jim Florio

GOVERNOR

[seal]

Attest:

/s/ M. Robert DeCotiis

Chief Counsel to the Governor