

11A:9-9.1

**LEGISLATIVE HISTORY CHECKLIST**  
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(Firefighters--career status)

**NJSA:** 11A:9-9.1

**LAWS OF:** 1993 **CHAPTER:** 154

**BILL NO:** A596

**SPONSOR(S)** Solomon and Rocco

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** State Government  
**SENATE:** State Government

**AMENDED DURING PASSAGE:** Yes Amendments during passage denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** March 23, 1993 Re-enacted 10-29-92  
**SENATE:** July 20, 1992 Re-enacted 6-28-93

**DATE OF APPROVAL:** June 28, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** Yes

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

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[FIRST REPRINT]  
ASSEMBLY, No. 596

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblymen SOLOMON and ROCCO

1 AN ACT concerning career service status for certain political  
2 subdivision employees and supplementing Title 11A of the New  
3 Jersey Statutes.

4

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

7 1. Notwithstanding the provisions of N.J.S.11A:9-9 or any  
8 other law, rule or regulation to the contrary, any person who was  
9 actively employed by a political subdivision as a firefighter or  
10 fire chief at the time of adoption of this title by the political  
11 subdivision and who had less than one year of continuous service  
12 in that position prior to the adoption of this title by the political  
13 subdivision shall continue to hold that position without having to  
14 pass an examination <sup>1</sup>[, shall not be removed except in  
15 accordance with the provisions contained in this title,]<sup>1</sup> and shall  
16 have career service status. <sup>1</sup>Nothing contained in this section  
17 shall require a political subdivision to rehire such a firefighter or  
18 fire chief who has been removed from that position.<sup>1</sup>

19 2. This act shall take effect immediately and shall be  
20 retroactive to November 1, 1988.

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25 Provides career service status to certain firefighters.

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:

<sup>1</sup> Senate SSG committee amendments adopted May 18, 1992.

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5 BE IT ENACTED *by the Senate and General Assembly of the*  
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7 1. Notwithstanding the provisions of N.J.S.11A:9-9 or any  
8 other law, rule or regulation to the contrary, any person who was  
9 actively employed by a political subdivision as a firefighter or  
10 fire chief at the time of adoption of this title by the political  
11 subdivision and who had less than one year of continuous service  
12 in that position prior to the adoption of this title by the political  
13 subdivision shall continue to hold that position without having to  
14 pass an examination, shall not be removed except in accordance  
15 with the provisions contained in this title, and shall have career  
16 service status.

17 2. This act shall take effect immediately and shall be  
18 retroactive to November 1, 1988.

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STATEMENT

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23 This bill supplements the "Civil Service Act." It provides that  
24 any person who was actively employed by a political subdivision  
25 as a firefighter or fire chief at the time of adoption of Title 11A  
26 (Civil Service) by the political subdivision and who had less than  
27 one year of continuous service in that position prior to the  
28 adoption of Title 11A by the political subdivision shall continue to  
29 hold that position without having to pass an examination, shall  
30 not be removed except in accordance with the provisions  
31 contained in Title 11A, and shall have career service status. This  
32 act shall be retroactive to November 1, 1988.

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Provides career service status to certain firefighters.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 596

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1992

The Assembly State Government Committee reports favorably Assembly Bill No. 596.

This bill supplements the "Civil Service Act." It provides that any person who, at the time of adoption of Title 11A (Civil Service) by a political subdivision, (1) was actively employed by that political subdivision as a firefighter or fire chief, and (2) had less than one year of continuous service in that position prior to such adoption, shall continue to hold the position without having to pass an examination, shall not be removed except in accordance with the provisions contained in Title 11A, and shall have career service status. The legislation is to be retroactive to November 1, 1988.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 596**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 18, 1992

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*10/15/92*

The Senate State Government Committee reports favorably and with committee amendments Assembly, No. 596.

This bill supplements the "Civil Service Act." It provides that any person who was actively employed by a political subdivision as a firefighter or fire chief at the time of adoption of Title 11A (Civil Service) by the political subdivision and who had less than one year of continuous service in that position prior to the adoption of Title 11A by the political subdivision shall continue to hold that position without having to pass an examination and shall have career service status. Nothing contained in this act shall require a political subdivision to rehire such a firefighter or fire chief who has been removed from that position.

This act shall be retroactive to November 1, 1988.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that nothing contained in this act shall require a political subdivision to rehire a firefighter or fire chief who has been removed from that position.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

September 10, 1992

ASSEMBLY BILL NO. 596

(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. 596 (First Reprint) with my objections for reconsideration.

The primary purpose of the Civil Service Act is to select and advance employees on the basis of their knowledge, skill and ability. The Act's further purposes are to protect career public employees from political coercion; to provide for the selection and advancement of employees on the basis of merit; and to encourage and reward meritorious performance. Presently, the Civil Service Act embodied in Title 11A grants automatic career-service status to employees who have been in their position for at least one year when a jurisdiction adopts Title 11A, while other incumbent employees must take a competitive examination.

This bill provides that any person who is actively and continuously employed for less than one year by a political subdivision as a firefighter or fire chief when Title 11A is adopted acquires civil service status without having to pass an examination. By eliminating the one-year incumbency requirement before automatically granting a firefighter Civil Service status, the legislation denies an adopting jurisdiction the means to assess an individual's qualifications for being a firefighter. Both the one-year incumbency and the one-year working test period, which are part of the Civil Service examination process for firefighters, provide an employing jurisdiction adopting Title 11A an opportunity to evaluate whether an individual is qualified to perform tasks ordinarily associated with firefighting, some of which involve life-saving functions.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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However, there are situations in which individuals may have been appointed as fire chiefs or firefighters less than one year prior to the employing jurisdiction's adoption of Title 11A and these individuals may have remained employed in the fire chief or firefighter titles in a provisional status since that time. These provisional-status fire chiefs and firefighters may have performed their respective functions on a daily basis for more than one year while waiting to take the examination. Under these circumstances, it would be unfair to require these individuals to leave their positions prior to taking the examination after they have shown over a period of significant time that they are qualified to be firefighters.

This bill and the changes I am recommending will preserve the one-year incumbency requirement, while rectifying the unfairness worked on individuals serving provisionally as fire chief and firefighters for at least a two-year period. Those individuals will have six months from the effective date of this act to pass an examination. If they successfully pass the examination, they will have career service status in their positions.

Therefore, I herewith return Assembly Bill No. 596 (First Reprint), and recommend that it be amended as follows:

Section 1, Lines 11-13:

After "who" delete "had less than one year of continuous service in that position prior to the adoption of this title by the political subdivision" and insert "has been actively and continuously employed for at least two years since the adoption of Title 11A by the political subdivision, and who has successfully demonstrated their qualifications for the respective positions by successfully passing a civil service examination for the positions to be administered no later than six months after the effective date of this act,"

Section 1, Lines 13-14:

After "position" delete "without having to pass an examination"

Section 2, Lines 19-20:

After "immediately" delete "and shall be retroactive to November 1, 1988"

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Add new Section 3 to read: "3. This Act shall expire on  
December 31, 1992."

Respectfully

/s/ Jim Florio

GOVERNOR

[seal]

Attest:

/s/ M. Robert DeCotiis

Chief Counsel to the Governor