

11A:3-2.1

LEGISLATIVE HISTORY CHECKLIST  
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(State career service--  
transfers)

JSA: 11A:3-2.1  
LAWS OF: 1993 CHAPTER: 371  
BILL NO: S2234  
SPONSOR(S): Cardinale  
DATE INTRODUCED: December 2, 1993  
COMMITTEE: ASSEMBLY: ---  
SENATE: State Government  
AMENDED DURING PASSAGE: No  
DATE OF PASSAGE: ASSEMBLY: December 16, 1993  
SENATE: December 13, 1993  
DATE OF APPROVAL: January 10, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes  
COMMITTEE STATEMENT: ASSEMBLY: No  
SENATE: Yes  
FISCAL NOTE: No  
VETO MESSAGE: No  
MESSAGE ON SIGNING: No  
FOLLOWING WERE PRINTED: \*  
REPORTS: No  
HEARINGS: No

See newspaper clippings--attached

KBG:pp

§§1,2  
C.11A:3-2.1  
&  
11A:3-2.2  
§3  
Note To §§1,2

P.L.1993, CHAPTER 371, *approved January 10, 1994*  
1993 Senate No. 2234

1 AN ACT concerning the noncompetitive division of the career  
2 service and supplementing Title 11A of the New Jersey  
3 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 importance of fairness and impartiality in State  
9 employment is recognized in Article VII, Section I, paragraph 2 of  
10 the New Jersey Constitution which provides that, "Appointments  
11 and promotions in the civil service of the State ... shall be made  
12 according to merit and fitness to be ascertained, as far as  
13 practicable, by examination, which, as far as practicable, shall be  
14 competitive...";

15 b. nevertheless, the framers recognized that appointments to  
16 certain types of employment are not readily made through a  
17 competitive examination process;

18 c. accordingly, in implementing the constitutional provision,  
19 the Legislature has provided in N.J.S.11A:3-2 that the career  
20 service shall have a competitive division and a noncompetitive  
21 division;

22 d. it was the purpose of the Legislature, in making this  
23 distinction, to provide for positions which cannot properly be  
24 tested for, such as lower-level jobs which do not require  
25 significant education or experience, to be filled without the need  
26 of competitive examination but with civil service protection for  
27 the employee;

28 e. however, recent published reports suggest that the purpose  
29 of the noncompetitive division has been subverted by the transfer  
30 into that division of titles which properly belong in the  
31 unclassified service or in the competitive division of the career  
32 service, and the making of appointments thereto;

33 f. the apparent reason for this misuse of the noncompetitive  
34 division is to protect political appointees prior to the beginning of  
35 a new administration; and

36 g. in order to prevent this abuse of the civil service system,  
37 there is need for a statutory prohibition on the movement of job  
38 titles and political appointees to the noncompetitive division of  
39 the career service during the final six months of the Governor's  
40 term in office.

41 2. No title shall be transferred from the State unclassified  
42 service or the senior executive service to the noncompetitive  
43 division of the career service and no individual serving in a title  
44 in the State unclassified service or the senior executive service  
45 shall be transferred to or appointed to the noncompetitive

1 division of the career service during the six-month period  
2 immediately preceding the termination of the Governor's  
3 four-year term. A transfer or appointment which violates the  
4 provisions of this section is void.

5 3. This act shall take effect immediately and shall be  
6 retroactive to July 18, 1993.

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STATEMENT

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11 This bill provides that no job title and no individual shall be  
12 transferred from the unclassified service or the senior executive  
13 service to the noncompetitive division of the career service  
14 during the last six months of a Governor's term. Its purpose is to  
15 prevent the practice of protecting the jobs of political appointees  
16 by moving them into the noncompetitive division of the career  
17 service before a new administration takes over. The purpose of  
18 the noncompetitive division is to enable the State to fill  
19 lower-level jobs which do not require significant education or  
20 training and for which a competitive examination cannot easily  
21 be designed. It also allows employees in these positions to enjoy  
22 the protection of the civil service system. The practice of using  
23 the noncompetitive division to "hide" political appointees  
24 subverts the purpose of the noncompetitive division and is  
25 inconsistent with the intent of the civil service provision of the  
26 State Constitution. The bill would apply to the last six months of  
27 the current administration and all subsequent administrations.

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32 Prohibits transfer of job titles and individuals from the State's  
33 unclassified service or senior executive service to the  
34 noncompetitive division of the career service during the last six  
35 months of a Governor's term.

**SENATE STATE GOVERNMENT COMMITTEE**

**STATEMENT TO**

**SENATE, No. 2234**

**STATE OF NEW JERSEY**

**DATED: DECEMBER 6, 1993**

The Senate State Government Committee reports favorably Senate Bill No. 2234.

This bill provides that no job title and no individual shall be transferred from the unclassified service or the senior executive service to the noncompetitive division of the career service during the last six months of a Governor's term. Its purpose is to prevent the practice of protecting the jobs of political appointees by moving them into the noncompetitive division of the career service before a new administration takes over. The purpose of the noncompetitive division is to enable the State to fill lower-level jobs which do not require significant education or training and for which a competitive examination cannot easily be designed. It also allows employees in these positions to enjoy the protection of the civil service system. The practice of using the noncompetitive division to "hide" political appointees subverts the purpose of the noncompetitive division and is inconsistent with the intent of the civil service provision of the State Constitution. The bill would apply to the last six months of the current administration and all subsequent administrations.