

40A:9-154.6a

**LEGISLATIVE HISTORY CHECKLIST**  
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**NJSA:** 40A:9-154.6a

(Public works  
managers--certification)

**LAWS OF:** 1991

**CHAPTER:** 258

**Bill No:** A4240

**Sponsor(s):** Impreveduto and Moran

**Date Introduced:** December 6, 1990

**Committee: Assembly:** Commerce

**Senate:** County & Municipal Government

**Amended during passage:** Yes      Amendments during passage  
denoted by asterisks.

**Date of Passage: Assembly:** March 7, 1991

**Senate:** June 13, 1991

**Date of Approval:** August 13, 1991

**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/SLJ

[SECOND REPRINT]

ASSEMBLY, No. 4240

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1990

By Assemblymen IMPREVEDUTO, MORAN and Cimino

1 AN ACT concerning certification of public works managers and  
2 supplementing P.L.1981, c.383 (C.40A:9-154.5 et seq.).

3

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

6 1. As used in this act:

7 a. "Director" means the Director of the Division of Local  
8 Government Services in the Department of Community Affairs.

9 b. "Management responsibility" means the supervisory  
10 responsibility for planning, scheduling, directing, controlling and  
11 coordinating the daily and long term activities of a municipal or  
12 county public works department or subdivision, as applicable,  
13 including the utilization of manpower, equipment, materials and  
14 funds appropriated to the public works department, and other  
15 resources available to the department.

16 c. "Public Works Advisory Board" means that board appointed  
17 by the director to assist the Division of Local Government  
18 Services in the examination and certification process and as may  
19 be required for the general administration of this act.

20 d. "Public works department" means <sup>1</sup>[a local] <sup>2</sup>[an<sup>1</sup>] a local<sup>2</sup>  
21 agency <sup>2</sup>[<sup>1</sup>of a local unit with a population of not less than 10,000  
22 persons<sup>1</sup>]<sup>2</sup> which has the responsibility for the care and  
23 maintenance of streets, roads, avenues, public buildings and  
24 places, water and waste water, solid waste, motor vehicles, or  
25 similar items related to the physical plant and infrastructure of  
26 the jurisdiction. For the purposes of this act <sup>2</sup>[a utility that is  
27 owned <sup>1</sup>[or], <sup>1</sup> operated <sup>1</sup>or created<sup>1</sup> by a municipality or county  
28 or jointly owned <sup>1</sup>[or], <sup>1</sup> operated <sup>1</sup>or created<sup>1</sup> by two or more  
29 municipalities or counties shall be considered <sup>1</sup>[a local] an<sup>1</sup>  
30 agency <sup>1</sup>of a local unit<sup>1</sup>], neither an agency of county  
31 government nor a municipal utilities authority shall be considered  
32 a public works department<sup>2</sup>.

33 e. "Public works manager" means a person appointed by the  
34 <sup>1</sup>[local]<sup>1</sup> <sup>2</sup>local<sup>2</sup> governing body <sup>2</sup>[<sup>1</sup>of a local unit with a  
35 population of not less than 10,000 persons<sup>1</sup>], its designated  
36 appointing authority or chief executive officer<sup>2</sup> to serve as the  
37 public works superintendent, director, supervisor, foreman, or in  
38 a title as designated by <sup>1</sup>[the local] that<sup>1</sup> governing body, and  
39 who is not an elected member of the <sup>1</sup>[local] that<sup>1</sup> governing

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> Assembly ACP committee amendments adopted February 28, 1991.

<sup>2</sup> Senate SCM committee amendments adopted May 13, 1991.

1 body, and who has management responsibility for the activities of  
2 a public works department or any subdivision thereof.

3 f. "Principal public works manager" means a person who has  
4 management responsibility for an entire public works department.

5 2. a. The director shall appoint five persons who shall  
6 constitute the Public Works Advisory Board as follows: one  
7 designee from the Division of Local Government Services in the  
8 Department of Community Affairs; one from Rutgers, The State  
9 University of New <sup>2</sup>[Jersey's] Jersey,<sup>2</sup> Department of  
10 Government Services; two public works managers who have  
11 public works manager certificates; and one public works manager  
12 who has a public works manager certificate and a degree in  
13 engineering from a four year institution of higher education. The  
14 terms of each of the appointments shall be for three years except  
15 that the initial term of one of the public works managers shall be  
16 for one year and a second shall serve an initial term of two years  
17 so that the terms of the public works managers shall be  
18 staggered. Any member of the Public Works Advisory Board may  
19 be reappointed to succeed himself. The director may dismiss any  
20 member of the Public Works Advisory Board for cause and then  
21 make another appointment to serve for the remainder of that  
22 term.

23 b. The director, with the advice of the Public Works Advisory  
24 Board, shall develop and hold examinations semi-annually, and at  
25 such times as he may determine appropriate, for qualification as  
26 a certified public works manager. An applicant for examination  
27 shall present to the director a written application on a form  
28 provided by the Division of Local Government Services, showing  
29 that the applicant is not less than 21 years of age, is a citizen of  
30 the United States, is of good moral character, has obtained a  
31 certificate or diploma issued after at least four years of study in  
32 an approved secondary school or has received an academic  
33 education considered and accepted by the Commissioner of  
34 Education of this State as fully equivalent, and has graduated as a  
35 certified public works manager from Rutgers, the State  
36 University of New Jersey, or a program certified as its equivalent  
37 by the Division of Local Government Services. An applicant shall  
38 have a minimum of five years' experience in public works  
39 operations in a position <sup>2</sup>[of management responsibility] requiring  
40 the exercise of management skills<sup>2</sup>.

41 3. Notwithstanding the examination requirements in section 2  
42 of this act, the director shall issue, upon receipt of an application  
43 within one year after the effective date of this act and the  
44 payment of a fee of \$25 to the order of the Treasurer of the  
45 State of New Jersey, a public works manager certificate to any  
46 applicant who has successfully completed a certified public works  
47 manager program described in section 2 of this act, is not less

1 than 21 years of age, is a citizen of the United States, is of good  
2 moral character, has obtained a high school diploma as described  
3 in section 2 of this act, and has at least 10 years of experience in  
4 public works operations, and has served in a position of  
5 management responsibility <sup>1</sup>for any local unit of government<sup>1</sup>for  
6 five consecutive years prior to the date of application for  
7 certification.

8 4. a. Each completed application form shall be accompanied  
9 by a fee in the amount of <sup>2</sup>[\$25] \$50<sup>2</sup> payable to the Treasurer of  
10 the State of New Jersey and shall be filed with the director at  
11 least 30 days prior to the date of examination. Examinations  
12 shall be written, or both written and oral, and shall be of such  
13 character as fairly to test and determine the ability of the person  
14 tested to perform the duties of a certified public works manager.

15 b. The first examination for a public works manager  
16 certificate shall take place not less than 180 days from the  
17 effective date of this act.

18 5. Upon a finding by the director that an applicant has  
19 successfully completed the examination, a public works manager  
20 certificate shall be issued to the applicant <sup>2</sup>[, upon the payment  
21 of a fee of \$25 to the order of the Treasurer of the State of New  
22 Jersey]<sup>2</sup>.

23 6. a. Any public works manager certificate may be revoked or  
24 suspended by the director for dishonest practices or failure,  
25 neglect or refusal to comply with the Constitution of the State of  
26 New Jersey or the laws relating to local management of public  
27 works, or other just cause. Request may be made to the director  
28 by any governing body of any municipality for a review of the  
29 behavior or practices of a certified public works manager when  
30 the governing body may feel his certificate should be revoked.  
31 No certificate shall be revoked or suspended except upon a proper  
32 hearing before the director or his designee, after 14 days' notice  
33 to the certified public works manager. If the certificate of a  
34 person serving as a certified public works manager in any  
35 municipality shall be revoked by the director, <sup>2</sup>[he] that person<sup>2</sup>  
36 shall not be entitled to any benefits pursuant to this act, nor may  
37 he make application for re-certification for a period of five years  
38 from the date of the revocation.

39 b. A complaint against a certified public works manager shall  
40 be filed with the municipal clerk and the director and a certified  
41 copy thereof shall be served upon the person so charged, with  
42 notice of a hearing date before the director or his designee,  
43 which shall be not less than 30 days or more than 60 days from  
44 the date of service of the complaint. The hearing date may on  
45 application be extended by the director for good cause shown.

46 c. The person so charged and the complainant shall have the  
47 right to be represented by counsel, the power to subpoena  
48 witnesses and documentary evidence, and such discovery as may

1 be necessary to prepare the appeal.

2 d. The Superior Court shall have jurisdiction to review the  
3 determination of the director and shall hear the cause de novo on  
4 the record below and affirm, modify or set aside such  
5 determination.

6 e. Either party may supplement the record with additional  
7 testimony subject to the rules of evidence.

8 7. Commencing January 1, 1995, no person shall be appointed  
9 or reappointed <sup>2</sup>or <sup>2</sup>serve<sup>2</sup> as a principal public works manager  
10 unless he holds a public works manager certificate issued  
11 pursuant to section <sup>2</sup>[section 2] sections 3 and 5<sup>2</sup> of this act, <sup>2</sup>,  
12 which certificate has not been revoked or suspended in  
13 accordance with the provisions of subsection b. of section 6,<sup>2</sup>  
14 except that a principal public works manager who has held office  
15 continuously for five consecutive years in the same municipality  
16 may continue to serve in his current position and shall not be  
17 removed from office or denied reappointment for failure to  
18 qualify as a certified public works manager pursuant to the  
19 provisions of this act; and further provided, however, that when a  
20 vacancy occurs in the position of principal public works manager,  
21 the governing body or chief executive officer, as appropriate,  
22 may appoint, for a period not to exceed one year and commencing  
23 on the date of the vacancy, a person who does not hold a public  
24 works manager certificate to serve as a temporary principal  
25 public works manager. Any person so appointed may be  
26 reappointed as principal public works manager following the  
27 termination of the temporary appointment for one additional  
28 year; provided, however, that no person shall serve as temporary  
29 principal public works manager for more than two years in any  
30 municipality.

31 8. a. Commencing January 1, 1995, all public works manager  
32 certificates shall be renewed upon application, payment of the  
33 required fee, and verification that the applicant has met  
34 continuing education requirements, all as set forth in this  
35 section. Each renewal shall be for a period of three years. The  
36 renewal date shall be 30 days prior to the expiration date.

37 b. All public works manager certificates subject to renewal  
38 pursuant to this section that were issued prior to January 1, 1995  
39 shall have an expiration date of December 31, 1998. All public  
40 works manager certificates issued on or after January 1, 1995  
41 shall have an expiration date of either June 30 or December 31,  
42 whichever is sooner, of the third year following the year in which  
43 the certificates were originally issued, provided that no  
44 certificate shall expire sooner than three years from the date of  
45 original issue.

46 c. Each applicant for renewal of a public works manager  
47 certificate shall, on a form prescribed by the director, furnish  
48 proof of having earned at least two continuing education units in

1 fields of study related to public works. For the purposes of this  
2 section, one continuing education unit equals 10 contact hours.  
3 Upon verification of this requirement, and upon payment of a fee  
4 of \$10 to the order of the Treasurer of the State of New Jersey,  
5 the director shall renew the public works manager certificate.

6 d. If the holder of a public works manager certificate has  
7 allowed the certificate to lapse by failing to renew the  
8 certificate, a new application and certificate shall be required.  
9 If application is made within six months of the expiration of the  
10 lapsed certificate, then application may be made in the same  
11 manner as a renewal, but the application shall be accompanied by  
12 the fee for a new application.

13 9. The director shall adopt, in accordance with the  
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
15 seq.), the regulations, forms and procedures necessary to carry  
16 out the provisions of this act.

17 10. This act shall take effect immediately.

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20 LOCAL GOVERNMENT

21

22 Requires certification of municipal and county public works  
23 managers.

## STATEMENT

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This bill provides for the certification of public works managers. The certification process requires an examination by the Director of the Division of Local Government Services in the Department of Community Affairs. An applicant for the examination must be 21 years of age or older, a citizen of the United States, of good moral character, a high school graduate, and have earned a degree as a certified public works manager at Rutgers, The State University, or at an equivalent program certified by the Director of the Division of Local Government Services. An applicant must have a minimum of five years' experience in public works operations in a position of management responsibility. Upon successful completion of the examination and payment of a fee, the Director shall issue a public works manager certificate to the applicant. Commencing January 1, 1995, no person shall be appointed or reappointed as a municipality's principal public works manager unless he holds a public works manager certificate issued pursuant to this act; provided, however, that a public works manager who has held office continuously for five consecutive years in the same jurisdiction may continue to serve and may not be removed for failure to qualify as a certified public works manager; and that there shall also be provision for a temporary appointment of up to two years.

A certificate may be revoked or suspended by the Director for various causes following a hearing and 14 days' notice to the certificate holder. If a certificate is revoked, the person may not apply for recertification for a period of five years.

Commencing in 1995, all public works manager certificates shall be subject to renewal every three years upon application for renewal, payment of a required fee, and verification that a continuing education requirement of at least two units has been met.

## LOCAL GOVERNMENT

Requires certification of municipal and county public works managers.

ASSEMBLY COMMERCE AND REGULATED PROFESSIONS  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4240

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 1991

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 4240 with amendments.

As amended, this bill provides for the certification of public works managers. The certification process requires an examination by the Director of the Division of Local Government Services in the Department of Community Affairs. An applicant for the examination must be 21 years of age or older, a citizen of the United States, of good moral character, a high school graduate, and have earned a degree as a certified public works manager at Rutgers, The State University, or at an equivalent program certified by the Director of the Division of Local Government Services. An applicant must have a minimum of five years' experience in public works operations in a position of management responsibility. Upon successful completion of the examination and payment of a fee, the Director shall issue a public works manager certificate to the applicant.

The board shall issue without examination, upon receipt of an application within one year of the effective date of this act and a payment of a \$25 fee, a public works manager certificate to any applicant who has successfully completed a certified public works manager program, is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a high school diploma, has at least 10 years of experience in public works operations, and has served in a position of management responsibility for five consecutive years prior to the date of application for certification. The committee amended the bill to provide that an individual can satisfy the management responsibility qualification noted above by serving in any local unit of government for five consecutive years.

Commencing January 1, 1995, no person shall be appointed or reappointed as a municipality's principal public works manager unless he holds a public works manager certificate issued pursuant to this act; provided, however, that a public works manager who has held office continuously for five consecutive years in the same jurisdiction may continue to serve and may not be removed for failure to qualify as a certified public works manager; and that there shall also be provision for a temporary appointment of up to two years. As defined in this bill, a principal public works manager means a person who has management responsibility for an entire public works department.



A certificate may be revoked or suspended by the Director for various causes following a hearing and 14 days' notice to the certificate holder. If a certificate is revoked, the person may not apply for recertification for a period of five years.

Commencing in 1995, all public works manager certificates shall be subject to renewal every three years upon application for renewal, payment of a required fee, and verification that a continuing education requirement of at least two units has been met.

The committee also amended the bill so that certification of public works managers will only be required in any local unit with a population of not less than 10,000 persons.

Additionally, the bill was amended to also include under its provisions various utilities that are created by a municipality or county or jointly created by two or more municipalities or counties. The original bill already covered a utility that is owned or operated by a municipality or county or jointly owned or operated by two or more municipalities or counties.

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**ASSEMBLY, No. 4240**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 13, 1991

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 4240 (1R) with Senate committee amendments.

Assembly Bill 4240 (1R), as amended by the committee, provides for the certification of public works managers serving in local units. A public works department is a local agency, under the bill's provisions, which is neither an agency of county government or a municipal utilities authority. The certification process requires an examination by the Director of the Division of Local Government Services in the Department of Community Affairs. An applicant for the examination must be 21 years of age or older, a citizen of the United States, of good moral character, a high school graduate, and must have earned certification as a public works manager at Rutgers, The State University, or at an equivalent program certified by the Director of the Division of Local Government Services. An applicant must have a minimum of five years' experience in public works operations in a position requiring the exercise of management skills. Upon successful completion of the examination and payment of a \$50 fee, the Director shall issue a public works manager certificate to the applicant.

According to the amended bill, the board shall issue without examination, upon receipt of an application within one year of the effective date of this act and a payment of a \$25 fee, a public works manager certificate to any applicant who has successfully completed a certified public works manager program, is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a high school diploma, has at least 10 years of experience in public works operations, and has served in a position requiring the exercise of management skills for five consecutive years prior to the date of application for certification. An individual can satisfy the management responsibility qualification noted above by serving in any local unit of government for five consecutive years.

Commencing January 1, 1995, no person shall be appointed or reappointed or serve as a municipality's principal public works manager unless he holds a public works manager certificate issued pursuant to this act; provided, however, that a public works manager who has held office continuously for five consecutive years in the same jurisdiction may continue to serve and may not be removed for

failure to qualify as a certified public works manager; and that there shall also be provision for a temporary appointment of up to two years. As defined in this bill, a principal public works manager means a person who has management responsibility for an entire public works department.

A certificate may be revoked or suspended by the Director for various causes following a hearing and 14 days' notice to the certificate holder. If a certificate is revoked, the person may not apply for recertification for a period of five years.

Commencing in 1995, all public works manager certificates shall be subject to renewal every three years upon application for renewal, payment of a required fee, and verification that a continuing education requirement of at least two units has been met.

The committee amended the bill to require certification of all public works managers. As referred to the committee, this bill applied only to local units with a population of 10,000 or more persons.

Additionally, the committee amended the bill to remove county government agencies and municipal utilities authorities from its provisions. The committee amended the definition of "public works manager" to specify that the manager may be appointed by the designated appointing authority or chief executive officer of the local governing body, as well as the local governing body itself. Finally, the committee amended the bill to specify that an applicant for examination shall have a minimum of five years' experience in public works operation in a position requiring the exercise of management skills. As referred to the committee, the bill required the applicant's experience to include five years' experience in public works operation in a position of management responsibility.