

40A:14-180

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40A:14-180 (Law inforcement--simplify hiring
of laid-off officers)

LAWS OF: 1991 **CHAPTER:** 299

Bill No: S3448

Sponsor(s): Rice

Date Introduced: May 9, 1991

Committee: Assembly: County Government

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage
denoted by asterisks

Date of Passage: Assembly: August 22, 1991

Senate: June 27, 1991

Date of Approval: October 23, 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/dgw

[SECOND REPRINT]

SENATE, No. 3448

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1991

By Senator RICE

1 AN ACT concerning the employment of certain law enforcement
2 officers by a county or municipality and supplementing Title
3 40A of the New Jersey Statutes.

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

7 1. a. The provisions of any other law to the contrary
8 notwithstanding, the appointing authority of a county or
9 municipality which, pursuant to ²N.J.S.40A:14-106, in the case of
10 a county, or² N.J.S.40A:14-118, ²in the case of a municipality,²
11 has established and maintains a police force may appoint as a
12 member or officer of the county or municipal police department
13 any person who:

14 (1) was serving as a law enforcement officer in good standing
15 in any county or municipal law enforcement department or
16 agency; ¹[and]¹

17 (2) ¹satisfactorily completed a working test period in a law
18 enforcement title in a county or municipality which has adopted
19 Title 11A of the New Jersey Statutes or satisfactorily completed
20 a comparable, documented probationary period in a law
21 enforcement title in a county or municipality which has not
22 adopted Title 11A; and

23 (3)¹ was, for reasons of economy, terminated as a law
24 enforcement officer within ¹[six] twelve¹ months prior to the
25 appointment.

26 b. A county or municipality may employ such a person
27 notwithstanding that (a) Title 11A (Civil Service) of the New
28 Jersey Statutes is operative in that county or municipality, (b)
29 the county or municipality has available to it ¹[a certified
30 employment] an eligible¹ or ¹regular¹ reemployment list of
31 persons eligible for such appointments, and (c) the appointed
32 person is not on any ¹[eligibility] eligible¹ list. ¹A county or
33 municipality which has adopted Title 11A may not employ such a
34 person if a special reemployment list is in existence for the law
35 enforcement title to be filled.¹

36 c. If a county determines to appoint a person pursuant to the
37 provisions of this act, it shall give first priority in making such
38 appointments to residents of the county. A municipality making
39 such an appointment shall give first priority to residents

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 Senate SCM committee amendments adopted June 10, 1991.

² Assembly ACG committee amendments adopted August 1, 1991.

1 of the municipality and second priority to residents of the county
2 not residing in the municipality.

3 d. The seniority, seniority-related privileges and rank a law
4 enforcement officer possessed with the employer who terminated
5 the officer's employment for reasons of economy shall not be
6 transferable to a new position when the officer is appointed to a
7 law enforcement position pursuant to the provisions of this
8 section.

9 2. This act shall take effect immediately.

10

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12 LOCAL GOVERNMENT

13

14 Permits county or municipality to hire certain law enforcement
15 officers who have been laid off.

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1 AN ACT concerning the employment of certain law enforcement
2 officers by a county or municipality and supplementing Title
3 40A of the New Jersey Statutes.

4

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

7 1. a. The provisions of any other law to the contrary
8 notwithstanding, the appointing authority of a county or
9 municipality which, pursuant to N.J.S.40A:14-118, has established
10 and maintains a police force may appoint as a member or officer
11 of the county or municipal police department any person who:

12 (1) was serving as a law enforcement officer in good standing
13 in any county or municipal law enforcement department or
14 agency; and

15 (2) was, for reasons of economy, terminated as a law
16 enforcement officer within six months prior to the appointment.

17 b. A county or municipality may employ such a person
18 notwithstanding that (a) Title 11A (Civil Service) of the New
19 Jersey Statutes is operative in that county or municipality, (b)
20 the county or municipality has available to it a certified
21 employment or reemployment list of persons eligible for such
22 appointments, and (c) the appointed person is not on any
23 eligibility list.

24 c. If a county determines to appoint a person pursuant to the
25 provisions of this act, it shall give first priority in making such
26 appointments to residents of the county. A municipality making
27 such an appointment shall give first priority to residents of the
28 municipality and second priority to residents of the county not
29 residing in the municipality.

30 d. The seniority, seniority-related privileges and rank a law
31 enforcement officer possessed with the employer who terminated
32 the officer's employment for reasons of economy shall not be
33 transferable to a new position when the officer is appointed to a
34 law enforcement position pursuant to the provisions of this
35 section .

36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill would permit a county or municipality in which Title
42 11A (Civil Service) of the New Jersey Statutes is operative to
43 hire a law enforcement officer who, for reasons of economy, has

1 been laid off by a county or municipal law enforcement
2 department or agency to be employed by another county or
3 municipality. That person could be hired regardless of any
4 employment or reemployment eligibility list in effect in that
5 county or municipality.

6 A county or municipality which determines to appoint such a
7 law enforcement officer shall give first priority to residents of
8 the county and municipality, respectively.

9 The bill would permit a county or municipality to hire a fully
10 trained and experienced officer who may be assigned immediately
11 to perform law enforcement duties, thereby saving the time and
12 cost involved in providing such an individual with the required law
13 enforcement training.

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16 LOCAL GOVERNMENT

17

18 Permits county or municipality to hire certain law enforcement
19 officers who have been laid off.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 3448

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 1, 1991

The Assembly Municipal Government Committee reports favorably Senate Bill No. 3448(1R) with Assembly committee amendments.

Senate Bill No. 3448(1R), as amended by the committee, would permit a county or municipality in which Title 11A (Civil Service) of the New Jersey Statutes is operative to hire a law enforcement officer who, for reasons of economy, has been laid off by a county or municipal law enforcement department or agency within the previous 12 months. That person could be hired regardless of any employment or reemployment eligibility list in effect in that county or municipality.

A county or municipality which determines to appoint such a law enforcement officer shall give first priority to residents of the county and municipality, respectively.

The bill would permit a county or municipality to hire a fully trained and experienced officer who may be assigned immediately to perform law enforcement duties, thereby saving the time and cost involved in providing such an individual with the required law enforcement training. In order to be appointed under the bill's provisions, an officer must have satisfactorily completed a working test period in a law enforcement title in a county or municipality which has adopted Title 11A of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a law enforcement title in a county or municipality which has not adopted Title 11A.

The provisions of this bill would provide additional employment opportunities for county and municipal police officers who have been laid off by their employers, or who face the uncertainties of possible layoffs due to increasing demands on limited local budgets. These trained and experienced police officers would be invaluable assets to counties and municipalities with the funding to employ them, as there would be no need to provide expensive and time-consuming police training to these officers. Their prior police experience would enable them to quickly assimilate into a new law-enforcement environment.

The committee's amendments clarify that county police departments are organized pursuant to the provisions of N.J.S.40A:14-106 et seq.. As received by the committee, the bill cited the body of law at N.J.S.40A:14-118 et seq. as the statutes under which county and municipal police forces are organized. The latter statutes apply only to municipal police departments.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3448

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

The Senate County and Municipal Government Committee reports favorably and with amendments Senate Bill No. 3448.

Senate Bill No. 3448, as amended by the committee, would permit a county or municipality in which Title 11A (Civil Service) of the New Jersey Statutes is operative to hire a law enforcement officer who, for reasons of economy, has been laid off by a county or municipal law enforcement department or agency within the previous 12 months. That person could be hired regardless of any employment or reemployment eligibility list in effect in that county or municipality.

A county or municipality which determines to appoint such a law enforcement officer shall give first priority to residents of the county and municipality, respectively.

The bill would permit a county or municipality to hire a fully trained and experienced officer who may be assigned immediately to perform law enforcement duties, thereby saving the time and cost involved in providing such an individual with the required law enforcement training. In order to be appointed under the bill's provisions, an officer must have satisfactorily completed a working test period in a law enforcement title in a county or municipality which has adopted Title 11A of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a law enforcement title in a county or municipality which has not adopted Title 11A.

The committee amended the bill to require that a candidate for appointment by a county or municipal police department under the bill have satisfactorily completed a working test period in a law enforcement title or the equivalent thereto in a non-civil service county or municipality. Additionally, the committee amended the bill to provide that a county or municipality which has adopted Title 11A may not employ a person as provided in section 1a. of the bill if a special reemployment list is in existence for the law enforcement title to be filled.