

13:1D-13.1

LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 1991 CHAPTER 415
BILL NO: A4512
SPONSOR(S) Bryant and Franks
DATE INTRODUCED: March 4, 1991
COMMITTEE: ASSEMBLY: Energy & Environment
SENATE: Land Use Management
AMENDED DURING PASSAGE: No Senate Substitute Enacted

DATE OF PASSAGE: ASSEMBLY: June 20, 1991
SENATE: January 9, 1992

DATE OF APPROVAL: January 17, 1992

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

See newspaper clippings--attached

KBG/bas

SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4512

STATE OF NEW JERSEY

ADOPTED DECEMBER 12, 1991

Sponsored by Assemblymen BRYANT, FRANKS and
Assemblywoman Cooper

1 AN ACT concerning certain employees of the Department of
2 Environmental Protection, amending P.L.1966, c.54, and
3 supplementing P.L.1970, c.33 (C.13:1D-1 et seq.).
4

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

7 1. Section 1 of P.L.1966, c.54 (C.13:1B-15.100) is amended to
8 read as follows:

9 1. Within the Department of [Conservation and Economic
10 Development] Environmental Protection there shall be a Division
11 of Parks[,] and Forestry [and Recreation].

12 The division shall be under the immediate supervision of a
13 director, who shall be a person qualified by academic training and
14 at least 7 years of responsible professional experience in the
15 management of public parks, forests, and outdoor recreation
16 facilities to direct the work of such division. [The director of
17 such the division shall be appointed by the Governor, with the
18 advice and consent of the Senate, and shall serve during the term
19 of office of the Governor appointing him and until the director's
20 successor is appointed and qualified.]

21 (cf: P.L.1966, c.54, s.1)

22 2. (New section) a. Notwithstanding any provision of law to
23 the contrary in Title 11A (Civil Service) of the New Jersey
24 Statutes, the following titles in the Department of Environmental
25 Protection shall be assigned or reassigned, within 60 days of the
26 effective date of this act, to the unclassified service:

27 (1) Assistant commissioners; and

28 (2) Except as otherwise provided in subsection b. and d. of this
29 section, division directors.

30 b. The titles of Director, Division of Personnel and Director,
31 Division of Fiscal Management and General Services, in the
32 Department of Environmental Protection, shall remain, as
33 applicable, in the competitive division of the classified service or
34 the senior executive service.

35 c. The Commissioner of Environmental Protection shall, within
36 60 days of the effective date of this act and thereafter, appoint
37 all persons to the positions with titles assigned or reassigned to
38 the unclassified service pursuant to this section, who shall serve
39 at the pleasure of the commissioner.

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 d. The provisions of this section shall not apply to the Director
2 of the Division of Fish, Game and Wildlife, as reconstituted
3 pursuant to section 25 of P.L.1948, c.448 (C.13:1B-23).

4 3. (New section) a. Any employee of the Department of
5 Environmental Protection in the classified service holding a
6 position on the effective date of this act that has been assigned
7 or reassigned to the State unclassified service pursuant to section
8 2 of this act, who is not reappointed within the 60-day period to a
9 position allocated to the State unclassified service pursuant to
10 that section, shall be eligible to be reinstated to the position last
11 held in the classified service prior to appointment to the position
12 assigned or reassigned to the unclassified service.

13 b. An employee in the classified service appointed on or after
14 the effective date of this act to a position in the department that
15 is assigned or reassigned to the unclassified service pursuant to
16 section 2 of this act, shall be eligible, upon termination of that
17 appointment, to be reinstated to the position last held in the
18 classified service prior to that persons's appointment to any
19 position so assigned or reassigned pursuant to the provisions of
20 Title 11A (Civil Service) of the New Jersey Statutes.

21 4. (New section) a. Within 60 days of the effective date of
22 this act, the Department of Personnel shall, pursuant to
23 N.J.S.11A:3-1, assign or reassign,

24 (1) to the competitive division of the classified service, the
25 following titles in the Department of Environmental Protection:

26 (a) all Manager 3, Environmental Protection and Manager 3,
27 Waste Management positions;

28 (b) all Manager 4, Environmental Protection, and Manager 4,
29 Waste Management positions; and

30 (c) all Section Chief, Environmental Protection positions and
31 all Section Chief, Waste Management positions; and

32 (2) to the senior executive service, the titles of Deputy
33 Director and assistant director in the Division of Parks and
34 Forestry, Department of Environmental Protection.

35 Employees serving in the unclassified service in any of the
36 positions subject to paragraph (1) of this subsection, other than
37 the titles of all Section Chief, Environmental Protection
38 positions, on the date of assignment or reassignment of such
39 titles, shall be appointed to the classified service through the
40 non-competitive interim appointment process, and upon
41 completion of the working test periods therefor, the positions
42 shall be reallocated to the competitive division of the classified
43 service.

44 b. All persons holding a position in any of the titles subject to
45 the provisions of subsection a. of this section on the date of
46 assignment or reassignment of such titles by the Department of
47 Personnel, shall, as necessary, be transferred as of that date to,
48 as appropriate, the competitive division of the classified service,
49 or the senior executive service.

50 c. Within 60 days of the filing of a written request by the

1 Department of Environmental Protection, the Department of
2 Personnel shall, pursuant to N.J.S.11A:3-1, establish within the
3 Department of Environmental Protection a title series for the
4 department-wide processing of permits. The title series shall be,
5 except as other provided by law, in the competitive division of
6 the classified service. The series shall provide a second career
7 track wherein progression to higher level titles, including permit
8 review titles equivalent to supervisory positions, shall be based on
9 the assumption of permit review responsibilities of higher
10 complexity without any supervisory responsibilities.

11 d. Appointments to any of the positions subject to this section
12 shall be in accordance with applicable laws and rules, regulations,
13 policies and practices of the Department of Personnel not
14 inconsistent herewith.

15 e. The provisions of this section shall not apply to employees
16 of the Division of Fish, Game and Wildlife, as reconstituted
17 pursuant to section 25 of P.L.1948, c.448 (C.13:1B-23).

18 5. (New section) The Commissioner of Environmental
19 Protection shall, on the 30th day of the third month following the
20 effective date of this act, and semi-annually thereafter, submit
21 a report identifying and listing the vacant positions within the
22 department to the Senate Environmental Quality Committee, the
23 Senate Revenue, Finance and Appropriations Committee, the
24 Assembly Energy and Environment Committee, and the Assembly
25 Appropriations Committee, or their successors. The provisions of
26 this section shall expire five years following the effective date of
27 this act.

28 6. This act shall take effect immediately.

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ENVIRONMENT

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Regulates the employment of certain employees of DEP.

ASSEMBLY, No. 4512
STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1991

By Assemblymen BRYANT and FRANKS

1 AN ACT concerning certain employees of the Department of
2 Environmental Protection, amending P.L.1948, c.448, P.L.1966,
3 c.54, N.J.S.11A:3-4 and supplementing chapter 3 of Title 11A
4 of the New Jersey Statutes.

5

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

8 1. Section 8 of P.L.1948, c.448 (C.13:1B-8) is amended to read
9 as follows:

10 8. The Division of [Resource Development] Coastal Resources
11 shall be under the immediate supervision of a director, who shall
12 be a person qualified by training and experience to direct the
13 work of [such] the division. The director of [such] the division
14 shall [be appointed by the Governor, with the advice and consent
15 of the Senate, and shall serve during the term of office of the
16 Governor appointing him and until the director's successor is
17 appointed and has qualified. He] serve at the pleasure of the
18 commissioner, and shall receive [such] a salary as shall be
19 provided by law.

20 The director shall administer the work of [such] the division
21 under the direction and supervision of the commissioner, and shall
22 perform such other functions of the department as the
23 commissioner may prescribe.

24 (cf: P.L.1961, c.47, s.4)

25 2. Section 1 of P.L.1966, c.54 (C.13:1B-15.100) is amended to
26 read as follows:

27 1. Within the Department of [Conservation and Economic
28 Development] Environmental Protection there shall be a Division
29 of Parks[,] and Forestry [and Recreation].

30 The division shall be under the immediate supervision of a
31 director, who shall be a person qualified by academic training and
32 at least 7 years of responsible professional experience in the
33 management of public parks, forests, and outdoor recreation
34 facilities to direct the work of such division. The director of
35 [such] the division shall [be appointed by the Governor, with the
36 advice and consent of the Senate, and shall serve during the term
37 of office of the Governor appointing him and until the director's
38 successor is appointed and qualified] serve at the pleasure of the
39 commissioner.

40 (cf: P.L.1966, c.54, s.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.

- 1 3. N.J.S.11A:3-4 is amended to read as follows:
2 11A:3-4. State unclassified service. The State unclassified
3 service shall not be subject to the provisions of this title unless
4 otherwise specified and shall include the following:
5 a. Appointments of the Governor;
6 b. Department heads and members of boards and commissions
7 authorized by law;
8 c. Employees in the legislative branch of State government;
9 d. Heads of institutions;
10 e. Superintendents, teachers and instructors in the public
11 schools, the agricultural experiment station and State
12 institutions, where certified teachers are employed under the
13 supervision of and qualified by the State Department of
14 Education, and other institutions maintained wholly or in part by
15 the State;
16 f. Physicians, surgeons and dentists;
17 g. Assistant and Deputy Attorneys General and legal assistants
18 appointed by the Attorney General;
19 h. One secretary and one confidential assistant to each
20 department head, board, principal executive officer and
21 commission. Each certification and appointment hereunder shall
22 be recorded in the minutes of the board;
23 i. Employees in the military or naval service of the State;
24 j. Student assistants;
25 k. Domestic employees in the Governor's household; [and]
26 l. Assistant division directors, deputy division directors,
27 division directors, deputy assistant commissioners or assistant
28 commissioners in the Department of Environmental Protection,
29 who shall be appointed by the commissioner thereof; provided,
30 however, the provisions of this subsection shall not apply to any
31 person holding a position enumerated herein on an "acting" or
32 interim basis for a period of time not to exceed 120 days; and
33 [.] m. All other titles as provided by law or as the board may
34 determine.
35 (cf: N.J.S.11A:3-4)
- 36 4. a. (New section) Upon the effective date of this act, an
37 employee of the Department of Environmental Protection in the
38 career service holding a position that has been assigned to the
39 State unclassified service pursuant to N.J.S.11A:3-4, unless
40 appointed to a position in the State unclassified service, shall be
41 assigned to the position in the career service held prior to
42 appointment to the position in the Department of Environmental
43 Protection assigned to the State unclassified service pursuant to
44 N.J.S.11A:3-4.
- 45 b. Upon the effective date of this act, an employee in the
46 career service appointed to a position in the Department of
47 Environmental Protection assigned to the State unclassified
48 service pursuant to N.J.S.11A:3-4 shall at the time of that
49 appointment, no longer be in the career service, and thereafter
50 shall not be subject to the provisions of this title.

1 5. (New section) The commissioner shall, pursuant to the
2 provisions of N.J.S.11A:3-1, establish a single title in the
3 noncompetitive division of the career service for employees of
4 the Department of Environmental Protection who review permit
5 applications submitted to that department pursuant to law, and
6 shall provide for the periodic reassignment, at the direction of
7 the Commissioner of Environmental Protection, between the
8 various divisions of the Department of Environmental Protection
9 of any employee assigned to that title.

10 6. (New section) The commissioner shall, on the 30th day of
11 the third month following the effective date of this act, and
12 quarterly thereafter, submit a report identifying and listing the
13 vacant positions within the Department of Environmental
14 Protection to the Senate Environmental Quality Committee, the
15 Senate Revenue, Finance and Appropriations Committee, the
16 Assembly Energy and Environment Committee, and the Assembly
17 Appropriations Committee, or their successors.

18 7. This act shall take effect on the 120th day after enactment,
19 but the Commissioner of Environmental Protection may take any
20 anticipatory actions in advance, including the making of
21 authorized appointments, as may be necessary for the timely
22 implementation of the act on the effective date thereof. Section
23 6 of this act shall expire five years after the effective date of
24 this act.

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STATEMENT

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29 This bill would make certain changes in the manner in which
30 personnel are appointed to certain positions within the
31 Department of Environmental Protection (DEP). Specifically, the
32 bill would provide that the Director of the Division of Coastal
33 Resources, the successor to the Division of Marine Services,
34 which in turn was the successor to the Division of Resource
35 Management in the now superseded Department of Conservation
36 and Economic Development, would serve at the pleasure of the
37 Commissioner of Environmental Protection, rather than by
38 appointment of the Governor, with the advice and consent of the
39 Senate. The bill would also remove these gubernatorial
40 appointment and Senate confirmation provisions from the
41 Director of the Division of Parks and Forestry.

42 The bill also amends N.J.S.11A:3-4 to provide that any person
43 holding the title of assistant division director, deputy division
44 director, division director, deputy assistant commissioner or
45 assistant commissioner in the DEP shall be included in the State
46 unclassified service, and not be subject to the provisions of Title
47 11A, Civil Service, of the New Jersey Statutes. Persons holding
48 these positions upon the effective date of this bill will be
49 required to either: relinquish their civil service protections under
50 Title 11A; or, return to a position in the career service.

1 This bill would also direct the Commissioner of Personnel to
2 establish a new title and position in the DEP for all employees
3 engaged in the approval of environmental permits required by
4 law. The position created by the provisions of this bill would be
5 assigned to the noncompetitive division of the career service
6 provided for in N.J.S.11A:3-2, and employees holding such
7 positions could be reassigned to the various divisions within DEP
8 at the discretion of the Commissioner of Environmental
9 Protection.

10 The bill would also establish a procedure by which the number
11 of vacant positions within the DEP are made known to the
12 appropriate committees of the Legislature on a quarterly basis
13 for the next five years.

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16 ENVIRONMENT

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18 Regulates the employment of certain employees of DEP.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4512

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

Assembly Bill No. 4512, with committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

This bill transfers certain managerial positions in the Department of Environmental Protection (DEP) to the unclassified service and certain other management and entry positions to the noncompetitive classified service, and creates a new series of supervisory level positions for permit reviewers without supervisory responsibilities.

The main provisions of the bill are as follows:

(1) The positions of Assistant Commissioner, Deputy Commissioner and Division Directors in the Department of Environmental Protection (DEP) are allocated to the unclassified services, except as otherwise specifically provided by law, and the Commissioner of DEP is vested with the authority to make appointments to those positions.

(2) The authority to appoint the Director of the Division of Coastal Resources and the Director of the Division of Parks and Forestry are transferred from the Governor to the commissioner.

(3) Persons in the career service who, upon enactment of this bill, hold any of the positions identified in paragraphs (1) and (2) are authorized to be reinstated to the last career service position held by that person, unless that person is appointed to an unclassified position. The right of reinstatement to the last classified position held is also extended to persons appointed to the foregoing unclassified positions after the effective date of this bill.

(4) The Department of Personnel is directed to reallocate certain managerial titles and certain entry and intern positions to the non-competitive classified service.

(5) A new series of titles are created for persons engaged in the department-wide processing of permits. Such positions will, however, remain in the competitive career service.

(6) The commissioner is required to transmit semi-annual reports to designated legislative committees on vacant positions within the department for the next five years.

The purpose of the reclassifications provided in this bill are threefold:

(1) to make all managerial decisionmakers accountable to the commissioner;

(2) to provide for a more flexible and, when needed, a more expeditious recruitment of competent staff members to help cope with marked fluctuations in the department's workload, and with employee turnover; and

(3) as permit review processes become more complex, to maximize mobility and career opportunities within DEP for competent and experienced permit writers.

The Committee amendments:

(1) specify with greater particularity the positions or titles affected by this bill;

(2) provide a dual career path for permit reviewers;

(3) change the reporting intervals; and

(4) make clear that Division Directors otherwise appointed by law, and other employees of the Division of Fish, Game and Wildlife, are specifically excluded from the provisions of the bill.

SENATE LAND USE MANAGEMENT
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4512

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1991

The Senate Land Use Management and Regional Affairs Committee favorably reports a committee substitute for Assembly Bill No. 4512.

This committee substitute transfers certain managerial positions in the Department of Environmental Protection (DEP) to the unclassified service, certain other management positions to the competitive classified service, and creates a new series of supervisory level positions for permit reviewers without supervisory responsibilities.

The main provisions of the committee substitute are as follows:

(1) The positions of Assistant Commissioner and Division Directors in the Department of Environmental Protection (DEP) are allocated to the unclassified services, except as otherwise specifically provided by law, and the Commissioner of DEP is vested with the authority to make appointments to those positions.

(2) The authority to appoint the Director of the Division of Parks and Forestry is transferred from the Governor to the commissioner.

(3) Persons in the career service who, upon enactment of this bill, hold any of the positions identified in paragraphs (1) and (2) and who are not appointed to those positions by the commissioner, are authorized to be reinstated to the last competitive service position held by that person. The right of reinstatement to the last classified position held is also extended to persons appointed to the foregoing unclassified positions after the effective date of this committee substitute.

(4) The Department of Personnel is directed to reallocate certain managerial titles to the competitive division of the classified service.

(5) The Department of Personnel is directed to create a new series of titles for persons engaged in the department-wide processing of permits. Such positions will, however, remain in the competitive division of the classified service.

(6) The commissioner is required to transmit semi-annual reports to designated legislative committees on vacant positions within the department for the next five years.

The purpose of the reclassifications provided in this bill are twofold:

(1) to make all managerial decisionmakers accountable to the commissioner; and

(2) as permit review processes become more complex, to maximize mobility and career opportunities within DEP for competent and experienced permit writers.

Finally, the committee substitute would make clear that Division Directors otherwise appointed by law, and other employees of the Division of Fish, Game and Wildlife, are specifically excluded from the provisions of the bill.

This committee substitute is identical to the committee substitute for Senate Bill No. 3627.