

2B:11-1

LEGISLATIVE HISTORY CHECKLIST
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("Judicial Employees
Unification Act")

NJSA: 2B:11-1

LAWS OF: 1994 **CHAPTER:** 162

BILL NO: S1548

SPONSOR(S): Gormley and others

DATE INTRODUCED: October 20, 1994

COMMITTEE: **ASSEMBLY:** ---
SENATE: Judiciary; Budget

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** December 15, 1994
SENATE: December 15, 1994

DATE OF APPROVAL: December 19, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes 11-21-94 & 12-8-94

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Whitman signs bill beginning court takeover," 12-20-94, Bergen Record.

"Whitman signs court-cost takeover act," 12-20-94, Atlantic City Press.

"State taking over courts," 12-20-94, Asbury Park Press.

KBG:pp

[SECOND REPRINT]

SENATE, No. 1548

STATE OF NEW JERSEY

INTRODUCED OCTOBER 20, 1994

By Senators GORMLEY, DiFRANCESCO, Cafiero, Matheussen,
Kosco, O'Connor, Inverso and LaRossa

1 AN ACT concerning the transfer of judicial and probation
2 employees from county payrolls to the State payroll,
3 supplementing Title 2B of the Revised Statutes ¹[and amending
4 P.L.1993, c.275]^{1 2} and amending P.L.1993, c.275².

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

8 1. Sections 1 through 12 of this act shall be known and may be
9 cited as "The Judicial Employees Unification Act."

10 2. The Legislature finds and declares that:

11 a. As a result of voter approval in November of 1992 of a
12 constitutional amendment and pursuant to the provisions of the
13 "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et
14 seq.), the State is to assume certain costs of the judicial system;

15 b. The most important resource of the judicial system is its
16 personnel;

17 c. State assumption of the costs of the judicial system offers
18 the opportunity to bring judicial employees, whose positions were
19 previously funded by the 21 counties, into a truly unified judiciary;

20 d. Both the representatives of the judiciary and the majority
21 representative of the employees of the judiciary have freely and
22 voluntarily entered into a letter of agreement, not part of this
23 act, concerning certain aspects, as described therein, of the
24 employer-employee relations process in the judiciary, which
25 letter is enforceable in accordance with its terms;

26 e. It is, therefore, altogether fitting and proper to ensure fair
27 treatment of county judicial employees upon their transfer to
28 State service and in the process effectuate a unified judiciary so
29 that its more than 7,800 trial court employees, together with the
30 1,500 State-level judicial employees, will provide greater
31 effectiveness in the trial court operations, greater accountability
32 in the courts and greater flexibility in meeting the demands
33 placed on the State's judiciary.

34 3. As used in this act,

35 a. "Transferred employee" means any person employed by a
36 county on December 31, 1994 who becomes an employee of the
37 State pursuant to the provisions of the "State Judicial Unification
38 Act," P.L.1993, c.275 (C.2B:10-1 et seq.).

39 b. "State judicial employee" means any person, including but
40 not limited to transferred employees, employed by the State on
41 or after January 1, 1995, to provide any services and direct
42 support necessary for the effective operation of the judicial

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 SJU committee amendments adopted November 21, 1994.

² Senate SBA committee amendments adopted December 8, 1994.

1 system, including but not limited to employees working for the
2 courts and the law library, employees who act as court aides and
3 those involved in bail processing and probation, and excluding
4 justices and judges as defined in N.J.S.2B:2-4.

5 c. "Department" means the Department of Personnel.

6 d. "Medicare" means the coverage provided under Title XVIII
7 of the Social Security Act as amended in 1965 or its successor
8 plan or plans.

9 4. Elections to establish majority representatives in new
10 Statewide collective negotiations units will be conducted in
11 accordance with the provisions of P.L.1941, c.100 (C.34:13A-1 et
12 seq.) with such elections to be conducted by the Public
13 Employment Relations Commission (PERC). As soon after the
14 enactment of this act as is practicable, there shall be a 30-day
15 open period during which representation petitions may be filed to
16 determine statewide negotiations units and majority
17 representatives of judicial employees. PERC shall conduct
18 elections as soon thereafter as is practicable. Judges'
19 secretaries, law clerks and Central Appellate Research staff shall
20 not be eligible for representation by employee organizations
21 under provisions of the New Jersey Employer-Employee Relations
22 Act, P.L.1941, c.100 (C.34:13A-1 et seq.) nor shall those
23 employees who are confidential employees or managerial
24 executives under that act. Notwithstanding any representation
25 proceedings which occur pursuant to this section, the judiciary
26 shall continue to negotiate in good faith in county-based
27 negotiations units where collective negotiations agreements for
28 1994 have not been executed.

29 5. a. Subject to the judiciary's rights to create new
30 unclassified positions and make unclassified appointments under
31 court rule, and with the exception of employees of the
32 Administrative Office of the Courts under N.J.S.2A:12-2, and
33 certain positions in the centralized Clerks Offices under
34 subsection b. of N.J.S.2B:13-1 or N.J.S.2B:13-13, the judiciary's
35 personnel practices shall be governed by the State Government
36 Services provisions of Title 11A of the New Jersey Statutes and
37 the rules promulgated thereunder. Transferred employees holding
38 provisional, permanent or probationary civil service status at the
39 time of transferring to State service shall retain such status and
40 attendant rights as are available in those categories under State
41 career service. Transferred employees who were in a provisional
42 title under the provisions of subsection b. of N.J.S.11A:4-13 prior
43 to transferring to State service, shall not be subject to
44 displacement by persons on preexisting state eligibility lists,
45 including special reemployment, regular employment and open
46 competitive lists, for the title held by the provisional employees.
47 Employees in the unclassified service, pursuant to N.J.S.11A:3-5,
48 N.J.S.2B:5-2 or Rule 1:33 of the Rules Governing the Courts of
49 New Jersey, shall retain such status and attendant rights.

50 b. No later than December 1, 1994, each county shall submit
51 to the judiciary lists identifying all transferred employees for
52 review by the Judiciary and majority representatives of judicial
53 employees. The judiciary shall, within five working days of
54 receipt, provide a copy to the department and the majority

1 representatives of judicial employees. Such lists shall show each
2 transferred employee's current title, Civil Service status and
3 date of appointment to that title, and the employee's permanent
4 title and date of appointment if the employee is currently holding
5 a provisional appointment and the employee is permanent in
6 another title. Within 120 days from the date of submission of
7 such lists by the judiciary to the department, the department
8 shall announce tests for generating promotional and open
9 competitive lists for judicial positions where provisional
10 appointments have been made or where there is a need for
11 promotional or open competitive tests by request of the
12 appointing authority.

13 c. Any Civil Service promotional list affecting transferred
14 employees or employees to be transferred which expires between
15 the date of the enactment of this bill and June 30, 1995 shall be
16 extended provided that the life of the list does not have a
17 duration of more than 54 months, except where a newer Civil
18 Service promotional list is in existence. If the list is a
19 county-based list, the list shall be used only in that particular
20 county. Existing county special or regular reemployment lists
21 will be used when applicable.

22 d. In the event the judiciary or the department conducts a
23 system-wide classification study and a result thereof is that an
24 existing title is abolished and replaced with another title,
25 employees who were permanent in the abolished title shall be
26 made permanent in the replacement title. Such permanency shall
27 be made effective retroactive to the date of permanency in the
28 abolished title provided the duties, responsibilities and
29 qualifications are substantially comparable to or less than those
30 of the employee's previous title. In the event the duties,
31 responsibilities and qualifications are not substantially
32 comparable to or less than those of the previous title, the
33 employee shall be made permanent in the replacement title as of
34 the date of the reclassification.

35 e. Notwithstanding the provisions of Title 11A of the New
36 Jersey Statutes and the rules promulgated thereunder, during the
37 period which begins on January 1, 1995 and ends on June 30, 1998,
38 the judiciary, in consultation with the department, shall establish
39 a compensation plan for State judicial employees. Consultation
40 with the department shall involve that department's
41 representation at collective negotiations sessions and review of
42 the possible impact on the executive branch of any compensation
43 plan or pay schedule which the judiciary contemplates.

44 (1) During this period, the compensation plan, pay schedules,
45 holidays and overtime shall not be preempted from the scope of
46 negotiations for State judicial employees, provided however that
47 the department shall continue to have the responsibility for the
48 classification of positions for State judicial employees and for the
49 administration of the compensation plan and pay schedules which
50 are established for State judicial employees.

51 (2) On or before September 30, 1997, the commissioner of the
52 department, after taking into consideration the previously
53 negotiated compensation plan, shall prepare a proposed
54 compensation plan for State judicial employees to become

1 effective no later than July 1, 1998, which either adopts the
2 compensation plan developed by the judiciary or proposes
3 modifications in such plan, together with express written reasons
4 therefor. If the judiciary or any of its collective negotiations
5 representatives disagrees with all or any part of such proposed
6 modifications, the disputed issues shall be submitted to a
7 reviewer mutually selected by the commissioner, the
8 Administrative Director of the Courts and a designee of the
9 judiciary's majority representatives. The reviewer shall submit a
10 report and recommendations to the Merit System Board, which
11 shall render the final binding determination prior to June 30, 1998.

12 (3) Nothing contained in this subsection shall affect any rights
13 of employees in any branch of State government other than the
14 judicial branch, nor shall anything contained herein be construed
15 to create a different scope of negotiations than that applied to
16 executive branch employees, except for the provisions contained
17 in subsection e. (1) which provide a broader scope of negotiations
18 for a limited 42 month period.

19 f. On or before December 31, 1994, each county shall transfer
20 to the assignment judge for that county the official personnel file
21 of each transferred employee.

22 6. a. Transferred employees who become State judicial
23 employees shall receive State credit for years of employment
24 service retroactive to the date utilized by the county of
25 employment as of December 31, 1994, to determine credit for
26 employment service and computation of Supplemental
27 Compensation on Retirement (SCOR).

28 b. Notwithstanding the provisions of sections 7 and 8 of
29 P.L.1981, c.417 (C.2A:17-56.13 and C.2A:17-56.14), beginning
30 January 1, 1995, the State shall honor and accept all wage
31 garnishment and child support orders entered against all
32 transferred employees at the time of the transfer. Judgment
33 creditors and county probation departments with wage
34 garnishments and child support orders in place against transferred
35 employees will not be required to re-serve the State with the
36 appropriate order or notice to maintain the garnishment or child
37 support order in place at the time of the transition. Each county
38 shall be required 45 days before the transition to provide the
39 State with the names of those transferred employees subject to
40 garnishments, either under court order or by notice of the county
41 probation department, and copies of each order or notice to
42 enable the State to honor the garnishment or child support order.
43 The State shall be required to withhold only 50% of the amount
44 due under the wage garnishment or child support order in effect
45 at the time of transfer for the first pay period under which the
46 transferred employees are placed onto the State payroll.
47 Furthermore, each county shall be solely responsible for
48 complying fully with the terms of all wage garnishment and child
49 support orders in effect up until and through December 31, 1994.

50 c. Accumulated vacation leave and sick leave for transferred
51 employees shall be transferred and credited to their State leave
52 accounts immediately upon their becoming State judicial
53 employees, but no employee may bring to State service more
54 vacation leave time than that amount normally allotted to that

1 employee in that county in calendar year 1994. Compensatory
2 time and personal or administrative leave as well as accumulated
3 vacation leave in excess of time earned in calendar year 1994 in
4 county-funded employment shall not be transferable to State
5 service but shall remain a county obligation. The determination
6 of how to satisfy this obligation, whether to be granted by the
7 judiciary as paid time off during 1994 or paid to the employee by
8 the county by December 31, 1994, consistent with their policies
9 or contractual obligations, shall be made by the assignment
10 judge. Transferred employees who become State judicial
11 employees pursuant to this act shall not be considered new
12 employees, and any legislation requiring State residency of new
13 State employees or which limits any benefits of new State
14 employees shall not apply to them.

15 7. a. Any transferred employee who is a member of a county
16 pension fund or retirement system shall become a member of the
17 Public Employees' Retirement System (PERS) on January 1,
18 1995, subject to the same conditions and entitled to the same
19 rights and benefits applicable to other employees of the State.
20 Any credit for public service which has been established in the
21 county pension fund or retirement system for the transferred
22 employee shall be credited to the transferred employee under
23 PERS. The contribution rate of the member of PERS shall be
24 determined in the manner set forth in section 25 of P.L.1954,
25 c.84 (C.43:15A-25), except that the number of years of service
26 under the county pension fund or retirement system credited
27 under PERS shall be deducted from the member's age in
28 determining the age upon which the contribution rate is based.

29 b. No later than May 1, 1995, the county pension fund or
30 retirement system in which a transferred employee is a member
31 shall remit to PERS the accumulated deductions of the
32 transferred employee to the county pension fund or retirement
33 system, and a pro rata part of the employer contributions to the
34 fund or system constituting the employer's obligation to the fund
35 or system for the transferred employee. The actuary of PERS
36 shall determine the liability for service under a county pension
37 fund or retirement system credited under PERS under this act. If
38 the sum of the accumulated transferred employee deductions and
39 the pro rata part of the employer contributions are less than the
40 liability determined by the actuary, the difference shall be paid
41 by the county in the same manner and over the remaining time
42 period for the accrued liability of PERS as provided in section 24
43 of P.L.1954, c.84 (C.43:15A-24). The county and the county
44 pension fund or retirement system shall provide the Division of
45 Pensions and Benefits any information it may require to
46 administer this act.

47 8. Immediately upon becoming State judicial employees, all
48 transferred employees shall become eligible for New Jersey
49 Temporary Disability Insurance and Unemployment Insurance
50 benefits consistent with the regulations of those programs.
51 Employment service with the county shall be credited toward any
52 waiting periods for coverage or eligibility for benefits under New
53 Jersey Temporary Disability Insurance and Unemployment
54 Insurance.

1 9. a. Immediately upon becoming a State judicial employee,
2 all transferred employees shall receive all the health and medical
3 benefits, including dental and prescription drug plans, on the
4 same basis as other State judicial employees. Employment
5 service with the county shall be credited toward any waiting
6 periods for coverage or eligibility for benefits under the State
7 program and plans for transferred employees who elect coverage
8 at the time they become State judicial employees.

9 b. All health and medical benefits otherwise provided for in
10 either county-negotiated collective negotiations agreements or in
11 accordance with county past practice or individual county
12 policies or both shall be pre-empted for transferred employees
13 effective January 1, 1995.

14 10. Any transferred employee who:

15 a. was a member of a county pension fund or retirement
16 system on December 31, 1994;

17 b. retires from employment as a State judicial employee;

18 c. is eligible for and receives State payment of the premium or
19 periodic charges for health care benefits after retirement; and

20 d. pays the premium charges under Part A and Part B of the
21 federal Medicare program covering the retirant and the
22 retirant's spouse,

23 shall be reimbursed by the State for the premium charges under
24 Part A.

25 11. A transferred employee shall be eligible for health care
26 benefits after retirement on the same basis as other State
27 judicial employees under the "New Jersey State Health Benefits
28 Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.). In
29 addition, notwithstanding the provisions of section 8 of P.L.1961,
30 c.49 (C.52:14-17.32), the State shall pay the premium or periodic
31 charges for health care benefits after retirement for a
32 transferred employee and the transferred employee's dependents
33 covered under the State health benefits program, but not
34 including survivors, if the transferred employee has at least 10
35 years of service credited in the Public Employees' Retirement
36 System (PERS) or a county pension fund or retirement system as
37 of December 31, 1994, retires from employment as a State
38 judicial employee, and is at least 62 years of age at the time of
39 retirement, as follows:

40 a. for a transferred employee formerly employed by a county
41 of the fifth class having a population of not less than 220,000 but
42 not more than 230,000 according to the 1990 federal census, who
43 has at least 15 years of service with the county alone or in
44 combination with service as a State judicial employee credited in
45 PERS, for three years.

46 b. for a transferred employee formerly employed by a county
47 of the second class having a population of not less than 390,000
48 but not more than 400,000 according to the 1990 federal census,
49 who has at least 15 years of service with the county alone or in
50 combination with service as a State judicial employee credited in
51 PERS, for 90 days.

52 c. for a transferred employee formerly employed by a county
53 of the second class having a population of not less than 500,000
54 but not more than 510,000 according to the 1990 federal census,

1 who has at least 15 years of service with the county alone or in
2 combination with service as a State judicial employee credited in
3 PERS.

4 d. for a transferred employee formerly employed by a county
5 of the third class having a population of not less than 135,000 but
6 not more than 145,000 according to the 1990 federal census, who
7 is a veteran as defined in section 6 of P.L.1954, c.84 (C.43:15A-6)
8 and has at least 20 years of service with the county alone or in
9 combination with service as a State judicial employee credited in
10 PERS.

11 e. for a transferred employee formerly employed by a county
12 of the second class having a population of not less than 420,000
13 but not more than 430,000 according to the 1990 federal census,
14 who has at least 15 years of service with the county alone or in
15 combination with service as a State judicial employee credited in
16 PERS, and shall reimburse the employee for premium charges
17 under Part B of the federal Medicare program covering the
18 retired employee and the employee's spouse.

19 f. for a transferred employee formerly employed by a county
20 of the third class having a population of not less than 60,000 but
21 not more than 70,000 according to the 1990 federal census, who
22 has at least 15 years of service with the county alone or in
23 combination with service as a State judicial employee credited in
24 PERS, and shall reimburse the employee for premium charges
25 under Part B of the federal Medicare program covering the
26 retired employee and the employee's spouse.

27 g. for a transferred employee formerly employed by a county
28 of the third class having a population of not less than 90,000 but
29 not more than 100,000 according to the 1990 federal census, who
30 has at least 20 years of service with the county alone or in
31 combination with service as a State judicial employee credited in
32 PERS.

33 12. For the purposes of application of all provisions of this act,
34 the judiciary shall review and may void as against public policy
35 any extraordinary adjustments made during 1994 in employee
36 salary, other compensation or benefits or computation of years of
37 credit of employment services, except that this shall not apply to
38 any collectively negotiated agreement.

39 ¹[13. Section 3 of P.L.1993, c.275 (C.2B:10-3) is amended to
40 read as follows:

41 3. As used in this act:

42 a. "Base year amount" means the total local fiscal year 1993
43 expenditures for judicial costs and probation costs[, including the
44 employer pension contributions for employees who become
45 employees of the State pursuant to this act for the 1993 actuarial
46 valuation year but] excluding the amount paid and charged in full
47 in 1993 for equipment for court or probation purposes; less the
48 realized revenue for judicial fees and probation fees;

49 b. "Director" means the Director of the Division of Local
50 Government Services in the Department of Community Affairs;

51 c. "Judicial costs" means the costs incurred by the county for
52 funding the judicial system, including but not limited to the
53 following: salaries, health benefits and pension costs of all
54 judicial employees, juror fees, library material costs, indirect

1 costs, and centrally-budgeted items such as printing, supplies,
2 and mail services, except that judicial costs shall not include
3 costs incurred by employees of the surrogate's office or the
4 sheriff's office;

5 d. "Judicial employee" means any person employed by the
6 county prior to January 1, 1995 to perform judicial functions,
7 including but not limited to employees working for the courts and
8 the law library, employees who act as court aides and employees
9 of the county clerk judicial function and those involved in bail
10 processing and any person employed by a county probation office,
11 except that employees of the surrogate's office and employees of
12 the sheriff's office shall not be construed to be judicial
13 employees;

14 e. "Judicial fees" means any fees or court costs collected by
15 the judiciary including bail forfeitures and interest earned on bail
16 deposits for bail deposited after January 1, 1995 but shall not
17 include sheriff's or surrogate's fees or fines otherwise allocated
18 by law to counties or municipalities for offenses within the
19 jurisdiction of municipal courts;

20 f. "Judicial functions" means any duties and responsibilities
21 performed in providing any services and direct support necessary
22 for the effective operation of the judicial system;

23 g. "Probation costs" means any costs incurred by the county
24 for the operation of the county probation department, including
25 but not limited to indirect costs, and centrally-budgeted items
26 such as printing, supplies and mail services;

27 h. "Probation fees" means any fees or fines collected in
28 connection with the probation of any person.

29 (cf: P.L.1993, c.275, s.3)]¹

30 ²13. Section 3 of P.L.1993, c.275 (C.2B:10-3) is amended to
31 read as follows:

32 3. As used in this act:

33 a. "Base year amount" means the total local fiscal year 1993
34 expenditures for judicial costs and probation costs[, including the
35 employer pension contributions for employees who become
36 employees of the State pursuant to this act for the 1993 actuarial
37 valuation year but] excluding the amount paid and charged in full
38 in 1993 for equipment for court or probation purposes; less the
39 realized revenue for judicial fees and probation fees;

40 b. "Director" means the Director of the Division of Local
41 Government Services in the Department of Community Affairs;

42 c. "Judicial costs" means the costs incurred by the county for
43 funding the judicial system, including but not limited to the
44 following: salaries, health benefits and pension costs of all
45 judicial employees, juror fees, library material costs, and
46 centrally-budgeted items such as printing, supplies, and mail
47 services, except that judicial costs shall not include costs
48 incurred by employees of the surrogate's office or the sheriff's
49 office;

50 d. "Judicial employee" means any person employed by the
51 county prior to January 1, 1995 to perform judicial functions,
52 including but not limited to employees working for the courts and
53 the law library, employees who act as court aides and employees
54 of the county clerk judicial function and those involved in bail

1 processing and any person employed by a county probation office,
2 except that employees of the surrogate's office and employees of
3 the sheriff's office shall not be construed to be judicial
4 employees;

5 e. "Judicial fees" means any fees or court costs collected by
6 the judiciary including bail forfeitures and interest earned on bail
7 deposits for bail deposited after January 1, 1995 but shall not
8 include sheriff's or surrogate's fees or fines otherwise allocated
9 by law to counties or municipalities for offenses within the
10 jurisdiction of municipal courts;

11 f. "Judicial functions" means any duties and responsibilities
12 performed in providing any services and direct support necessary
13 for the effective operation of the judicial system;

14 g. "Probation costs" means any costs incurred by the county
15 for the operation of the county probation department, including
16 but not limited to centrally-budgeted items such as printing,
17 supplies and mail services;

18 h. "Probation fees" means any fees or fines collected in
19 connection with the probation of any person.²

20 (cf: P.L.1993, c.275, s.3)

21 ¹[14.] ²[13.1] 14.2 This act shall take effect immediately.

22

23

24

25

26 Establishes "The Judicial Employees Unification Act."

1 costs, and centrally-budgeted items such as printing, supplies,
2 and mail services, except that judicial costs shall not include
3 costs incurred by employees of the surrogate's office or the
4 sheriff's office;

5 d. "Judicial employee" means any person employed by the
6 county prior to January 1, 1995 to perform judicial functions,
7 including but not limited to employees working for the courts and
8 the law library, employees who act as court aides and employees
9 of the county clerk judicial function and those involved in bail
10 processing and any person employed by a county probation office,
11 except that employees of the surrogate's office and employees of
12 the sheriff's office shall not be construed to be judicial
13 employees;

14 e. "Judicial fees" means any fees or court costs collected by
15 the judiciary including bail forfeitures and interest earned on bail
16 deposits for bail deposited after January 1, 1995 but shall not
17 include sheriff's or surrogate's fees or fines otherwise allocated
18 by law to counties or municipalities for offenses within the
19 jurisdiction of municipal courts;

20 f. "Judicial functions" means any duties and responsibilities
21 performed in providing any services and direct support necessary
22 for the effective operation of the judicial system;

23 g. "Probation costs" means any costs incurred by the county
24 for the operation of the county probation department, including
25 but not limited to indirect costs, and centrally-budgeted items
26 such as printing, supplies and mail services;

27 h. "Probation fees" means any fees or fines collected in
28 connection with the probation of any person.

29 (cf: P.L.1993, c.275, s.3)

30 14. This act shall take effect immediately.

31

32

33 *SPONSORS* STATEMENT

34 Under the terms of the constitutional amendment approved by
35 the voters in 1992, the State is obligated to assume certain
36 court-related costs presently borne by the counties by 1997. In
37 order to implement this amendment, the "State Judicial
38 Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.) was
39 enacted. Chapter 275 provides that certain county judicial
40 employees and county probation department employees would
41 become State employees as of January 1, 1995. This bill, "The
42 Judicial Employees Unification Act," is intended to address issues
43 such as the collective bargaining rights, pension benefits, health
44 insurance coverage and other employment benefits of county
45 employees transferred to the State.

46 Major provisions of the bill are as follows:

47 1. Elections to establish majority representatives in new
48 collective bargaining units will be conducted in accordance with
49 the PERC law as soon as practicable after the bill's enactment.

50 2. Transferred employees with civil service status would retain
51 such status and any attendant rights.

52 3. The Department of Personnel is charged with the
53 responsibility of establishing a compensation plan for all judicial
54 employees by July 1, 1998.

1 4. Accumulated vacation leave and sick leave for transferred
2 employees would be transferred and credited to their State leave
3 accounts.

4 5. Transferred employees who were members of a county
5 pension fund or retirement system would become members of the
6 PERS system and would be credited with any time established at
7 the county level.

8 6. Upon becoming State employees, transferred employees
9 would be eligible for unemployment benefits and health care
10 benefits. Transferred employees would be eligible for health care
11 benefits upon retirement on the same basis as other State judicial
12 employees.

13

14

15

16

17 Establishes "The Judicial Employees Unification Act."

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1548

with committee amendments

STATE OF NEW JERSEY

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DATED: DECEMBER 8, 1994

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1548 (1R), with committee amendments.

Senate Bill No. 1548 (1R), as amended, addresses several issues concerning the collective bargaining rights, pension benefits, health insurance coverage and other employment benefits of county employees transferred to the State under the terms of the constitutional amendment approved by the voters in 1992 concerning State assumption of certain court-related costs presently borne by the counties. In order to implement the constitutional amendment, the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.) was enacted. Chapter 275 provides that certain county judicial employees and county probation department employees would become State employees as of January 1, 1995.

Major provisions of the bill are as follows:

1. Elections to establish majority representatives in new Statewide collective bargaining units to be conducted in accordance with the Public Employment Relations Commission (PERC) law as soon as practicable after the bill's enactment. Judges' secretaries, law clerks, Central Appellate Research staff and those considered confidential and/or managerial employees under the New Jersey Employer-Employee Relations Act would not be eligible for union representation.

2. Subject to the right of the Judiciary to make unclassified appointments pursuant to court rule and with the exception of employees of the Administrative Office of the Courts (AOC) and certain positions in the centralized Clerks' Offices, the judiciary's personnel practices would be governed by the present civil service statutes and regulations. Transferred employees with civil service status would retain that status and any attendant rights.

3. The responsibility and schedule for establishing a compensation plan for State judicial employees is established for the period from January 1, 1995 up to July 1, 1998.

4. The State will honor all wage garnishment and child support orders entered against any transferred employee at the time of transfer.

5. Accumulated vacation leave and sick leave for transferred employees would be transferred and credited to their State leave accounts.

6. Transferred employees who were members of a county pension fund or retirement system would become members of the PERS system and would be credited with any time established at the county level.

7. Upon becoming State employees, transferred employees would be eligible for unemployment benefits and all medical and health care benefits. Transferred employees would be eligible for health care benefits upon retirement on the same basis as other State judicial employees.

COMMITTEE AMENDMENTS

The committee amended the bill to reinsert the amendment in paragraph 1 of section 13 of the bill which was inadvertently deleted when the other amendments to that section were removed by the Senate Judiciary Committee.

FISCAL IMPACT

On January 1, 1995, approximately 8,000 county employees of the trial court system will become State employees. The personnel and fringe benefit costs for these employees for the last six months of Fiscal Year 1995 are included in the current year General Fund appropriation of \$155,781,000 for the State Assumption of the County Courts. This FY1995 appropriation is partially off set by County Reimbursements of \$115,500,000 and \$19,643,000 in fees, fines and assessments that become direct State revenues after January 1, 1995. The net cost to the General Fund during FY1995 for the overall judicial unification effort, including the personnel and fringe benefit costs, is \$20,638,000. Pursuant to the "State Judicial Unification Act," the county reimbursements will decrease annually in 1996 and 1997 and no county payments are required to be made in 1998 and thereafter. The State net costs of judicial unification will increase substantially during this period.

SENATE JUDICIARY COMMITTEE

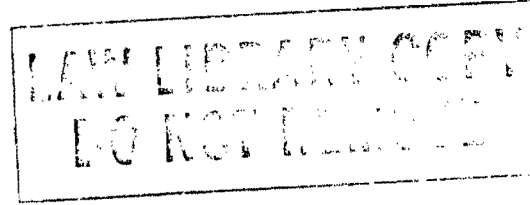
STATEMENT TO

SENATE, No. 1548

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1994



The Senate Judiciary Committee reports favorably and with committee amendments Senate, No. 1548.

Under the terms of the constitutional amendment approved by the voters in 1992, the State is obligated to assume certain court-related costs presently borne by the counties by 1997. In order to implement this amendment, the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.) was enacted. Chapter 275 provides that certain county judicial employees and county probation department employees would become State employees as of January 1, 1995. This bill, "The Judicial Employees Unification Act," is intended to address issues such as the collective bargaining rights, pension benefits, health insurance coverage and other employment benefits of county employees transferred to the State.

Major provisions of the bill are as follows:

1. Elections to establish majority representatives in new collective bargaining units will be conducted in accordance with the PERC law as soon as practicable after the bill's enactment. Judges' secretaries, law clerks, Central Appellate Research staff and those considered confidential and/or managerial employees under the PERC would not be eligible to union representation.

2. Subject to the right of the Judiciary to make unclassified appointments pursuant to court rule and with the exception of AOC employees and certain positions in the centralized clerks' offices, the judiciary's personnel practices would be governed by the present civil service statutes and regulations. Transferred employees with civil service status would retain that status and any attendant rights.

3. The Judiciary in consultation with the Department of Personnel is charged with establishing a compensation plan for all judicial employees by July 1, 1998.

4. The State will honor all wage garnishment and child support orders entered against any transferred employee at the time of transfer.

5. Accumulated vacation leave and sick leave for transferred employees would be transferred and credited to their State leave accounts.

6. Transferred employees who were members of a county pension fund or retirement system would become members of the PERS system and would be credited with any time established at the county level.

7. Upon becoming State employees, transferred employees would be eligible for unemployment benefits and health care benefits. Transferred employees would be eligible for health care benefits upon retirement on the same basis as other State judicial employees.

By amendment, the committee deleted a section of the bill that proposed to amend the definitions of "judicial costs" and "probation costs" as used in the "State Judicial Unification Act" to include any "indirect costs" associated with judicial and probation related expenses now borne by the counties.

In releasing this bill, the committee wishes to note that it is the committee's understanding that within six months of the bill's enactment, the Administrative Office of the Courts is to report to the committee with regard to certain employment related issues raised by the probation officers' association during the committee's consideration of this bill.