

40:23-66.58

LEGISLATIVE HISTORY CHECKLIST
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(Police services--senority)

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LAWS OF: 1992 CHAPTER: 145

BILL NO: S236

SPONSOR(S) ---

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: State Government

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: October 8, 1992

SENATE: June 4, 1992

DATE OF APPROVAL: November 20, 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

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[SECOND REPRINT]

SENATE, No. 236

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator PALAIA

1 AN ACT concering the consolidation or regionalization of certain
2 local governmental functions and services, amending P.L.1977,
3 c.435 and supplementing P.L.1973, c.208 (C.40:8A-1 et seq.)
4 and P.L.1952, c.72 (C.40:48B-1 et seq.).

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

8 1. Section 24 of P.L.1977, c.435 (C.40:43-66.58) is amended to
9 read as follows:

10 24. In its final report the consolidation commission may
11 recommend:

12 a. That a referendum be held to submit to the registered
13 voters of the participating municipalities the question of whether
14 or not the participating municipalities shall be consolidated into a
15 single new municipality pursuant to the plan of consolidation set
16 forth in the report. In which case, the commission shall also
17 recommend:

18 (1) The adoption of one of the plans or forms of government
19 authorized under the "Optional Municipal Charter Law," the
20 "commission form of government law," or the "municipal
21 manager form of government law;" or,

22 (2) That the governing bodies of the participating
23 municipalities shall petition the Legislature, pursuant to Article
24 IV, Section VII, Paragraph 10, of the Constitution, for the
25 enactment of the special charter set forth in the final report of
26 the commission; or,

27 (3) That the plan or form of government of one of the
28 participating municipalities be retained as the plan or form of
29 government of the consolidated municipality.

30 b. That the participating municipalities not be consolidated
31 into a single new municipality. In which case, the commission
32 may, if it deems appropriate, make alternative findings and
33 recommendations to the governing bodies of the participating
34 municipalities, in lieu of political consolidation, concerning the
35 consolidation or regionalization of separate municipal services
36 and functions pursuant to any of the statutes of this State that
37 authorize and permit joint action, consolidation or regionalization
38 of municipal services and functions; provided, however, that in
39 the case of a finding or recommendation concerning the
40 consolidation or regionalization of law enforcement services and
41 functions, the joint action, consolidation, or regionalization shall
42 be accomplished in accordance with the provisions of the

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 SCO committee amendments adopted May 4, 1992.

² Senate floor amendments adopted May 14, 1992.

1 "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) or
2 the "Consolidated Municipal Service Act," P.L.1952, c.72
3 (C.40:48B-1 et seq.). Such alternative findings and
4 recommendations may take either of the following forms:

5 (1) A recommendation for the consolidation or regionalization
6 of specific functions and services, which may include a
7 designation of which functions or services are to be consolidated
8 or regionalized and a suggested schedule therefor; or,

9 (2) A recommended schedule for the staged regionalization or
10 consolidation of the functions and services of the participating
11 municipalities over some specific period of time leading to the
12 reconsideration of the question of political consolidation at a
13 later date.

14 (cf: P.L.1977, c.435, s.24)

15 2. (New section) Whenever two or more local units enter into
16 a contract as provided in P.L.1973, c.208 (C.40:8A-1 et seq.) for
17 the joint provision of law enforcement services within their
18 respective jurisdictions, the contract shall recognize and preserve
19 the seniority, tenure, and pension rights of every full time law
20 enforcement officer who is employed by each of the participating
21 local units and who is in good standing at the time the ordinance
22 authorizing the contract is adopted, and no such law enforcement
23 officer shall be terminated except for cause ²[1; however, for
24 reasons of economy and efficiency the contract may authorize a
25 reduction in force. Whenever two or more local units enter into a
26 contract as provided in P.L.1973, c.208 (C.40:8A-1 et seq.) for
27 the joint provision of law enforcement services within their
28 respective jurisdictions, and any one of the local units is
29 operating under Title 11A of the New Jersey Statutes at the time
30 of the contract, the other local unit or units shall be deemed to
31 have adopted Title 11A of the New Jersey Statutes with regard to
32 the provision of law enforcement services¹]. Nothing herein
33 shall be construed to prevent or prohibit the merged entity from
34 reducing force as provided by law for reasons of economy and
35 efficiency².

36 To provide for the efficient administration and operation of the
37 joint law enforcement services within the participating local
38 units, the contract may provide for the appointment of a chief
39 law enforcement officer. In such cases, the contract shall
40 provide that any person who is serving as the chief law
41 enforcement officer in one of the participating local units at the
42 time the contract is adopted may elect either:

- 43 a. To accept a demotion of no more than one rank without any
44 loss of seniority rights, impairment of tenure, or pension rights; or
45 b. To retire from service.

46 If the person elects retirement, he shall not be demoted but
47 shall retain the rank of chief law enforcement officer and shall
48 be given terminal leave for a period of one month for each five
49 year period of past service as a law enforcement officer with the
50 participating local unit. During the terminal leave, the person
51 shall continue to receive full compensation and shall be entitled
52 to all benefits, including any increases in compensation or
53 benefits, that he may have been entitled to if he had remained on
54 active duty.

1 ¹Whenever the participating local units have adopted or are
2 deemed to have adopted Title 11A of the New Jersey Statutes
3 with regard to the provision of law enforcement services, and the
4 contract provides for the appointment of a chief law enforcement
5 officer, the position of chief law enforcement officer shall be in
6 the career service.¹

7 3. (New section) Whenever the governing bodies of two or
8 more local units enter into a joint contract as provided in
9 P.L.1952, c.72 (C.40:48B-1 et seq.) for the joint operation of law
10 enforcement services within their respective jurisdictions, the
11 joint contract shall recognize and preserve the seniority, tenure,
12 and pension rights of every full time law enforcement officer who
13 is employed by each of the participating local units and who is in
14 good standing at the time the ordinance or resolution, as the case
15 may be, authorizing the contract is adopted, and no such law
16 enforcement officer shall be terminated except for cause ¹;
17 however, for reasons of economy and efficiency the contract may
18 authorize a reduction in force.

19 Whenever the governing bodies of two or more local units enter
20 into a joint contract as provided in P.L.1952, c.72 (C.40:48AB-1
21 et seq.) for the joint operation of law enforcement services
22 within their respective jurisdictions, and any one of the local
23 units is operating under Title 11A of the New Jersey Statutes at
24 the time of the contract, the other local unit or units shall be
25 deemed to have adopted Title 11A of the New Jersey Statutes
26 with regard to the provision of law enforcement services¹.

27 To provide for the efficient administration and operation of the
28 joint law enforcement services within the participating local
29 units, the joint contract may provide for the appointment of a
30 chief law enforcement officer. In such cases, the joint contract
31 shall provide that any person who is serving as the chief law
32 enforcement officer in one of the participating local units at the
33 time the joint contract is adopted may elect either;

34 a. To accept a demotion of no more than one rank without any
35 loss of seniority rights, impairment of tenure, or pension rights; or

36 b. To retire from service.

37 If the person elects retirement, he shall not be demoted but
38 shall retain the rank of chief law enforcement officer and shall
39 be given terminal leave for a period of one month for each five
40 year period of past service as a law enforcement officer with the
41 participating local unit. During the terminal leave, the person
42 shall continue to receive full compensation and shall be entitled
43 to all benefits, including any increases in compensation or
44 benefits, that he may have been entitled to if he had remained on
45 active duty.

46 ¹Whenever the participating local units have adopted or are
47 deemed to have adopted Title 11A of the New Jersey Statutes
48 with regard to the provision of law enforcement services, and the
49 contract provides for the appointment of a chief law enforcement
50 officer, the position of chief law enforcement officer shall be in
51 the career service.¹

52 ²4. (New section) Where bargaining units are merged which
53 have contracts negotiated in accordance with the provisions of
54 the "New Jersey Employer-Employee Relations Act," P.L.1941,

1 c.100 (C.34:13A-1 et seq.) in existence, the terms and conditions
2 of the existing contracts shall apply to the rights of the members
3 of the respective bargaining units until a new contract is
4 negotiated, reduced to writing and signed by the parties as
5 provided pursuant to law and regulation promulgated thereunder.²

6 ²[4.] 5.² This act shall take effect immediately.

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11 _____
12 Protects seniority, tenure, and pension rights of law enforcement
13 officers when local units consolidate or regionalize police
services.

1 chief law enforcement officer. In such cases, the joint contract
2 shall provide that any person who is serving as the chief law
3 enforcement officer in one of the participating local units at the
4 time the joint contract is adopted may elect either;

- 5 a. To accept a demotion of no more than one rank without any
6 loss of seniority rights, impairment of tenure, or pension rights; or
7 b. To retire from service.

8 If the person elects retirement, he shall not be demoted but
9 shall retain the rank of chief law enforcement officer and shall
10 be given terminal leave for a period of one month for each five
11 year period of past service as a law enforcement officer with the
12 participating local unit. During the terminal leave, the person
13 shall continue to receive full compensation and shall be entitled
14 to all benefits, including any increases in compensation or
15 benefits, that he may have been entitled to if he had remained on
16 active duty.

17 4. This act shall take effect immediately.

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STATEMENT

21

22 The purpose of this bill is to protect the seniority, tenure, and
23 pension rights of local law enforcement officers when their local
24 unit enters into an agreement to consolidate or regionalize police
25 services with another local unit.

26 Under the provisions of the bill, every contract providing for a
27 joint action, consolidation, or regionalization of local law
28 enforcement services is required to recognize and preserve the
29 seniority, tenure, and pension rights of every full time law
30 enforcement officer who is employed by one of the participating
31 local units and who is in good standing at the time the ordinance
32 authorizing the joint action, consolidation, or regionalization is
33 adopted.

34 To provide for the efficient administration and operation of the
35 joint law enforcement services, the bill permits the participating
36 local units to provide for the appointment of a chief law
37 enforcement officer in the contract. If the participating local
38 units decide to incorporate that provision, the contract must also
39 provide that any person who is serving as a chief law enforcement
40 officer in one of the participating local units at the time of the
41 consolidation or regionalization be given the option of either (1)
42 accepting a demotion of no more than one rank without loss of
43 seniority, tenure, or pension rights and continuing in the service,
44 or (2) retiring from the service. If the person elects to retire, he
45 may not be demoted. He will retain the rank of chief law
46 enforcement officer, and be given a terminal leave. The terminal
47 leave is to be equal to one month for every five years of service
48 with the participating local unit. During the terminal leave, the
49 person is to receive full compensation and is entitled to all
50 benefits, including increase in compensation, that he may have
51 been entitled to if he had remained on active duty.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 236

STATE OF NEW JERSEY

DATED: JUNE 25, 1992

The Assembly State Government Committee reports favorably Senate Bill No. 236 (2R).

This bill provides protection for the seniority, tenure, and pension rights of local law enforcement officers when their local unit enters into an agreement to consolidate or regionalize police services with another local unit.

The bill revises three laws governing consolidation or regionalization of services:

(1) The "Municipal Consolidation Act" (P.L.1977, c.435; C.40:43-66.35 et seq.), under which any two or more contiguous municipalities in the same county may be consolidated into a single municipality;

(2) The "Interlocal Services Act" (P.L.1973, c.208; C.40:8A-1 et seq.), under which local units may contract with each other "for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction"; and

(3) The "Consolidated Municipal Service Act" (P.L.1952, c.72; C.40:48B-1 et seq.), under which two or more municipalities, two or more counties, or a combination of municipality or municipalities and county or counties may "enter into a joint contract for a period not to exceed 40 years to provide for the formation of a joint meeting for the joint operation of any public services, public improvements, works, facilities or undertakings which any such local unit is empowered to operate."

Under the provisions of the bill, every contract providing for a consolidation, regionalization, or joint action with respect to local law enforcement services would be required to recognize and preserve the seniority, tenure, and pension rights of every full time law enforcement officer who is employed by one of the participating local units and who is in good standing at the time the ordinance authorizing the consolidation, regionalization, or joint action is adopted.

To provide for the efficient administration and operation of the joint law enforcement services, the bill permits the participating local units to provide for the appointment of a chief law enforcement officer in the contract. If the participating local units decide to incorporate that provision, the contract must also provide that any person who is serving as a chief law enforcement officer in one of the participating local units at the time of the consolidation or regionalization be given the option of either (1) accepting a demotion of no more than one rank without loss of seniority, tenure, or pension rights and continuing in the service, or (2) retiring from the service. If the person elects to retire, he may not be demoted. He will retain the rank of chief law enforcement officer, and be given a terminal leave. The terminal leave is to be equal to one

month for every five years of service with the participating local unit. During the terminal leave, the person is to receive full compensation and be entitled to all benefits, including increase in compensation, that he may have been entitled to if he had remained on active duty.

The bill provides that when one or more merit system jurisdictions are involved in the consolidation or regionalization of law enforcement services, the provisions of Title 11A of the New Jersey Statutes shall apply. Additionally, when one or more of the jurisdictions undergoing consolidation are under Title 11A and a chief law enforcement officer is chosen to head the consolidated service, the position shall be in the career service.

The bill clarifies that nothing shall prevent local units which enter into a contract for the joint provision of law enforcement services from reducing force as provided by law for reasons of economy and efficiency.

Finally, the bill provides that where bargaining units are merged which have existing contracts negotiated under law, the terms and conditions of existing contracts shall govern the rights of members of the respective bargaining units until a new contract is signed by the parties involved, as provided under law or regulation.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 236

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 4, 1992

The Senate Community Affairs Committee favorably reports Senate Bill No. 236 with Senate committee amendments.

Senate Bill No. 236, as amended by the committee, protects the seniority, tenure, and pension rights of local law enforcement officers when their local unit enters into an agreement to consolidate or regionalize police services with another local unit.

Under the provisions of the bill, every contract providing for a joint action, consolidation, or regionalization of local law enforcement services is required to recognize and preserve the seniority, tenure, and pension rights of every full time law enforcement officer who is employed by one of the participating local units and who is in good standing at the time the ordinance authorizing the joint action, consolidation, or regionalization is adopted.

To provide for the efficient administration and operation of the joint law enforcement services, the bill permits the participating local units to provide for the appointment of a chief law enforcement officer in the contract. If the participating local units decide to incorporate that provision, the contract must also provide that any person who is serving as a chief law enforcement officer in one of the participating local units at the time of the consolidation or regionalization be given the option of either (1) accepting a demotion of no more than one rank without loss of seniority, tenure, or pension rights and continuing in the service, or (2) retiring from the service. If the person elects to retire, he may not be demoted. He will retain the rank of chief law enforcement officer, and be given a terminal leave. The terminal leave is to be equal to one month for every five years of service with the participating local unit. During the terminal leave, the person is to receive full compensation and is entitled to all benefits, including increase in compensation, that he may have been entitled to if he had remained on active duty.

The bill provides that when one or more merit system jurisdictions are involved in the consolidation or regionalization of law enforcement services, the provisions of Title 11A of the New Jersey Statutes shall apply. Additionally, when one or more of the jurisdictions undergoing consolidation are under Title 11A and a chief law enforcement officer is chosen to head the consolidated service, the position shall be in the career service.

The committee amended the bill to insert the above language extending the jurisdiction of Title 11A to cover the consolidated law enforcement service or chief law enforcement officer position and to insert language allowing a contract for the joint provision or

operation of law enforcement services to authorize a reduction in force for reasons of economy and efficiency.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.