

18A:6-8.3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1971 **CHAPTER:** 435

NJSA: 18A:6-8.3 (Protects the salary of a suspended school employee after a period of 120 days while pending an investigation, hearing or determination of the charge)

BILL NO: S458

SPONSOR(S) Waldor, Hauser and Schiaffo

DATE INTRODUCED: January 26, 1970

COMMITTEE: **ASSEMBLY:** Education

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 18, 1971

SENATE: January 28, 1971

DATE OF APPROVAL: February 10, 1972

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Official Copy Reprint enacted)

S458

SPONSOR'S STATEMENT:	No
COMMITTEE STATEMENT:	ASSEMBLY: No (Committee Amendments dated 12-7-70 attached)
	SENATE: No
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL NOTE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes

FOLLOWING WERE PRINTED:
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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CHAPTER 435 LAWS OF N. J. 1971
APPROVED 2-10-72

[OFFICIAL COPY REPRINT]

SENATE, No. 458

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1970

By Senators WALDOR, HAUSER and SCHIAFFO

Referred to Committee on Education

AN ACT concerning education relating to suspension of employees and officers of a board of education, supplementing chapter 6 of Title 18A and amending 18A :6-14 of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Any employee or officer of a board of education in this State
2 who is suspended from his employment, office or position, other
3 than by reason of indictment, pending any investigation, hearing
4 or trial or any appeal therefrom, shall receive his full pay or salary
5 during such period of suspension, except that in the event of
6 charges against such employee or officer brought before the board
7 of education or the Commissioner of Education pursuant to law,
8 such suspension may be with or without pay or salary as provided
9 in chapter 6 of which this section is a supplement.

1 2. Section 18A :6-14 of the New Jersey Statutes is amended to
2 read as follows:

3 18A :6-14. Upon certification of any charge to the commissioner,
4 the board may suspend the person against whom such charge is
5 made, with or without pay, [pending final determination of the
6 same, and if the charge is dismissed, the person shall be reinstated
7 immediately with full pay as of the time of such suspension.] *but,*
8 *if the determination of the charge by the Commissioner of Educa-*
9 *tion is not made within ***[90]*** *120* calendar days after certifica-*
10 *tion of the charges, *excluding all delays which are granted at the*
11 *request of such person,* then the full salary (except for said ***[90]****
12 **120* days) of such person shall be paid beginning on the ***[ninety-***
13 *first]* *one hundred twenty-first* day until such determination is*
14 *made. Should the charge be dismissed, the person shall be reinstated*
15 *immediately with full pay from the first day of such suspension.*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

16 *Should the charge be dismissed and the suspension be continued*
17 *during an appeal therefrom, then the full pay or salary of such*
18 *person shall continue until the determination of the appeal. How-*
19 *ever, the board of education shall deduct from said full pay or*
20 *salary any sums received by such employee or officers by way of*
21 *pay or salary from any substituted employment assumed during*
22 *such period of suspension. Should the charge be sustained on the*
23 *original hearing or an appeal therefrom, and should such person*
24 *appeal from the same, then the suspension may be continued unless*
25 *and until such determination is reversed, in which event he shall be*
26 *reinstated immediately with full pay as of the time of such*
27 *suspension.*

1 3. This act shall take effect immediately.

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2 who is suspended from his employment, office or position, other
3 than by reason of indictment, pending any investigation, hearing
4 or trial or any appeal therefrom, shall receive his full pay or salary
5 during such period of suspension, except that in the event of
6 charges against such employee or officer brought before the board
7 of education or the Commissioner of Education pursuant to law,
8 such suspension may be with or without pay or salary as provided
9 in chapter 6 of which this section is a supplement.

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2 read as follows:

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4 the board may suspend the person against whom such charge is
5 made, with or without pay, [pending final determination of the
6 same, and if the charge is dismissed, the person shall be reinstated
7 immediately with full pay as of the time of such suspension.] *but,*
8 *if the determination of the charge by the Commissioner of Educa-*
9 *tion is not made within 90 calendar days after certification of the*
10 *charges, then the full salary (except for said 90 days) of such*
11 *person shall be paid beginning on the ninety-first day until such de-*
12 *termination is made. Should the charge be dismissed, the person*
13 *shall be reinstated immediately with full pay from the first day of*
14 *such suspension. Should the charge be dismissed and the suspen-*
15 *sion be continued during an appeal therefrom, then the full pay or*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

16 salary of such person shall continue until the determination of the
17 appeal. However, the board of education shall deduct from said
18 full pay or salary any sums received by such employee or officers
19 by way of pay or salary from any substituted employment assumed
20 during such period of suspension. Should the charge be sustained
21 on the original hearing or an appeal therefrom, and should such
22 person appeal from the same, then the suspension may be continued
23 unless and until such determination is reversed, in which event he
24 shall be reinstated immediately with full pay as of the time of such
25 suspension.

1 3. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO
SENATE, No. 458

STATE OF NEW JERSEY

ADOPTED DECEMBER 7, 1970

Amend page 1, section 2, line 9, after "within", omit "90", and insert in lieu thereof "120".

Amend page 1, section 2, line 10, after "charges,", insert "excluding all delays which are granted at the request of such person,".

Amend page 1, section 2, line 10, after "said", omit "90", and insert in lieu thereof "120".

Amend page 1, section 2, line 11, after "on the", omit "ninety-first", and insert in lieu thereof "one hundred twenty-first".

FEBRUARY 10, 1972

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill today signed into law the following bills:

Senate Bill 458 - sponsored by Milton A. Waldor (R., Essex) - which protects the salary of a suspended school employee after a period of 120 days while pending an investigation, hearing or determination of the charge.

Senate Bill 470 - sponsored by Gerado L. DelTufo (R., Essex) - which provides procedures for governing the observation, evaluation and non-renewal of contracts of non-tenure teachers; exempts county college teachers; effective September 1, 1972.

✓ Senate Bill 747 - sponsored by Frank X. McDermott (R., Union) - which establishes proceedings for the protection of children under 18 years of age who have been subjected to child abuse.

Senate Bill 2213 - sponsored by Frank X. McDermott (R., Union) - which provides for 2 additional lieutenants of county detectives in 2nd class counties having a population in excess of 475,000 but less than 575,000.

Senate Bill 2317 - sponsored by Matthew J. Rinaldo (R., Union) - which amends the definition of "widow" of a police or fireman to mean a woman to whom he was married before the date of his retirement or at least 5 years before his death and continued to be married until his death and who has not remarried; retroactive to June 1, 1971.

Assembly Bill 2240 - sponsored by Samuel A. Curcio (R., Atlantic) - which permits local school districts to maintain cancelled bonds for instant referral.

In signing Senate Bill 747, the Governor noted that "the purpose of this bill is to assure the reporting of serious non-accidental injury inflicted on children under the age of 18.

"This is the first step toward a comprehensive attack on the problem of child abuse and reflects my concern and the concern of the sponsors of the bill for the tragedies implicit in this problem," the Governor said.

Under the terms of the bill, any person having reasonable cause to believe that a child has been subjected to abuse is now required to report that fact promptly to the Bureau of Children's Services. "The bill also provides," the Governor said, "for the purpose of encouraging professional people to report suspected child abuse that anyone acting in accordance with this law will be provided immunity from any civil or criminal liability."