

11A:8-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 241
NJSA: 11A:8-1 (Civil Service Layoffs)
BILL NO: S1790 (Substituted for A3788)

SPONSOR(S): Kosco and Allen

DATE INTRODUCED: June 11, 2001

COMMITTEE: **ASSEMBLY:** ----

SENATE: Labor; Budget

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 28, 2001

SENATE: June 28, 2001

DATE OF APPROVAL: September 6, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

(Amendments during passage denoted by superscript numbers)

S1790

SPONSORS STATEMENT: (Begins on page 4 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes 6-25-2001(Budget)

 6-25-2001(Labor)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A3788

SPONSORS STATEMENT: (Begins on page 4 of original bill) Yes

Bill and Sponsors Statement identical to A2578

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

SENATE, No. 1790

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JUNE 11, 2001

Sponsored by:

Senator LOUIS F. KOSCO

District 38 (Bergen)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

**Assemblymen Kelly, Geist, Gusciora and Assemblywoman Watson
Coleman**

SYNOPSIS

Makes various changes in civil service system concerning layoffs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2001)

S1790 KOSCO, ALLEN

2

1 AN ACT concerning layoffs in the civil service system and amending
2 N.J.S.11A:8-1 and N.J.S.11A:8-2.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.11A:8-1 is amended to read as follows:

8 11A:8-1. a. A permanent employee may be laid off for economy,
9 efficiency or other related reason. [The employee shall be demoted in
10 lieu of layoff whenever possible.] A permanent employee shall receive
11 45 days' written notice, unless in State government a greater time
12 period is ordered by the commissioner, which shall be served
13 personally or by certified mail, of impending layoff or demotion and
14 the reasons therefor. The notice shall expire 120 days after service
15 unless extended by the commissioner for good cause. At the same
16 time the notice is served, the appointing authority shall provide the
17 commissioner with a list of the names and permanent titles of all
18 employees receiving the notice. The board shall adopt rules
19 [regarding the order of layoff and] to implement employee layoff
20 rights consistent with the provisions of this section, upon
21 recommendation by the commissioner. The commissioner shall consult
22 with the advisory board representing labor organizations prior to such
23 recommendations.

24 b. Permanent employees in the service of the State or a political
25 subdivision shall be laid off in inverse order of seniority. As used in
26 this subsection, "seniority" means the length of continuous permanent
27 service in the jurisdiction, regardless of title held during the period of
28 service, except that for police and firefighting titles, "seniority" means
29 the length of continuous permanent service only in the current
30 permanent title and any other title that has lateral or demotional rights
31 to the current permanent title. Seniority for all titles shall be based on
32 the total length of calendar years, months and days in continuous
33 permanent service regardless of the length of the employee's work
34 week, work year or part-time status.

35 c. For purposes of State service, a "layoff unit" means a
36 department or autonomous agency and includes all programs
37 administered by that department or agency. For purposes of political
38 subdivision service, the "layoff unit" means a department in a county
39 or municipality, an entire autonomous agency, or an entire school
40 district, except that the commissioner may establish broader layoff
41 units.

42 d. For purposes of State service, "job location" means a county.
43 The commissioner shall assign a job location to every facility and

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 office within a State department or autonomous agency. For purposes
2 of local service, "job location" means the entire political subdivision
3 and includes any facility operated by the political subdivision outside
4 its geographic borders.

5 e. For purposes of determining lateral title rights in State and
6 political subdivision service, title comparability shall be determined by
7 the department based upon whether the: (1) titles have substantially
8 similar duties and responsibilities; (2) education and experience
9 requirements for the titles are identical or similar; (3) employees in an
10 affected title, with minimal training and orientation, could perform the
11 duties of the designated title by virtue of having qualified for the
12 affected title; and (4) special skills, licenses, certifications or
13 registration requirements for the designated title are similar and do not
14 exceed those which are mandatory for the affected title. Demotional
15 title rights shall be determined by the commissioner based upon the
16 same criteria, except that the demotional title shall have lower but
17 substantially similar duties and responsibilities as the affected title.

18 f. In State service, a permanent employee in a position affected by
19 a layoff action shall be provided with applicable lateral and demotional
20 titles rights first, at the employee's option, within the municipality in
21 which the facility or office is located and then to the job locations
22 selected by the employee within the department or autonomous
23 agency. The employee shall select individual job locations in
24 preferential order from the list of all job locations and shall indicate
25 job locations at which the employee will accept lateral and demotional
26 titles rights. In local service, a permanent employee in a position
27 affected by a layoff action shall be provided lateral and demotional title
28 rights within the layoff unit.

29 g. Following the employee's selection of job location preferences,
30 lateral and demotional title rights shall be provided in the following
31 order:

32 (1) a vacant position that the appointing authority has previously
33 indicated it is willing to fill;

34 (2) a position held by a provisional employee who does not have
35 permanent status in another title, and if there are multiple employees
36 at a job location, the specific position shall be determined by the
37 appointing authority;

38 (3) a position held by a provisional employee who has permanent
39 status in another title, and if there are multiple provisional employees
40 at a job location, the specific position shall be determined based on
41 level of the permanent title held and seniority;

42 (4) the position held by the employee serving in a working test
43 period with the least seniority;

44 (5) in State service, and in local jurisdictions having a performance
45 evaluation program approved by the department, the position held by
46 the permanent employee whose performance rating within the most

1 recent 12 months in the employee's permanent title was significantly
2 below standards or an equivalent rating;

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4 evaluation program approved by the department, the position held by
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6 recent 12 months in the employee's permanent title was marginally
7 below standards or an equivalent rating; and

8 (7) the position held by the permanent employee with the least
9 seniority.

10 h. A permanent employee shall be granted special reemployment
11 rights based on the employee's permanent title at the time of the layoff
12 action and the employee shall be certified for reappointment after the
13 layoff action to the same, lateral and lower related titles. Special
14 reemployment rights shall be determined by the commissioner in the
15 same manner as lateral and demotional rights.

16 (cf: N.J.S.11A:8-1)

17
18 2. N.J.S.11A:8-2 is amended to read as follows:

19 11A:8-2. [The board shall adopt rules for preventive actions to
20 lessen the possibility of a layoff or demotion of permanent employees.]

21 a. An appointing authority shall lessen the possibility, extent or
22 impact of layoffs by implementing pre-layoff actions, which may
23 include but need not be limited to:

24 (1) initiating a temporary hiring or promotion freeze;

25 (2) separating non-permanent employees;

26 (3) returning provisional employees to their permanent titles;

27 (4) reassigning employees; and

28 (5) assisting potentially affected employees in securing transfers or
29 other employment.

30 b. An appointing authority shall consult with the majority
31 representative of public employees selected or designated pursuant to
32 section 7 of P.L.1968, c.303 (C.34:13A-5.3) that represents the
33 affected employees prior to implementing pre-layoff actions pursuant
34 to this section.

35 (cf: N.J.S.11A:8-2)

36
37 3. This act shall take effect immediately.

38
39
40 STATEMENT

41
42 The bill establishes an order of layoffs which requires that if State
43 or political subdivision permanent employees are to be laid off, such
44 layoffs will be based upon seniority and performance. The bill
45 provides for lateral and demotional title rights for employees affected
46 by layoff actions and codifies current regulations concerning lateral

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5

1 and demotional title rights. Finally, the bill codifies current regulations
2 concerning pre-layoff actions that may be taken by an appointing
3 authority to lessen the possibility, extent or impact of layoffs.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1790

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Labor Committee reports favorably Senate Bill No. 1790.

The bill establishes an order of layoffs which requires that if State or political subdivision permanent employees are to be laid off, such layoffs will be based upon seniority and performance. The bill provides for lateral and demotional title rights for employees affected by layoff actions and codifies current regulations concerning lateral and demotional title rights. Finally, the bill codifies current regulations concerning pre-layoff actions that may be taken by an appointing authority to lessen the possibility, extent or impact of layoffs.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

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STATE OF NEW JERSEY

DATED: JUNE 25, 2001

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FISCAL IMPACT:

The bill was not certified as requiring a fiscal note.

ASSEMBLY, No. 3788

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JUNE 28, 2001

Sponsored by:

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Gusciora and Assemblywoman Watson Coleman

SYNOPSIS

Makes various changes in civil service system concerning layoffs.

CURRENT VERSION OF TEXT

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14 the reasons therefor. The notice shall expire 120 days after service
15 unless extended by the commissioner for good cause. At the same
16 time the notice is served, the appointing authority shall provide the
17 commissioner with a list of the names and permanent titles of all
18 employees receiving the notice. The board shall adopt rules
19 [regarding the order of layoff and] to implement employee layoff
20 rights consistent with the provisions of this section, upon
21 recommendation by the commissioner. The commissioner shall consult
22 with the advisory board representing labor organizations prior to such
23 recommendations.

24 b. Permanent employees in the service of the State or a political
25 subdivision shall be laid off in inverse order of seniority. As used in
26 this subsection, "seniority" means the length of continuous permanent
27 service in the jurisdiction, regardless of title held during the period of
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16 (cf: N.J.S.11A:8-1)

17

18 2. N.J.S.11A:8-2 is amended to read as follows:

19 11A:8-2. [The board shall adopt rules for preventive actions to
20 lessen the possibility of a layoff or demotion of permanent employees.]

21 a. An appointing authority shall lessen the possibility, extent or
22 impact of layoffs by implementing pre-layoff actions, which may
23 include but need not be limited to:

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30 b. An appointing authority shall consult with the majority
31 representative of public employees selected or designated pursuant to
32 section 7 of P.L.1968, c.303 (C.34:13A-5.3) that represents the
33 affected employees prior to implementing pre-layoff actions pursuant
34 to this section.

35 (cf: N.J.S.11A:8-2)

36

37 3. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 The bill establishes an order of layoffs which requires that if State
43 or political subdivision permanent employees are to be laid off, such
44 layoffs will be based upon seniority and performance. The bill
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46 by layoff actions and codifies current regulations concerning lateral

1 and demotional title rights. Finally, the bill codifies current regulations
2 concerning pre-layoff actions that may be taken by an appointing
3 authority to lessen the possibility, extent or impact of layoffs.

P.L. 2001, CHAPTER 241, *approved September 6, 2001*

Senate, No. 1790

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2 N.J.S.11A:8-1 and N.J.S.11A:8-2.

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34 week, work year or part-time status.

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36 department or autonomous agency and includes all programs
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39 or municipality, an entire autonomous agency, or an entire school
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41 units.

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Matter underlined thus is new matter.

1 d. For purposes of State service, "job location" means a county.
2 The commissioner shall assign a job location to every facility and
3 office within a State department or autonomous agency. For purposes
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6 its geographic borders.

7 e. For purposes of determining lateral title rights in State and
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18 (cf: N.J.S.11A:8-1)

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22 lessen the possibility of a layoff or demotion of permanent employees.]

23 a. An appointing authority shall lessen the possibility, extent or
24 impact of layoffs by implementing pre-layoff actions, which may
25 include but need not be limited to:

26 (1) initiating a temporary hiring or promotion freeze;

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32 b. An appointing authority shall consult with the majority
33 representative of public employees selected or designated pursuant to
34 section 7 of P.L.1968, c.303 (C.34:13A-5.3) that represents the
35 affected employees prior to implementing pre-layoff actions pursuant
36 to this section.

37 (cf: N.J.S.11A:8-2)

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39 3. This act shall take effect immediately.
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42 STATEMENT

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44 The bill establishes an order of layoffs which requires that if State
45 or political subdivision permanent employees are to be laid off, such
46 layoffs will be based upon seniority and performance. The bill

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10 Makes various changes in civil service system concerning layoffs.

CHAPTER 241

AN ACT concerning layoffs in the civil service system and amending N.J.S.11A:8-1 and N.J.S.11A:8-2.

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

1. N.J.S.11A:8-1 is amended to read as follows:

Layoff.

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b. Permanent employees in the service of the State or a political subdivision shall be laid off in inverse order of seniority. As used in this subsection, "seniority" means the length of continuous permanent service in the jurisdiction, regardless of title held during the period of service, except that for police and firefighting titles, "seniority" means the length of continuous permanent service only in the current permanent title and any other title that has lateral or demotional rights to the current permanent title. Seniority for all titles shall be based on the total length of calendar years, months and days in continuous permanent service regardless of the length of the employee's work week, work year or part-time status.

c. For purposes of State service, a "layoff unit" means a department or autonomous agency and includes all programs administered by that department or agency. For purposes of political subdivision service, the "layoff unit" means a department in a county or municipality, an entire autonomous agency, or an entire school district, except that the commissioner may establish broader layoff units.

d. For purposes of State service, "job location" means a county. The commissioner shall assign a job location to every facility and office within a State department or autonomous agency. For purposes of local service, "job location" means the entire political subdivision and includes any facility operated by the political subdivision outside its geographic borders.

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g. Following the employee's selection of job location preferences, lateral and demotional title rights shall be provided in the following order:

- (1) a vacant position that the appointing authority has previously indicated it is willing to fill;
- (2) a position held by a provisional employee who does not have permanent status in another

title, and if there are multiple employees at a job location, the specific position shall be determined by the appointing authority;

(3) a position held by a provisional employee who has permanent status in another title, and if there are multiple provisional employees at a job location, the specific position shall be determined based on level of the permanent title held and seniority;

(4) the position held by the employee serving in a working test period with the least seniority;

(5) in State service, and in local jurisdictions having a performance evaluation program approved by the department, the position held by the permanent employee whose performance rating within the most recent 12 months in the employee's permanent title was significantly below standards or an equivalent rating;

(6) in State service, and in local jurisdictions having a performance evaluation program approved by the department, the position held by the permanent employee whose performance rating within the most recent 12 months in the employee's permanent title was marginally below standards or an equivalent rating; and

(7) the position held by the permanent employee with the least seniority.

h. A permanent employee shall be granted special reemployment rights based on the employee's permanent title at the time of the layoff action and the employee shall be certified for reappointment after the layoff action to the same, lateral and lower related titles. Special reemployment rights shall be determined by the commissioner in the same manner as lateral and demotional rights.

2. N.J.S.11A:8-2 is amended to read as follows:

Pre-layoff actions.

11A:8-2. a. An appointing authority shall lessen the possibility, extent or impact of layoffs by implementing pre-layoff actions, which may include but need not be limited to:

(1) initiating a temporary hiring or promotion freeze;

(2) separating non-permanent employees;

(3) returning provisional employees to their permanent titles;

(4) reassigning employees; and

(5) assisting potentially affected employees in securing transfers or other employment.

b. An appointing authority shall consult with the majority representative of public employees selected or designated pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3) that represents the affected employees prior to implementing pre-layoff actions pursuant to this section.

3. This act shall take effect immediately.

Approved September 6, 2001.