

# **Chapter 29, P.L. 2008**

(Approved June 30, 2008)

## **ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2803**

---

# **STATE OF NEW JERSEY**

## **213th LEGISLATURE**

---

ADOPTED JUNE 19, 2008

**Sponsored by:**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Assemblymen Wisniewski, Rudder, Assemblywomen Addiego, Lampitt,  
Senators Sweeney, O'Toole and Sarlo**

**SYNOPSIS**

**(Sponsorship Updated As Of: 6/24/2008)**

Abolishes Department of Personnel; transfers functions, powers, and duties primarily to new Civil Service Commission in but not of Department of Labor and Workforce Development; creates Civil Service Reform Task Force.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Budget Committee.

Chapter 29, P.L. 2008

1 AN ACT abolishing the Department of Personnel as a principal  
2 department in the Executive Branch of State government and  
3 transferring its functions, powers, and duties, creating a Civil  
4 Service Reform Task Force, and amending, supplementing, and  
5 repealing various parts of the statutory law.

6

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

9

10 1. N.J.S.11A:2-1 is amended to read as follows:

11 11A:2-1. **[Department of Personnel created.]** There is  
12 established in, but not of, the Department of Labor and Workforce  
13 Development in the Executive Branch of State government **[a**  
14 principal department which shall be known as the Department of  
15 Personnel, which shall consist of a Merit System Board, a  
16 Commissioner of Personnel, subdivisions and officers and  
17 employees as specifically referred to in this title and as may be  
18 constituted or employed by virtue of the authority conferred by this  
19 title or any other law**]** the Civil Service Commission. For the  
20 purpose of complying with the provisions of Article V, Section IV,  
21 paragraph 1 of the New Jersey Constitution, the Civil Service  
22 Commission is allocated within the Department of Labor and  
23 Workforce Development, but, notwithstanding this allocation, the  
24 commission shall be independent of any supervision or control by  
25 the department or by any officer or employee thereof. For the  
26 purpose of this title, **["board"]** "commission" means **[Merit System**  
27 Board, "commissioner" means the Commissioner of Personnel and  
28 "department" means the Department of Personnel**]** the Civil Service  
29 Commission.

30 (cf: N.J.S.11A:2-1)

31

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

**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.

Chapter 29, P.L. 2008

1 11A:2-2. Implementation. The **【department】** Department of the  
2 Treasury and the Civil Service Commission, as appropriate, shall  
3 implement and enforce this title.

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

5  
6 3. N.J.S.11A:2-3 is amended to read as follows:

7 11A:2-3. Members; term; quorum; vacancies; chairperson. The  
8 **【Merit System Board】** Civil Service Commission shall consist of  
9 five members**【,** one of whom shall be the Commissioner of  
10 Personnel, who shall serve as the chairperson. The other members  
11 shall be**】** appointed by the Governor with the advice and consent of  
12 the Senate for staggered terms of four years and until the  
13 appointment and qualification of their successors. No more than  
14 three of the five members shall be of the same political party. Three  
15 members of the **【board】** commission shall constitute a quorum.

16 The holding over of an incumbent beyond the expiration of the  
17 term of office shall reduce, in commensurate length, the term of  
18 office of a successor. Vacancies shall be filled for the unexpired  
19 terms, in the same manner as original appointments. No member  
20 shall hold any other State or federal office or position.

21 The Governor shall designate one member to serve as the  
22 chairperson of the commission. The chairperson shall be the chief  
23 executive officer and administrator of the commission and shall  
24 devote full time to the duties of the position. The chairperson shall  
25 serve at the pleasure of the Governor.

26 (cf: N.J.S.11A:2-3)

27  
28 4. N.J.S.11A:2-4 is amended to read as follows:

29 11A:2-4. Removal of a **【board】** commission member other than  
30 **【commissioner】** chairperson of the commission. A **【board】**  
31 commission member other than the **【commissioner】** chairperson of  
32 the commission may be removed from office by the Governor for  
33 cause, upon notice and an opportunity to be heard. A **【board】**

Chapter 29, P.L. 2008

1 commission member removed from office shall be entitled to  
2 receive compensation only up to the date of removal.  
3 (cf: N.J.S.11A:2-4)

4  
5 5. N.J.S.11A:2-5 is amended to read as follows:

6 11A:2-5. Compensation. A **【board】** commission member, other  
7 than the **【commissioner】** chairperson of the commission, shall  
8 receive a salary as fixed by law and shall also be entitled to sums  
9 incurred for necessary expenses. The salary of the chairperson  
10 shall be determined by the Governor.

11 (cf: N.J.S.11A:2-5)

12

13 6. N.J.S.11A:2-6 is amended to read as follows:

14 11A:2-6. Powers and duties. In addition to other powers and  
15 duties vested in it by this title or by any other law, the **【board】**  
16 commission shall:

17 a. After a hearing, render the final administrative decision on  
18 appeals concerning permanent career service employees or those in  
19 their working test period in the following categories:

- 20 (1) Removal,  
21 (2) Suspension or fine as prescribed in N.J.S. 11A:2-14,  
22 (3) Disciplinary demotion, and  
23 (4) Termination at the end of the working test period for  
24 unsatisfactory performance;

25 b. On a review of the written record, render the final  
26 administrative decision on other appeals **【except for those matters**  
27 **listed or delegated to the commissioner pursuant to subsection h. of**  
28 **N.J.S. 11A:2-11】**;

29 c. Provide for interim remedies or relief in a pending appeal  
30 where warranted;

31 d. Adopt and enforce rules to carry out this title and to  
32 effectively implement a comprehensive personnel management  
33 system;

34 e. Interpret the application of this title to any public body or  
35 entity; and

**Chapter 29, P.L. 2008**

1 f. Authorize and conduct such studies, inquiries, investigations  
2 or hearings in the operation of this title as it deems necessary.  
3 (cf: N.J.S.11A:2-6)

4  
5 7. N.J.S.11A:2-7 is amended to read as follows:

6 11A:2-7. Subpenas; oaths. The **【commissioner or the board】**  
7 commission may subpoena and require the attendance of witnesses in  
8 this State and the production of evidence or documents relevant to  
9 any proceeding under this title. Those persons may also administer  
10 oaths and take testimony. Subpenas issued under this section shall  
11 be enforceable by order of the Superior Court.  
12 (cf: N.J.S.11A:2-7)

13  
14 8. N.J.S.11A:2-11 is amended to read as follows:

15 11A:2-11. Powers and duties of the **【commissioner】**  
16 commission. In addition to other powers and duties vested in the  
17 **【commissioner】** commission by this title or any other law, the  
18 **【commissioner】** commission:

19 a. **【Shall be the principal executive and request officer of the**  
20 **department, allocating the functions and activities of the department**  
21 **among departmental subdivisions as the commissioner may**  
22 **establish】 Deleted by amendment, P.L. , c. (pending before the**  
23 **Legislature as this bill);**

24 b. May appoint **【one deputy commissioner, who shall be in the**  
25 **unclassified service, and may appoint other necessary】** employees  
26 necessary to enforce or implement the provisions of this title. All  
27 employees of the commission whose principal duties relate to the  
28 enforcement or implementation of this title shall be confidential  
29 employees for the purposes of the "New Jersey Employer-Employee  
30 Relations Act," P.L. 1941, c. 100 (C. 34:13A-1 et seq.);

31 c. Shall maintain a management information system necessary to  
32 carry out the provisions of this title;

33 d. Shall have the authority to audit payrolls, reports or  
34 transactions for conformity with the provisions of this title;

**Chapter 29, P.L. 2008**

- 1 e. Shall plan, evaluate, administer and implement personnel  
2 programs and policies in State government and political  
3 subdivisions operating under this title;
- 4 f. Shall establish and supervise the selection process and  
5 employee performance evaluation procedures;
- 6 g. **【Shall develop programs to improve efficiency and**  
7 **effectiveness of the public service, including, but not limited to,**  
8 **employee training, development, assistance and incentives】 Deleted**  
9 **by amendment, P.L. , c. (pending before the Legislature as this**  
10 **bill);**
- 11 h. Shall set standards and procedures for review and render the  
12 final administrative decision on a written record or after  
13 recommendation by an independent reviewer assigned by the  
14 **【commissioner of appeals】 commission** from classification, salary,  
15 layoff rights and in the State service noncontractual grievances;
- 16 i. May establish pilot programs and other projects for a  
17 maximum of one year outside of the provisions of this title;
- 18 j. Shall provide for a public employee interchange program  
19 pursuant to the "Government Employee Interchange Act of 1967,"  
20 P.L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide for an  
21 employee interchange program between public and private sector  
22 employees;
- 23 k. **【May establish an internship program】 Deleted by**  
24 **amendment, P.L. , c. (pending before the Legislature as this**  
25 **bill);**
- 26 l. **【Shall assist the Governor in general work force planning,**  
27 **personnel matters and labor relations】 Deleted by amendment,**  
28 **P.L. , c. (pending before the Legislature as this bill);**
- 29 m. Shall establish and consult with advisory boards representing  
30 political subdivisions, personnel officers, labor organizations and  
31 other appropriate groups;
- 32 n. Shall make an annual report to the Governor and Legislature  
33 and all other special or periodic reports as may be required. The  
34 annual report shall indicate the number of persons, by title, who, on  
35 March 31, June 30, September 30, and December 31 of each year,

**Chapter 29, P.L. 2008**

1 held appointments to positions in the senior executive service and  
2 the number of noncareer employees by title, who, on those same  
3 dates, held appointments in positions in the senior executive  
4 service;

5 o. Shall have the authority to assess costs for special or other  
6 services; and

7 p. **【Shall recommend rules to the board for the implementation**  
8 **of this title】** Deleted by amendment, P.L. , c. (pending before  
9 the Legislature as this bill).

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

11

12 9. N.J.S.11A:2-12 is amended to read as follows:

13 11A:2-12. Delegation. The **【commissioner】** commission may  
14 delegate to an appointing authority the responsibility for classifying  
15 positions, administering examinations and other technical personnel  
16 functions according to prescribed standards, but the  
17 **【commissioner】** commission may not delegate any function of the  
18 **【board】** commission.

19 This delegation shall be written and shall conform to the  
20 provisions of this title. The **【commissioner】** commission may  
21 assign staff of the **【department】** commission to an appointing  
22 authority to assist the appointing authority in its delegated  
23 personnel duties. The employees shall continue as employees of the  
24 **【department】** commission. All delegation shall be subject to  
25 supervision by the **【commissioner】** commission and post-audit and  
26 may be cancelled, modified or limited at any time by the  
27 **【commissioner】** commission. Such delegation is to be performed  
28 in consultation with the advisory board representing political  
29 subdivisions, and approved by an affected appointing authority  
30 when the delegation requires substantial costs. The  
31 **【commissioner】** commission, in consultation with the advisory  
32 board representing political subdivisions, shall **【recommend】** adopt  
33 rules **【to the Merit System Board】** to define substantial costs.

34 (cf: N.J.S.11A:2-12)

**Chapter 29, P.L. 2008**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

10. N.J.S.11A:2-13 is amended to read as follows:  
11A:2-13. Opportunity for appointing authority hearing, alternative procedures.

Except as otherwise provided herein, before any disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6 is taken against a permanent employee in the career service or a person serving a working test period, the employee shall be notified in writing and shall have the opportunity for a hearing before the appointing authority or its designated representative. The hearing shall be held within 30 days of the notice of disciplinary action unless waived by the employee. Both parties may consent to an adjournment to a later date.

When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a procedure for appointing authority review before disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A: 2-6, which would be otherwise appealable to the **[board]** Civil Service Commission under N.J.S.11A:2-14, is taken against a permanent employee in the career service or a person serving a working test period, such procedure shall be the exclusive procedure for review before the appointing authority.

This section shall not prohibit the immediate suspension of an employee without a hearing if the appointing authority determines that the employee is unfit for duty or is a hazard to any person if allowed to remain on the job or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. In addition, where a suspension is based on a formal charge of a crime of the first, second or third degree, or a crime of the fourth degree if committed on the job or directly related to the job, the suspension may be immediate and continue until a disposition of the charge. The **[board]** Civil Service Commission shall establish, by rule, procedures for hearings and suspensions with or without pay.

**Chapter 29, P.L. 2008**

1 (cf: P.L.2004, c.104, s.1)

2

3 11. N.J.S.11A:2-14 is amended to read as follows:

4 11A:2-14. Notice to employee of right to appeal, alternative  
5 procedures.

6 Except as otherwise provided herein, within 20 days of the  
7 hearing provided in N.J.S. 11A:2-13, the appointing authority shall  
8 make a final disposition of the charges against the employee and  
9 shall furnish the employee with written notice. If the appointing  
10 authority determines that the employee is to be removed, demoted  
11 or receive a suspension or a fine greater than five days, the  
12 employee shall have a right to appeal to the **[board]** Civil Service  
13 Commission. The suspension or fine of an employee for five days  
14 or less shall be appealable if an employee's aggregate number of  
15 days suspended or fined in any one calendar year is 15 days or  
16 more. Where an employee receives more than three suspensions or  
17 fines of five or less days in a calendar year, the last suspension or  
18 fine is appealable.

19 When the State of New Jersey and the majority representative  
20 have agreed pursuant to the New Jersey Employer-Employee  
21 Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a  
22 disciplinary review procedure that provides for binding arbitration  
23 of disputes involving disciplinary action in subsection a. (1), (2)  
24 and (3) of N.J.S. 11A:2-6, which would be otherwise appealable to  
25 the **[board]** Civil Service Commission under N.J.S.11A:2-14, being  
26 taken against a permanent employee in the career service or a  
27 person serving a working test period, such procedure shall be the  
28 exclusive procedure for any appeal of such disciplinary action.

29 (cf: P.L.2004, c.104, s.2)

30

31 12. N.J.S.11A:2-15 is amended to read as follows:

32 11A:2-15. Appeal procedure. Any appeal from adverse actions  
33 specified in N.J.S. 11A:2-13 and subsection a.(4) of N.J.S. 11A:2-6  
34 shall be made in writing to the **[board]** Civil Service Commission  
35 no later than 20 days from receipt of the final written determination

**Chapter 29, P.L. 2008**

1 of the appointing authority. If the appointing authority fails to  
2 provide a written determination, an appeal may be made directly to  
3 the **【board】** Civil Service Commission within reasonable time.  
4 (cf: N.J.S.11A:2-15)

5

6 13. N.J.S.11A:2-16 is amended to read as follows:

7 11A:2-16. Appeal procedure for suspension or fine of five days  
8 or less. If a State employee receives a suspension or fine of five  
9 days or less, the employee may request review by the **【board】** Civil  
10 Service Commission under standards and procedures established by  
11 the **【board】** Civil Service Commission or appeal pursuant to an  
12 alternate appeal procedure where provided by a negotiated contract  
13 provision. If an employee of a political subdivision receives a  
14 suspension or fine of five days or less, the employee may request  
15 review under standards and procedures established by the political  
16 subdivision or appeal pursuant to an alternate appeal procedure  
17 where provided by a negotiated contract provision.

18 (cf: N.J.S.11A:2-16)

19

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

21 11A:2-18. Representation. An employee may be represented at  
22 any hearing before an appointing authority or the **【board】** Civil  
23 Service Commission by an attorney or authorized union  
24 representative.

25 (cf: N.J.S.11A:2-18)

26

27 15. N.J.S.11A:2-19 is amended to read as follows:

28 11A:2-19. Authority to increase or decrease penalty imposed.  
29 The **【board】** Civil Service Commission may increase or decrease  
30 the penalty imposed by the appointing authority, but removal shall  
31 not be substituted for a lesser penalty.

32 (cf: N.J.S.11A:2-19)

33

34 16. N.J.S.11A:2-20 is amended to read as follows:

**Chapter 29, P.L. 2008**

1       11A:2-20. Forms of disciplinary action. The **[board]** Civil  
2 Service Commission shall establish by rule the general causes  
3 which constitute grounds for disciplinary action and the kinds of  
4 disciplinary action which may be taken by appointing authorities  
5 against permanent career service employees or those serving in their  
6 working test periods. Unless offered by the appointing authority  
7 and selected by an employee as a disciplinary option, a fine may  
8 only be imposed by an appointing authority as a form of restitution  
9 or in lieu of a suspension when a suspension would be detrimental  
10 to the public health, safety or welfare. When a fine is assessed, it  
11 may either be paid in a lump sum or deducted from the employee's  
12 salary over time as provided by **[board]** Civil Service Commission  
13 rule. Except as provided for in N.J.S. 11A:2-13, an appointing  
14 authority may not impose a suspension or fine greater than six  
15 months.

16 (cf: N.J.S.11A:2-20)

17

18       17. N.J.S.11A:2-22 is amended to read as follows:

19       11A:2-22. Back pay, benefits, seniority and reasonable attorney  
20 fees. The **[board]** Civil Service Commission may award back pay,  
21 benefits, seniority and reasonable attorney fees to an employee as  
22 provided by rule.

23 (cf: N.J.S.11A:2-22)

24

25       18. N.J.S.11A:2-24 is amended to read as follows:

26       11A:2-24. Protection against reprisals. An appointing authority  
27 shall not take or threaten to take any action against an employee in  
28 the career, senior executive or unclassified service in retaliation for  
29 an employee's lawful disclosure of information on the violation of  
30 any law or rule, governmental mismanagement or abuse of  
31 authority. An employee who is the subject of a reprisal action by an  
32 appointing authority for the lawful disclosure of information may  
33 appeal such action to the **[board]** Civil Service Commission.

34 (cf: N.J.S.11A:2-24)

35

**Chapter 29, P.L. 2008**

1       19. Section 1 of P.L.2006, c.77 (C.11A:2-28) is amended to read  
2 as follows:

3       1. a. The **【Commissioner of the Department of Personnel】**  
4 commission shall provide, by regulation, for intergovernmental  
5 transfers by law enforcement officers, including county sheriff and  
6 corrections officers, as part of the department's intergovernmental  
7 transfer program. These law enforcement officers, county sheriff  
8 and corrections officers shall be granted all privileges under the  
9 intergovernmental transfer program, including the option to waive  
10 all accumulated sick leave and seniority rights.

11       b. The waiver of accumulated sick leave and seniority rights  
12 shall require the consent in writing of the receiving jurisdiction, the  
13 affected employee, and the **【Department of Personnel】** commission.

14       c. The sending jurisdiction shall not pay supplemental  
15 compensation for accumulated sick leave to any law enforcement  
16 officer, county sheriff or corrections officer, approved for an  
17 intergovernmental transfer and shall certify, to the receiving  
18 jurisdiction and the **【Department of Personnel】** commission, that no  
19 supplemental compensation was paid.

20 (cf: P.L.2006, c.77, s.1)

21

22       20. N.J.S.11A:3-1 is amended to read as follows:

23       11A:3-1. Classification. The **【board】** Civil Service Commission  
24 shall assign and reassign titles among the career service, senior  
25 executive service and unclassified service. The **【commissioner】**  
26 commission shall:

27       a. Establish, administer, amend and continuously review a State  
28 classification plan governing all positions in State service and  
29 similar plans for political subdivisions;

30       b. Establish, consolidate and abolish titles;

31       c. Ensure the grouping in a single title of positions with similar  
32 qualifications, authority and responsibility;

33       d. Assign and reassign titles to appropriate positions; and

34       e. Provide a specification for each title.

35 (cf: N.J.S.11A:3-1)

**Chapter 29, P.L. 2008**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

21. N.J.S.11A:3-2 is amended to read as follows:

11A:3-2. Career service. The career service shall have two divisions, the competitive division and the noncompetitive division. The **【commissioner】** commission shall assign and reassign such titles to each division and may provide for movement, including promotion, of employees from one division to the other.  
(cf: N.J.S.11A:3-2)

22. N.J.S.11A:3-3 is amended to read as follows:

11A:3-3. Senior executive service. A senior executive service shall be established in State government and include those positions having substantial managerial, policy influencing or policy executing responsibilities as determined by the **【board】** Civil Service Commission. Titles included in a collective negotiations unit shall not be included in the senior executive service. The total number of senior executive service employees shall not exceed 1,200. The **【board】** Civil Service Commission shall adopt rules providing for the selection, placement, transfer, development, compensation, separation and performance appraisal of senior executive service employees, and for the reinstatement of career service employees to the career service. The senior executive service shall not be subject to the provisions of this title unless otherwise specified. The senior executive service shall include noncareer and career service employees. The number of noncareer employees shall not exceed 15% of the entire senior executive service work force.

Where an employee holds permanent career service status in a position in a title that is assigned to the senior executive service, the employee, with appointing authority approval, shall be provided the option of joining the senior executive service. Permanent career service employees who opt not to join the senior executive service or who do not receive approval to join the senior executive service shall have the right to reinstatement to the career service to a level directly under the senior executive service. Permanent career

**Chapter 29, P.L. 2008**

15

1 service employees who join the senior executive service and who  
2 are later separated from the senior executive service shall have a  
3 right of reinstatement to the career service to a level held prior to  
4 entry in the senior executive service, unless the employee has been  
5 separated, after opportunity for hearing, from the senior executive  
6 service for reasons which constitute cause for removal from the  
7 career service.

8 (cf: N.J.S.11A:3-3)

9

10 23. N.J.S.11A:3-4 is amended to read as follows:

11 11A:3-4. State unclassified service. The State unclassified  
12 service shall not be subject to the provisions of this title unless  
13 otherwise specified and shall include the following:

14 a. Appointments of the Governor;

15 b. Department heads and members of boards and commissions  
16 authorized by law;

17 c. Employees in the legislative branch of State government;

18 d. Heads of institutions;

19 e. Superintendents, teachers and instructors in the public  
20 schools, the agricultural experiment station and State institutions,  
21 where certified teachers are employed under the supervision of and  
22 qualified by the State Department of Education, and other  
23 institutions maintained wholly or in part by the State;

24 f. Physicians, surgeons and dentists;

25 g. Assistant and Deputy Attorneys General and legal assistants  
26 appointed by the Attorney General;

27 h. One secretary and one confidential assistant to each  
28 department head, board, principal executive officer and  
29 commission. Each certification and appointment hereunder shall be  
30 recorded in the minutes of the **【board】** Civil Service Commission;

31 i. Employees in the military or naval service of the State;

32 j. Student assistants;

33 k. Domestic employees in the Governor's household; and

34 l. All other titles as provided by law or as the **【board】** Civil  
35 Service Commission may determine.

**Chapter 29, P.L. 2008**

1 (cf: N.J.S.11A:3-4 )

2

3 24. N.J.S.11A:3-5 is amended to read as follows:

4 11A:3-5. Political subdivision unclassified service. The  
5 political subdivision unclassified service shall not be subject to the  
6 provisions of this title unless otherwise specified and shall include  
7 the following:

8 a. Elected officials;

9 b. One secretary and one confidential assistant to each mayor;

10 c. Members of boards and commissions authorized by law;

11 d. Heads of institutions;

12 e. Physicians, surgeons and dentists;

13 f. Attorneys of a county, municipality or school district  
14 operating under this title;

15 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public  
16 schools and county superintendents and members and business  
17 managers of boards of education;

18 h. Principal executive officers;

19 i. One secretary, clerk or executive director to each department,  
20 board and commission authorized by law to make the appointment;

21 j. One secretary or clerk to each county constitutional officer,  
22 principal executive officer, and judge;

23 k. One deputy or first assistant to a principal executive officer  
24 who is authorized by statute to act for and in place of the principal  
25 executive officer;

26 l. No more than 12 county department heads and the heads of  
27 divisions within such departments; provided that the total number of  
28 unclassified positions created by the county administrative code  
29 pursuant to this subsection shall not exceed 20;

30 m. One secretary or confidential assistant to each unclassified  
31 department or division head established in subsection l.;

32 n. Employees of county park commissions, appointed pursuant  
33 to R.S.40:37-96 through R.S.40:37-174, in counties of the second  
34 class;

**Chapter 29, P.L. 2008**

17

- 1       o. Directors of free public libraries in cities of the first class  
2 having a population of more than 300,000;
- 3       p. One secretary to the municipal council in cities of the first  
4 class having a population of less than 300,000;
- 5       q. One secretary and one confidential aide for each member of  
6 the board of freeholders other than the director, and one secretary  
7 and two confidential aides for the freeholder director, of any county  
8 of the second class with a population of at least 470,000 which has  
9 not adopted the provisions of the "Optional County Charter Law,"  
10 P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or  
11 confidential aide for each member of the board of freeholders of  
12 any other county which has not adopted the provisions of the  
13 "Optional County Charter Law";
- 14       r. In school districts organized pursuant to N.J.S.18A:17-1 et  
15 seq., the executive controller, public information officer and the  
16 executive directors of board affairs, personnel, budget, purchasing,  
17 physical facilities, data processing, financial affairs, and internal  
18 audit;
- 19       s. The executive director, assistant executive director, director  
20 of staff operations, director of administration, director of  
21 redevelopment and the urban initiatives coordinator of a local  
22 housing authority;
- 23       t. The sheriff's investigators of any county appointed pursuant to  
24 P.L.1987, c.113 (C.40A:9-117a);
- 25       u. Any title as provided by statute or as the **[board]** Civil  
26 Service Commission may determine in accordance with criteria  
27 established by rule;
- 28       v. One confidential aide for each county clerk, in addition to the  
29 titles included under subsection j. of this section; and
- 30       w. Two deputy municipal clerks in cities of the first class having  
31 a population of not less than 240,000 persons or more than 250,000  
32 persons according to the 2000 federal decennial census.  
33 (cf: P.L.2002, c.59, s.1)

34

35       25. N.J.S.11A:3-6 is amended to read as follows:

**Chapter 29, P.L. 2008**

1       11A:3-6. Public hearing required when moving title from career  
2 to unclassified service. Whenever the **[board]** Civil Service  
3 Commission considers moving a title from the career service to the  
4 unclassified service, the **[board]** Civil Service Commission shall  
5 first hold a public hearing before reaching a determination.

6 (cf: N.J.S.11A:3-6)

7  
8       26. N.J.S.11A:3-7 is amended to read as follows:

9       11A:3-7. a. The **[commissioner]** commission shall administer  
10 an equitable State employee compensation plan which shall include  
11 pay schedules and standards and procedures for salary adjustments  
12 other than as provided for in the State compensation plan for the  
13 career, senior executive and unclassified services.

14       b. Prior to adoption or implementation of an amendment, change  
15 or modification to the compensation plan for State employees which  
16 amendment, change or modification affects public employees  
17 represented by a majority representative selected or designated  
18 pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3), the State  
19 shall negotiate with the majority representative for an agreement on  
20 the amendment, change or modification to the compensation plan.  
21 The State shall negotiate in good faith with the majority  
22 representative. A State employee compensation plan shall not be  
23 amended, changed or modified except pursuant to a written  
24 agreement entered into between the State and the majority  
25 representative following negotiations.

26       c. When an employee has erroneously received a salary  
27 overpayment, the **[commissioner]** commission may waive  
28 repayment based on a review of the case.

29       d. Employees of political subdivisions are to be paid in  
30 reasonable relationship to titles and shall not be paid a base salary  
31 below the minimum or above the maximum established salary for  
32 an employee's title.

33 (cf: P.L.2001, c.240, s.1)

34  
35       27. N.J.S.11A:3-8 is amended to read as follows:

**Chapter 29, P.L. 2008**

1       11A:3-8. Payroll audits. The **【commissioner】** commission may  
2       audit State payrolls and the payrolls of political subdivisions to  
3       determine compliance with this title. The **【commissioner】**  
4       commission may order and enforce immediate compliance as  
5       necessary.

6       (cf: N.J.S.11A:3-8)

7

8       28. N.J.S.11A:4-1 is amended to read as follows:

9       11A:4-1. Examinations. The **【commissioner】** commission shall  
10       provide for:

11       a. The announcement and administration of examinations which  
12       shall test fairly the knowledge, skills and abilities required to  
13       satisfactorily perform the duties of a title or group of titles. The  
14       examinations may include, but are not limited to, written, oral,  
15       performance and evaluation of education and experience;

16       b. The rating of examinations;

17       c. The security of the examination process and appropriate  
18       sanctions for a breach of security;

19       d. The selection of special examiners to act as subject matter  
20       specialists or to provide other assistance. Employees of the State or  
21       political subdivisions may be so engaged as part of their official  
22       duties during normal working hours with the approval of their  
23       appointing authority. Extra compensation may be provided for such  
24       service outside normal working hours; and

25       e. The right to appeal adverse actions relating to the examination  
26       and appointment process, which shall include but not be limited to  
27       rejection of an application, failure of an examination and removal  
28       from an eligible list.

29       (cf: N.J.S.11A:4-1)

30

31       29. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to  
32       read as follows:

33       1. a. Except as provided in subsection b. of this section  
34       concerning law enforcement officer and firefighter examinations,  
35       the **【Commissioner of the Department of Personnel】** commission

**Chapter 29, P.L. 2008**

1 shall establish a \$15 fee for each application for an open  
2 competitive or promotional examination. Persons receiving public  
3 assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.),  
4 P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55  
5 et seq.) shall not be required to pay this fee if they apply for an  
6 open competitive examination. Receipts derived from application  
7 fees established by this subsection shall be appropriated to the  
8 **【department】** commission.

9 b. The **【commissioner】** commission shall establish a fee for  
10 each application for an open competitive or promotional  
11 examination for a law enforcement officer or firefighter title. The  
12 fee shall not exceed the cost of developing, procuring and  
13 administering the examination, including the processing of any  
14 appeals or reviews associated with the examination. Persons  
15 receiving public assistance benefits pursuant to P.L.1947, c.156  
16 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or  
17 P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this  
18 fee if they apply for an open competitive examination. Receipts  
19 derived from application fees established by this subsection shall be  
20 appropriated to the **【department】** commission for use in developing,  
21 procuring and administering law enforcement officer and firefighter  
22 examinations, including the processing of any appeals or reviews  
23 associated with those examinations.

24 c. In addition to the fees established in subsections a. and b. of  
25 this section, the **【commissioner】** commission shall establish a \$15  
26 fee for each application for an open competitive or promotional  
27 examination for a position in State service. Persons receiving  
28 public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107  
29 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38  
30 (C.44:10-55 et seq.) shall not be required to pay this fee if they  
31 apply for an open competitive examination. Receipts derived from  
32 the application fee established pursuant to this subsection shall be  
33 appropriated annually to the **【department】** commission for the costs  
34 of the displaced workers pool program. This fee shall not be  
35 assessed and collected unless the **【commissioner】** commission

**Chapter 29, P.L. 2008**

1 implements a displaced workers pool program. If the displaced  
2 workers pool program is terminated at any time by the  
3 **【commissioner】** commission, the assessment and collection of this  
4 additional fee shall also be terminated.  
5 (cf: P.L.2002, c.34, s.11)

6  
7 30. Section 2 of P.L.1992, c.197 (C.11A:4-1.2) is amended to  
8 read as follows:

9 2. The **【Commissioner of the Department of Personnel】**  
10 commission shall promulgate, pursuant to the "Administrative  
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
12 regulations to effectuate the purposes of this act.  
13 (cf: P.L.1992, c.197, s.2)

14  
15 31. N.J.S.11A:4-2 is amended to read as follows:  
16 11A:4-2. Holding of examinations. A vacancy shall be filled by  
17 a promotional examination when considered by the **【commissioner】**  
18 commission to be in the best interest of the career service.  
19 (cf: N.J.S.11A:4-2)

20  
21 32. N.J.S.11A:4-3 is amended to read as follows:  
22 11A:4-3. Admission to examinations. If it appears that an  
23 eligible list is not likely to provide full certification for existing or  
24 anticipated vacancies from among qualified residents of this State,  
25 or of political subdivisions where required by law, the  
26 **【commissioner】** commission may admit other qualified nonresident  
27 applicants. Where residency preference is provided pursuant to any  
28 other statute, the **【commissioner】** commission may limit applicants  
29 to such classes as are necessary to establish a sufficient pool of  
30 eligibles.  
31 (cf: N.J.S.11A:4-3)

32  
33 33. N.J.S.11A:4-4 is amended to read as follows:  
34 11A:4-4. Eligible lists and certifications. The **【commissioner】**  
35 commission shall provide for:

**Chapter 29, P.L. 2008**

- 1       a. The establishment and cancellation of eligible lists;  
2       b. The certification of an eligible list to positions in other  
3 appropriate titles; and  
4       c. The consolidation of eligible lists which may include, but is  
5 not limited to, the combining of names of eligibles by scores.  
6 (cf: N.J.S.11A:4-4)

7  
8       34. N.J.S.11A:4-5 is amended to read as follows:

9       11A:4-5. Use of eligible list. Once the examination process has  
10 been initiated due to the appointment of a provisional or an  
11 appointing authority's request for a list to fill a vacancy, the affected  
12 appointing authority shall be required to make appointments from  
13 the list if there is a complete certification, unless otherwise  
14 permitted by the **【commissioner】** commission for valid reason such  
15 as fiscal constraints. If the **【commissioner】** commission permits an  
16 appointing authority to leave a position vacant in the face of a  
17 complete list, the **【commissioner】** commission may order the  
18 appointing authority to reimburse the **【department】** commission for  
19 the costs of the selection process.

20 (cf: N.J.S.11A:4-5)

21

22       35. N.J.S.11A:4-6 is amended to read as follows:

23       11A:4-6. Duration of lists. The **【commissioner】** commission  
24 shall set the duration of an eligible list, which shall not be more  
25 than three years from the date of its establishment, except that it  
26 may be extended by the **【commissioner】** commission for good  
27 cause and a list shall not have a duration of more than four years.  
28 Notwithstanding the duration of a list, the **【commissioner】**  
29 commission may revive a list to implement a court order or decision  
30 of the **【board or commissioner】** commission in the event of a  
31 successful appeal instituted during the life of the list or to correct an  
32 administrative error. The **【commissioner】** commission may revive  
33 a list to effect the appointment of an eligible whose working test  
34 period was terminated by a layoff.

Chapter 29, P.L. 2008

1 (cf: N.J.S.11A:4-6)

2

3 36. N.J.S.11A:4-8 is amended to read as follows:

4 11A:4-8. Certification and appointment. The **【commissioner】**  
5 commission shall certify the three eligibles who have received the  
6 highest ranking on an open competitive or promotional list against  
7 the first provisional or vacancy. For each additional provisional or  
8 vacancy against whom a certification is issued at that time, the  
9 **【commissioner】** commission shall certify the next ranked eligible.  
10 If more than one eligible has the same score, the tie shall not be  
11 broken and they shall have the same rank. If three or more eligibles  
12 can be certified as the result of the ranking without resorting to all  
13 three highest scores, only those eligibles shall be so certified.

14 A certification that contains the names of at least three interested  
15 eligibles shall be complete and a regular appointment shall be made  
16 from among those eligibles. An eligible on an incomplete list shall  
17 be entitled to a provisional appointment if a permanent appointment  
18 is not made.

19 Eligibles on any type of reemployment list shall be certified and  
20 appointed in the order of their ranking and the certification shall not  
21 be considered incomplete.

22 (cf: N.J.S.11A:4-8)

23

24 37. N.J.S.11A:4-9 is amended to read as follows:

25 11A:4-9. Types of eligible lists. The **【commissioner】**  
26 commission may establish the following types of eligible lists:

27 a. Open competitive, which shall include all qualified eligibles  
28 without regard to whether they are currently employed by the State  
29 or a political subdivision;

30 b. Promotional, which shall include qualified permanent  
31 eligibles;

32 c. Regular reemployment, which shall include former permanent  
33 employees who resigned in good standing and whose reemployment  
34 is certified by the appointing authority as in the best interest of the  
35 service. The name of any such employee shall not remain on a

**Chapter 29, P.L. 2008**

1 reemployment list for more than three years from the date of  
2 resignation, unless otherwise extended pursuant to N.J.S. 11A:4-6;

3 d. Police or fire reemployment, which shall include former  
4 permanent uniformed members of a police or fire department who  
5 have resigned in good standing and whose reemployment is  
6 certified by the appointing authority as in the best interest of the  
7 service; and

8 e. Special reemployment, which shall include permanent  
9 employees laid off or demoted in lieu of layoff from permanent  
10 titles.

11 (cf: N.J.S.11A:4-9 )

12

13 38. N.J.S.11A:4-11 is amended to read as follows:

14 11A:4-11. Removal on criminal record. Upon the request of an  
15 appointing authority, the **【commissioner】** commission may remove  
16 an eligible with a criminal record from a list when the criminal  
17 record includes a conviction for a crime which adversely relates to  
18 the employment sought. The following factors may be considered  
19 in such determination:

20 a. Nature and seriousness of the crime;

21 b. Circumstances under which the crime occurred;

22 c. Date of the crime and age of the eligible when the crime was  
23 committed;

24 d. Whether the crime was an isolated event; and

25 e. Evidence of rehabilitation.

26 The presentation to an appointing authority of a pardon or  
27 expungement shall prohibit an appointing authority from rejecting  
28 an eligible based on such criminal conviction, except for law  
29 enforcement, fire fighter or correction officer and other titles as  
30 determined by the **【commissioner】** commission.

31 (cf: N.J.S.11A:4-11)

32

33 39. N.J.S.11A:4-13 is amended to read as follows:

34 11A:4-13. Types of appointment. The **【commissioner】**  
35 commission shall provide for the following types of appointment:

**Chapter 29, P.L. 2008**

1 a. Regular appointments shall be to a title in the competitive  
2 division of the career service upon examination and certification or  
3 to a title in the noncompetitive division of the career service upon  
4 appointment. The appointments shall be permanent after  
5 satisfactory completion of a working test period;

6 b. Provisional appointments shall be made only in the  
7 competitive division of the career service and only in the absence of  
8 a complete certification, if the appointing authority certifies that in  
9 each individual case the appointee meets the minimum  
10 qualifications for the title at the time of appointment and that failure  
11 to make a provisional appointment will seriously impair the work of  
12 the appointing authority. In no case shall any provisional  
13 appointment exceed a period of 12 months;

14 c. Temporary appointments may be made, without regard to the  
15 provisions of this chapter, to temporary positions established for a  
16 period aggregating not more than six months in a 12-month period  
17 as approved by the **【commissioner】** commission. These positions  
18 include, but are not limited to, seasonal positions. Positions  
19 established as a result of a short-term grant may be established for a  
20 maximum of 12 months. Appointees to temporary positions shall  
21 meet the minimum qualifications of a title;

22 d. Emergency appointments shall not exceed 30 days and shall  
23 only be permitted where nonappointment will result in harm to  
24 persons or property;

25 e. Senior executive service appointments shall be made pursuant  
26 to N.J.S. 11A:3-3; and

27 f. Unclassified appointments shall be made pursuant to N.J.S.  
28 11A:3-4 and N.J.S.11A:3-5.  
29 (cf: N.J.S.11A:4-13)

30

31 40. N.J.S.11A:4-14 is amended to read as follows:

32 11A:4-14. Promotion. The **【commissioner】** commission shall  
33 establish the minimum qualifications for promotion and shall  
34 provide for the granting of credit for performance and seniority  
35 where appropriate.

**Chapter 29, P.L. 2008**

1 (cf: N.J.S.11A:4-14)

2

3 41. N.J.S.11A:4-15 is amended to read as follows:

4 11A:4-15. Working test period. The purpose of the working test  
5 period is to permit an appointing authority to determine whether an  
6 employee satisfactorily performs the duties of a title. A working  
7 test period is part of the examination process which shall be served  
8 in the title to which the certification was issued and appointment  
9 made. The **【commissioner】** commission shall provide for:

10 a. A working test period following regular appointment of four  
11 months, which may be extended to six months at the discretion of  
12 the **【commissioner】** commission, except that the working test  
13 period for political subdivision employees shall be three months and  
14 the working test period for entry level law enforcement, correction  
15 officer, and firefighter titles shall be 12 months;

16 b. Progress reports to be made by the appointing authority and  
17 provided to the employee at such times during the working test  
18 period as provided by rules of the **【board】** commission and a final  
19 progress report at the end of the entire working test period shall be  
20 provided to the employee and the **【commissioner】** commission;

21 c. Termination of an employee at the end of the working test  
22 period and termination of an employee for cause during the working  
23 test period; and

24 d. The retention of permanent status in the lower title by a  
25 promoted employee during the working test period in the higher  
26 title and the right to return to such permanent title if the employee  
27 does not satisfactorily complete the working test period, but  
28 employees removed for cause during a working test period shall not  
29 be so returned.

30 (cf: N.J.S.11A:4-15)

31

32 42. N.J.S.11A:4-16 is amended to read as follows:

33 11A:4-16. Transfer, reassignment and lateral title change. The  
34 rules of the **【board】** Civil Service Commission shall define and  
35 establish the procedures for transfer, reassignment and lateral title

**Chapter 29, P.L. 2008**

1 change. Employees shall be granted no less than 30 days' notice of  
2 transfer, except with employee consent or under emergent  
3 circumstances as established by rules of the **[board]** Civil Service  
4 Commission. The **[commissioner]** commission shall provide for  
5 relocation assistance for State employees who are transferred or  
6 reassigned to a new work location due to a phasedown or closing of  
7 a State operation, subject to available appropriations. Transfers,  
8 reassignments, or lateral title changes shall not be utilized as part of  
9 a disciplinary action, except following an opportunity for hearing.  
10 Nothing herein shall prohibit transfers, reassignments, or lateral  
11 title changes made in good faith. The burden of proof  
12 demonstrating lack of good faith shall be on the employee.  
13 (cf: N.J.S.11A:4-16)

14  
15 43. Section 3 of P.L.2000, c.127 (C.11A:5-1.1) is amended to  
16 read as follows:

17 3. The Adjutant General of the Department of Military and  
18 Veterans' Affairs shall be responsible for determining whether any  
19 person seeking to be considered a "veteran" or a "disabled veteran"  
20 under N.J.S.11A:5-1, for the purpose of receiving civil service  
21 preference, meets the criteria set forth therein and adjudicating an  
22 appeal from any person disputing this determination. The  
23 determination of the Adjutant General shall apply only  
24 prospectively from the date of initial determination or date of  
25 determination from an appeal, as appropriate, and shall be binding  
26 upon the **[Department of Personnel]** commission.

27 (cf: P.L.2000, c.127, s.3)

28

29 44. N.J.S.11A:5-8 is amended to read as follows:

30 11A:5-8. Preference in appointment in noncompetitive division.  
31 From among those eligible for appointment in the noncompetitive  
32 division, preference shall be given to a qualified veteran. Before an  
33 appointing authority shall select a nonveteran and not appoint a  
34 qualified veteran, the appointing authority shall show cause before  
35 the **[board]** Civil Service Commission why a veteran should not be

**Chapter 29, P.L. 2008**

1 appointed. In all cases, a disabled veteran shall have preference  
2 over all others.

3 (cf: N.J.S.11A:5-8)

4

5 45. N.J.S.11A:5-10 is amended to read as follows:

6 11A:5-10. Hearing on dismissal of veteran. Before any  
7 department head shall dismiss any veteran, as provided in N.J.S.  
8 11A:5-9, such department head shall show cause before the **[board]**  
9 Civil Service Commission why such veteran should not be retained,  
10 at which time such veteran or veterans may be privileged to attend.  
11 The **[board]** Civil Service Commission shall be the sole judge of  
12 the facts constituting such qualification.

13 (cf: N.J.S.11A:5-10)

14

15 46. N.J.S.11A:5-11 is amended to read as follows:

16 11A:5-11. Veterans not to be discriminated against because of  
17 physical defects. Veterans suffering from any physical defect  
18 caused by wounds or injuries received in the line of duty in the  
19 military or naval forces of the United States during war service set  
20 forth in N.J.S. 11A:5-1 shall not be discriminated against in an  
21 examination, classification or appointment because of the defect,  
22 unless this defect, in the opinion of the **[board]** Civil Service  
23 Commission, would incapacitate the veteran from properly  
24 performing the duties of the office, position or employment for  
25 which applied.

26 (cf: N.J.S.11A:5-11)

27

28 47. N.J.S.11A:5-12 is amended to read as follows:

29 11A:5-12. Employment or promotion of persons awarded Medal  
30 of Honor, Distinguished Service Cross, Air Force Cross or Navy  
31 Cross. Any individual who has served in the Army, Air Force,  
32 Navy, or Marine Corps of the United States and who has been  
33 awarded the Medal of Honor, the Distinguished Service Cross, Air  
34 Force Cross or Navy Cross, while a resident of this State, and any  
35 individual who has served in the United States Coast Guard and

**Chapter 29, P.L. 2008**

29

1 who has been awarded the Medal of Honor or the Navy Cross while  
2 a resident of this State, shall be appointed or promoted without  
3 complying with the rules of the **【board】** Civil Service Commission.  
4 The appointing authority to whom the individual applies for  
5 appointment or promotion shall, at its discretion, appoint or  
6 promote that person. Upon promotion or appointment, that person  
7 shall become subject to the rules of the **【board】** Civil Service  
8 Commission. A person who qualifies under this section shall not be  
9 limited to only one appointment or promotion.  
10 (cf: N.J.S.11A:5-12)

11

12 48. N.J.S.11A:5-13 is amended to read as follows:  
13 11A:5-13. World War soldiers in employment of a county,  
14 municipality or school district; promotion. A soldier who served in  
15 the Army of the United States during the war between the United  
16 States and Germany, who holds the French Medaille Militaire, the  
17 Croix de Guerre with Palm, Croix de Guerre with Silver Star, Croix  
18 de Guerre with Bronze Star and who was on March 26, 1926,  
19 employed by any county, municipality or school district operating  
20 under the provisions of this title shall be eligible for promotion  
21 without complying with any of the rules or regulations of the  
22 **【board】** Civil Service Commission. The head, or person in charge  
23 of the office in which the person is employed, may promote such  
24 employee for the good of the service as may in his judgment seem  
25 proper.  
26 (cf: N.J.S.11A:5-13).

27

28 49. N.J.S.11A:5-15 is amended to read as follows:  
29 11A:5-15. Enforcement. The **【board】** Civil Service  
30 Commission may promulgate rules for the proper administration  
31 and enforcement of this chapter.  
32 Nothing herein contained shall be construed to amend, modify or  
33 supersede N.J.S. 40A:14-25, N.J.S. 40A:14-115 or N.J.S. 40A:14-  
34 143.  
35 (cf: N.J.S.11A:5-15)

**Chapter 29, P.L. 2008**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

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

11A:6-1. Leaves. The **【board】** Civil Service Commission shall designate the types of leaves and adopt rules for State employees in the career and senior executive services regarding procedures for sick leave, vacation leave and other designated leaves with or without pay as the **【board】** Civil Service Commission may designate. Any political subdivision subject to the provisions of this title shall prepare procedures regarding these items.

In all cases, a leave of absence with or without pay shall not exceed a period of one year at any one time unless renewal or extension is granted upon written approval of the **【commissioner】** commission.

(cf: N.J.S.11A:6-1)

51. Section 1 of P.L.1993, c.297 (C.11A:6-1.1) is amended to read as follows:

1. The **【Commissioner of the Department of Personnel】** commission shall establish a voluntary furlough program for State employees under which days of leave without pay, singly or consecutively, may be taken. The seniority rights and health benefits coverage of an employee who participates in this furlough program shall continue and shall not be adversely affected by participation.

(cf: P.L.1993, c.297, s.1)

52. N.J.S.11A:6-2 is amended to read as follows:

11A:6-2. Vacation leave; full-time State employees. Vacation leave for full-time State employees in the career and senior executive service shall be at least:

- a. Up to one year of service, one working day for each month of service;
- b. After one year and up to five years of continuous service, 12 working days;

**Chapter 29, P.L. 2008**

- 1 c. After five years and up to 12 years of continuous service, 15  
2 working days;
- 3 d. After 12 years and up to 20 years of continuous service, 20  
4 working days;
- 5 e. Over 20 years of continuous service, 25 working days;
- 6 f. Vacation not taken in a given year because of business  
7 demands shall accumulate and be granted during the next  
8 succeeding year only; except that vacation leave not taken by an  
9 employee in the career and senior executive service in a given year  
10 because of duties directly related to a state of emergency declared  
11 by the Governor shall accumulate until, pursuant to a plan  
12 established by the employee's appointing authority and approved by  
13 the **[Commissioner of Personnel]** commission, the leave is used or  
14 the employee is compensated for that leave, which shall not be  
15 subject to collective negotiation or collective bargaining; and
- 16 g. Vacation not taken in a given year because of business  
17 demands shall accumulate and be granted during the next  
18 succeeding year only; except that vacation leave not taken by an  
19 employee in the unclassified service in a given year because of  
20 duties directly related to a state of emergency declared by the  
21 Governor shall accumulate until, pursuant to a plan established by  
22 the employee's appointing authority and approved by the  
23 **[Commissioner of Personnel]** commission, the leave is used or the  
24 employee is compensated for that leave, which shall not be subject  
25 to collective negotiation or collective bargaining. Nothing in this  
26 subsection shall affect any rights to vacation leave which is subject  
27 to collective negotiation or collective bargaining.

28 (cf: P.L.2001, c.270, s.1)

29

30 53. N.J.S.11A:6-3 is amended to read as follows:

31 11A:6-3. Vacation leave; full-time political subdivision  
32 employees. Vacation leave for full-time political subdivision  
33 employees shall be at least:

- 34 a. Up to one year of service, one working day for each month of  
35 service;

**Chapter 29, P.L. 2008**

- 1       b. After one year and up to 10 years of continuous service, 12  
2 working days;
- 3       c. After 10 years and up to 20 years of continuous service, 15  
4 working days;
- 5       d. After 20 years of continuous service, 20 working days; and
- 6       e. Vacation not taken in a given year because of business  
7 demands shall accumulate and be granted during the next  
8 succeeding year only; except that vacation leave not taken in a  
9 given year because of duties directly related to a state of  
10 emergency declared by the Governor may accumulate at the  
11 discretion of the appointing authority until, pursuant to a plan  
12 established by the employee's appointing authority and approved by  
13 the **【Commissioner of Personnel】** commission, the leave is used or  
14 the employee is compensated for that leave, which shall not be  
15 subject to collective negotiation or collective bargaining  
16 (cf: P.L.2001, c.270, s.2)

17

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

19       11A:6-8. Sick leave injury in State service. Leaves of absence  
20 for career, senior executive and unclassified employees in State  
21 service due to injury or illness directly caused by and arising from  
22 State employment shall be governed by rules of the **【board】** Civil  
23 Service Commission. Leaves of absence for career and unclassified  
24 employees of a political subdivision directly caused by or arising  
25 from employment shall be governed by rules of the political  
26 subdivision. Any sick leave with pay shall be reduced by the  
27 amount of workers' compensation or disability benefits, if any,  
28 received for the same injury or illness.  
29 (cf: N.J.S.11A:6-8)

30

31       55. N.J.S.11A:6-23 is amended to read as follows:

32       11A:6-23. Supplemental compensation; rules. The **【board】**  
33 Civil Service Commission shall adopt rules for the implementation  
34 of supplemental compensation, which shall include but need not be  
35 limited to application and eligibility procedures.

Chapter 29, P.L. 2008

1 (cf: N.J.S.11A:6-23)

2 56. N.J.S.11A:6-24 is amended to read as follows:

3 11A:6-24. State employees in the career, senior executive and  
4 unclassified services in titles or circumstances designated by the  
5 **【board】** Civil Service Commission shall be eligible for overtime  
6 compensation and holiday pay. Overtime compensation and  
7 holiday pay shall be either cash compensation at a rate representing  
8 1 1/2 times the employee's hourly rate of base salary or  
9 compensatory time off at a rate of 1 1/2 hours for each hour worked  
10 beyond the regular workweek, at the discretion of the department  
11 head, with the approval of the **【commissioner】** commission.

12 The **【board】** commission shall adopt rules for the  
13 implementation of hours of work, overtime compensation and  
14 holiday pay programs, which shall include but need not be limited  
15 to application and eligibility procedures.

16 (cf: N.J.S.11A:6-24)

17

18 57. N.J.S.11A:6-25 is amended to read as follows:

19 11A:6-25. State training programs. The **【commissioner】** State  
20 Treasurer may establish and shall review and approve training and  
21 education programs for State employees in the career, senior  
22 executive and unclassified services and shall supervise a State  
23 training center with appropriate courses and fee schedules.  
24 Particular training may be required by the **【commissioner】** State  
25 Treasurer for certain employees, for which an assessment to State  
26 departments may be imposed.

27 (cf: N.J.S.11A:6-25)

28

29 58. N.J.S.11A:6-26 is amended to read as follows:

30 11A:6-26. Employee career development. The **【commissioner】**  
31 State Treasurer shall develop and stimulate employee career  
32 development and improve management and efficiency in State  
33 government through programs, for which an assessment to State  
34 departments may be imposed, that include but are not limited to:

35 a. Career mobility and transferability;

**Chapter 29, P.L. 2008**

- 1       b. Employee advisory services for counseling and rehabilitation;
  - 2       c. Retirement planning; and
  - 3       d. Interchange and internship programs.
- 4 (cf: N.J.S.11A:6-26)

5

6       59. N.J.S.11A:6-27 is amended to read as follows:

7       11A:6-27. Political subdivisions. The **[commissioner]**  
8 commission may, at the request of any political subdivision, initiate  
9 programs similar to those authorized in this chapter and provide  
10 technical assistance to political subdivisions to improve the  
11 efficiency and effectiveness of their personnel management  
12 programs. The **[commissioner]** commission may require  
13 reasonable reimbursement from a participating political subdivision.  
14 (cf: N.J.S.11A:6-27)

15       60. N.J.S.11A:6-28 is amended to read as follows:

16       11A:6-28. Employee performance evaluations. The  
17 **[commissioner]** commission shall establish an employee  
18 performance evaluation system for State employees in the career  
19 and senior executive services. The system shall utilize standards  
20 and criteria related to job content and program goals.

21       Political subdivisions may adopt employee performance  
22 evaluation systems for their employees.

23       The **[board]** Civil Service Commission shall adopt and enforce  
24 rules with respect to the utilization of performance ratings in  
25 promotion, layoff or other matters.

26 (cf: N.J.S.11A:6-28)

27

28       61. N.J.S.11A:6-29 is amended to read as follows:

29       11A:6-29. Awards committee. The New Jersey Employee  
30 Awards Committee shall be established **[in]** within the **[department**  
31 under the supervision of the commissioner] Civil Service  
32 Commission. The committee shall be composed of seven persons,  
33 each of whom shall be employed in a different department within  
34 the Executive Branch. Appointments to the committee shall be  
35 made by the Governor, from nominations by the **[commissioner]**

**Chapter 29, P.L. 2008**

1 commission, for staggered terms of three years or until a successor  
2 is appointed. No member shall serve more than two consecutive  
3 full terms. Members shall serve without compensation but shall be  
4 entitled to sums incurred for necessary expenses. The  
5 **【commissioner】** commission shall designate an employee **【of the**  
6 **department】** as executive secretary to the committee.

7 (cf: N.J.S.11A:6-29)

8

9 62. N.J.S.11A:6-31 is amended to read as follows:

10 11A:6-31. Powers and duties of the committee. The committee  
11 shall:

12 a. Adopt rules for the implementation of the awards programs,  
13 subject to the approval of the **【commissioner】** commission;

14 b. Request and receive assistance from any department in State  
15 government;

16 c. Prepare an annual report to the Governor from the  
17 **【commissioner】** commission concerning the operation of the  
18 awards program; and

19 d. Establish and supervise the awards committees in the  
20 departments in State government.

21 (cf: N.J.S.11A:6-31)

22

23 63. N.J.S.11A:7-2 is amended to read as follows:

24 11A:7-2 Division of Equal Employment Opportunity and  
25 Affirmative Action. A Division of Equal Employment Opportunity  
26 and Affirmative Action is established in the **【department】**  
27 Department of the Treasury. The division shall have all of the  
28 powers and shall exercise all of the functions and duties set forth in  
29 this chapter, subject to the supervision and control of the  
30 **【commissioner】** State Treasurer.

31 (cf: N.J.S.11A:7-2)

32

33 64. N.J.S.11A:7-3 is amended to read as follows:

34 11A:7-3. Equal employment opportunity and affirmative action  
35 program. The division shall develop, implement and administer an

**Chapter 29, P.L. 2008**

1 equal employment opportunity and affirmative action program for  
2 all State agencies. The program shall consider the particular  
3 personnel requirements that are reasonably related to job  
4 performance of each State agency. The director of the division  
5 shall ensure that the affirmative action and equal employment goals  
6 of each State agency for minorities, women and handicapped  
7 persons shall be reasonably related to their population in the  
8 relevant surrounding labor market areas. The director, in  
9 accordance with applicable federal and State guidelines, shall:

10 a. Ensure each State agency's compliance with all laws and rules  
11 relating to equal employment opportunity and seek correction of  
12 discriminatory practices, policies and procedures;

13 b. Recommend appropriate sanctions for noncompliance to the  
14 **【commissioner】** State Treasurer who, with the concurrence of the  
15 Governor, is authorized to implement sanctions;

16 c. Review State personnel practices, policies and procedures,  
17 inclusive of recruitment, selection, and promotion, in order to  
18 identify and eliminate artificial barriers to equal employment  
19 opportunity;

20 d. Act as liaison with federal, State, and local enforcement  
21 agencies;

22 e. Recommend appropriate legislation to the **【commissioner】**  
23 State Treasurer and perform other actions deemed necessary by the  
24 **【commissioner】** State Treasurer to implement this chapter; and

25 f. Provide, under rules adopted by the **【board】** Department of  
26 the Treasury, for review of equal employment complaints.

27 (cf: N.J.S.11A:7-3)

28

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

30 11A:7-6. Agency affirmative action officer. The head of each  
31 State agency shall appoint at least one person with the responsibility  
32 for equal employment opportunity as the affirmative action officer.  
33 Unless otherwise permitted by the director with the approval of the  
34 **【commissioner】** State Treasurer, such person shall serve on a full-

**Chapter 29, P.L. 2008**

1 time basis and shall be responsible to the Division of Equal  
2 Employment Opportunity and Affirmative Action.  
3 (cf: N.J.S.11A:7-6)

4  
5 66. N.J.S.11A:7-9 is amended to read as follows:

6 11A:7-9. Agency failure to achieve affirmative action goals;  
7 penalties. If there is a failure by a State agency to achieve its  
8 affirmative action goals or to demonstrate good faith efforts,  
9 appropriate sanctions and penalties may be imposed by the  
10 department in accordance with federal and State regulations, subject  
11 to the concurrence of the Governor and the **【commissioner】** State  
12 Treasurer. These sanctions may include, but are not limited to,  
13 placing a moratorium on departmental personnel actions in the  
14 career, senior executive and unclassified services, and such other  
15 sanctions as may be allowed by law.

16 (cf: N.J.S.11A:7-9)

17  
18 67. N.J.S.11A:7-11 is amended to read as follows:

19 11A:7-11. Equal Employment Opportunity Advisory  
20 Commission; creation. There is established in the **【department】**  
21 Department of the Treasury an Equal Employment Opportunity  
22 Advisory Commission, which shall advise the Division of Equal  
23 Employment Opportunity and Affirmative Action and recommend  
24 improvements in the State's affirmative action efforts.

25 (cf: N.J.S.11A:7-11)

26  
27 68. N.J.S.11A:7-13 is amended to read as follows:

28 11A:7-13. Accommodation for the handicapped and  
29 examination waiver. The **【commissioner】** commission may  
30 establish procedures for the reasonable accommodation of  
31 handicapped persons in the employee selection process for the State  
32 and the political subdivisions covered by this title. Pursuant to  
33 rules adopted by the **【board】** Civil Service Commission, the  
34 **【commissioner】** commission may waive an examination for an

**Chapter 29, P.L. 2008**

- 1 applicant who suffers from a physical, mental or emotional  
2 affliction, injury, dysfunction, impairment or disability which:
- 3 a. Makes it physically or psychologically not practicable for that  
4 person to undergo the testing procedure for the title for which  
5 applied, but
  - 6 b. Does not prevent that person from satisfactorily performing  
7 the responsibilities of the title under conditions of actual service;  
8 and
  - 9 c. In making such determination, the **【commissioner】**  
10 commission may require the submission of sufficient and  
11 appropriate medical documentation.  
12 (cf: N.J.S.11A:7-13)

13  
14 69. N.J.S.11A:8-1 is amended to read as follows:

- 15 11A:8-1. a. A permanent employee may be laid off for economy,  
16 efficiency or other related reason. A permanent employee shall  
17 receive 45 days' written notice, unless in State government a greater  
18 time period is ordered by the **【commissioner】** commission, which  
19 shall be served personally or by certified mail, of impending layoff  
20 or demotion and the reasons therefor. The notice shall expire 120  
21 days after service unless extended by the **【commissioner】**  
22 commission for good cause. At the same time the notice is served,  
23 the appointing authority shall provide the **【commissioner】**  
24 commission with a list of the names and permanent titles of all  
25 employees receiving the notice. The **【board】** Civil Service  
26 Commission shall adopt rules to implement employee layoff rights  
27 consistent with the provisions of this section **【,** upon  
28 recommendation by the commissioner**】**. The **【commissioner】**  
29 commission shall consult with the advisory board representing labor  
30 organizations prior to such recommendations.
- 31 b. Permanent employees in the service of the State or a political  
32 subdivision shall be laid off in inverse order of seniority. As used in  
33 this subsection, "seniority" means the length of continuous  
34 permanent service in the jurisdiction, regardless of title held during  
35 the period of service, except that for police and firefighting titles,

**Chapter 29, P.L. 2008**

- 1 "seniority" means the length of continuous permanent service only  
2 in the current permanent title and any other title that has lateral or  
3 demotional rights to the current permanent title. Seniority for all  
4 titles shall be based on the total length of calendar years, months  
5 and days in continuous permanent service regardless of the length  
6 of the employee's work week, work year or part-time status.
- 7 c. For purposes of State service, a "layoff unit" means a  
8 department or autonomous agency and includes all programs  
9 administered by that department or agency. For purposes of  
10 political subdivision service, the "layoff unit" means a department  
11 in a county or municipality, an entire autonomous agency, or an  
12 entire school district, except that the **[commissioner]** commission  
13 may establish broader layoff units.
- 14 d. For purposes of State service, "job location" means a county.  
15 The **[commissioner]** commission shall assign a job location to  
16 every facility and office within a State department or autonomous  
17 agency. For purposes of local service, "job location" means the  
18 entire political subdivision and includes any facility operated by the  
19 political subdivision outside its geographic borders.
- 20 e. For purposes of determining lateral title rights in State and  
21 political subdivision service, title comparability shall be determined  
22 by the department based upon whether the: (1) titles have  
23 substantially similar duties and responsibilities; (2) education and  
24 experience requirements for the titles are identical or similar; (3)  
25 employees in an affected title, with minimal training and  
26 orientation, could perform the duties of the designated title by  
27 virtue of having qualified for the affected title; and (4) special  
28 skills, licenses, certifications or registration requirements for the  
29 designated title are similar and do not exceed those which are  
30 mandatory for the affected title. Demotional title rights shall be  
31 determined by the **[commissioner]** commission based upon the  
32 same criteria, except that the demotional title shall have lower but  
33 substantially similar duties and responsibilities as the affected title.
- 34 f. In State service, a permanent employee in a position affected  
35 by a layoff action shall be provided with applicable lateral and

**Chapter 29, P.L. 2008**

1 demotional title rights first, at the employee's option, within the  
2 municipality in which the facility or office is located and then to the  
3 job locations selected by the employee within the department or  
4 autonomous agency. The employee shall select individual job  
5 locations in preferential order from the list of all job locations and  
6 shall indicate job locations at which the employee will accept lateral  
7 and demotional title rights. In local service, a permanent employee  
8 in a position affected by a layoff action shall be provided lateral and  
9 demotional title rights within the layoff unit.

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

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

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

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

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

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

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

**Chapter 29, P.L. 2008**

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

3 h. A permanent employee shall be granted special reemployment  
4 rights based on the employee's permanent title at the time of the  
5 layoff action and the employee shall be certified for reappointment  
6 after the layoff action to the same, lateral and lower related titles.  
7 Special reemployment rights shall be determined by the  
8 **【commissioner】** commission in the same manner as lateral and  
9 demotional rights.

10 i. Notwithstanding the provisions above, at no time shall any  
11 person on a military leave of absence for active service in the  
12 Armed Forces of the United States in time of war or emergency be  
13 laid off.

14 (cf: P.L.2007, c.239, s.3)

15

16 70. N.J.S.11A:8-3 is amended to read as follows:

17 11A:8-3. Alternatives to layoff. The **【commissioner】**  
18 commission, in consultation with the advisory committee  
19 established pursuant to subsection m. of N.J.S. 11A:2-11, may  
20 **【recommend】** adopt rules **【to the board】** on voluntary reduced  
21 work time or other alternatives to layoffs. Employee participation  
22 in the program shall not affect special reemployment or retention  
23 rights.

24 (cf: N.J.S.11A:8-3)

25

26 71. N.J.S.11A:8-4 is amended to read as follows:

27 11A:8-4. Appeals. A permanent employee who is laid off or  
28 demoted in lieu of layoff shall have a right to appeal the good faith  
29 of such layoff or demotion to the **【board】** Civil Service  
30 Commission. Appeals must be filed within 20 days of final notice  
31 of such layoff or demotion. The burden of proof in such actions  
32 shall be on the employee and rules adopted pursuant to N.J.S.  
33 11A:2-22 would also be applicable to these appeals.

34 (cf: N.J.S.11A:8-4)

35

**Chapter 29, P.L. 2008**

1       72. N.J.S.11A:9-7 is amended to read as follows:

2       11A:9-7. Results certified. The result of the election shall be  
3 certified by the clerk of the political subdivision to the  
4 **【commissioner】** commission.

5 (cf: N.J.S.11A:9-7)

6

7       73. N.J.S.11A:10-1 is amended to read as follows:

8       11A:10-1. Disapproval of salary. The **【board or the**  
9 **commissioner】** Civil Service Commission may disapprove and  
10 order the payment stopped of the salary of any person employed in  
11 violation of this title or an order of the **【board or commissioner】**  
12 Civil Service Commission and recover all disapproved salary from  
13 such person. Any person or persons who authorize the payment of  
14 a disapproved salary or have employment authority over the person  
15 whose salary has been disapproved may be subject to penalties,  
16 including, but not limited to, the disapproval of their salaries and  
17 payment from their personal funds of improper expenditures of the  
18 moneys as may be provided by the rules of the **【board】** Civil  
19 Service Commission. This section shall not be limited by the  
20 amounts set forth in N.J.S. 11A:10-3.

21 (cf: N.J.S.11A:10-1)

**Chapter 29, P.L. 2008**

1       74. N.J.S.11A:10-2 is amended to read as follows:

2       11A:10-2. Criminal violation of title or order. Any person who  
3 purposely or knowingly violates or conspires to violate any  
4 provision of this title or **【board or commissioner】** Civil Service  
5 Commission order shall be guilty of a crime of the fourth degree.  
6 (cf: N.J.S.11A:10-2)

7  
8       75. N.J.S.11A:10-3 is amended to read as follows:

9       11A:10-3. Noncompliance. The **【board or the commissioner】**  
10 Civil Service Commission may assess all administrative costs  
11 incurred under N.J.S. 11A:4-5. Other costs, charges and fines of  
12 not more than \$10,000.00 may be assessed for noncompliance or  
13 violation of this title or any order of the **【board or commissioner】**  
14 Civil Service Commission.  
15 (cf: N.J.S.11A:10-3)

16  
17       76. N.J.S.11A:10-4 is amended to read as follows:

18       11A:10-4. Action for enforcement. The **【board, the**  
19 **commissioner,】** Civil Service Commission or other party in interest  
20 may bring an action in the Superior Court for the enforcement of  
21 this title or an order of the **【board or commissioner】** Civil Service  
22 Commission.  
23 (c.f. N.J.S.11A:10-4)

24  
25       77. N.J.S.11A:11-1 is amended to read as follows:

26       11A:11-1. **【Commissioner of Personnel and】** Merit System  
27 Board. The functions, powers, and duties of the Merit System  
28 Board as constituted in the Department of Personnel are continued  
29 and transferred to the Civil Service Commission which is created  
30 and allocated in, but not of, the Department of Labor and  
31 Workforce Development by N.J.S.11A:2-1 as amended by P.L. , c.  
32 (pending before the Legislature as this bill). The **【President of the**  
33 Civil Service Commission on the effective date of this act shall  
34 become the Commissioner of Personnel and the remaining**】**

Chapter 29, P.L. 2008

1 members of the **【Civil Service Commission】** Merit System Board,  
2 other than the Commissioner of Personnel, on the effective date of  
3 this act, P.L. , c. (pending before the Legislature as this bill),  
4 shall continue as members of the **【Merit System Board】** Civil  
5 Service Commission for the duration of their current terms and any  
6 reappointments and until their successors are appointed, unless  
7 removed for cause.  
8 (cf: N.J.S.11A:11-1)  
9

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

11 11A:11-2. **【Department of Personnel.】** a. **【The Department of**  
12 **Personnel shall replace the Department of Civil Service. Except as**  
13 **otherwise stated in this title, all employees of the Department of**  
14 **Civil Service shall become employees of the Department of**  
15 **Personnel.**

16 b. **【** The Department of Personnel is abolished as a principal  
17 department in the Executive Branch of State government. The  
18 offices and terms of the Commissioner of Personnel, the deputy  
19 commissioner, assistant commissioners, and the directors of the  
20 various divisions and offices of the Department of Personnel are  
21 terminated, except as otherwise provided by P.L. , c. (pending  
22 before the Legislature as this bill).

23 b. The functions, powers, and duties of the Department of  
24 Personnel, the Commissioner of Personnel, the deputy  
25 commissioner, assistant commissioners, and directors of the various  
26 divisions and offices of the Department of Personnel are continued  
27 and transferred as provided by P.L. , c. (pending before the  
28 Legislature as this bill). The State Treasurer may allocate the  
29 functions, powers, and duties transferred to the Department of the  
30 Treasury or the State Treasurer by P.L. , c. (pending before the  
31 Legislature as this bill) among such divisions or subdivisions in the  
32 Department of the Treasury as the State Treasurer deems  
33 appropriate or as the State Treasurer may establish.

34 c. (1) The Division of Equal Employment Opportunity and  
35 Affirmative Action as constituted in the Department of Personnel,

**Chapter 29, P.L. 2008**

1 with its functions, powers, and duties, and those of the  
2 Commissioner of Personnel and the Merit System Board with  
3 regard to that division, is continued and transferred to the  
4 Department of the Treasury, except with regard to the power to  
5 adjudicate complaints of violations of the State policy against  
6 discrimination which power shall remain with the Civil Service  
7 Commission. The functions, powers, and duties of the Division of  
8 Equal Employment Opportunity and Affirmative Action shall be  
9 allocated within the department as the State Treasurer shall  
10 determine.

11 The Equal Employment Opportunity Advisory Commission as  
12 constituted in the Department of Personnel is continued and  
13 transferred to the Department of the Treasury to be allocated within  
14 that department as the State Treasurer shall determine. The  
15 members of the Equal Employment Opportunity Advisory  
16 Commission shall continue as members of the commission for the  
17 duration of their current terms and any reappointments and until  
18 their successors are appointed, unless removed for cause.

19 (2) The planning and research unit and function as constituted  
20 in the Department of Personnel is continued and transferred to the  
21 Department of the Treasury to be allocated within that department  
22 as the State Treasurer shall determine.

23 d. The Working Well NJ State employee wellness program as  
24 constituted in the Department of Personnel is continued and  
25 transferred to the Department of Health and Senior Services to be  
26 allocated within that department as the commissioner shall  
27 determine.

28 e. The toll-free information "Law Enforcement Officer Crisis  
29 Intervention Services" telephone hotline as constituted in the  
30 Department of Personnel is continued and transferred to the  
31 Department of Health and Senior Services, pursuant to sections 115  
32 to 116 of P.L. , c. (C. )(pending before the Legislature as this  
33 bill), to be allocated within that department as the commissioner  
34 shall determine.

Chapter 29, P.L. 2008

1        f. The New Jersey Employee Awards Committee as constituted  
2 in the Department of Personnel is continued and transferred to the  
3 Civil Service Commission. The members of the New Jersey  
4 Employee Awards Committee shall continue as members of the  
5 committee for the duration of their current terms and any  
6 reappointments and until their successors are appointed, unless  
7 removed for cause.

8        g. The **【commissioner】** commission shall develop a plan for the  
9 consolidation and coordination of personnel**【, training,】** and related  
10 functions, including, but not limited to, classification,  
11 compensation, and workforce planning, in the executive branch of  
12 State government and for transfer to the **【Department of Personnel】**  
13 commission such employees, positions, funding, facilities,  
14 equipment, powers, and duties from throughout the executive  
15 branch of State government as necessary and appropriate to  
16 effectuate such consolidation and coordination.

17        **【c.】** h. The **【commissioner】** commission shall submit the plan  
18 prepared pursuant to subsection **【b.】** g. of this section to the  
19 Governor for review and approval. With the approval of the  
20 Governor and in accordance with regulations adopted by the  
21 **【commissioner】** commission, the **【commissioner】** commission,  
22 pursuant to the approved plan, shall direct the consolidation and  
23 coordination of personnel**【, training】** and related functions,  
24 including, but not limited to, classification, compensation and  
25 workforce planning, in the executive branch of State government  
26 and transfer to the **【Department of Personnel】** commission such  
27 employees, positions, funding, facilities, equipment, powers, duties  
28 and functions from throughout the executive branch of State  
29 government to effectuate such consolidation and coordination. The  
30 **【commissioner】** commission shall organize these functions in such  
31 units as the **【commissioner】** commission determines are necessary  
32 for the efficient operation of the **【department】** commission and in  
33 such a manner as will provide the appointing authorities and all  
34 State employees with proper support in personnel matters. The

Chapter 29, P.L. 2008

47

1 consolidation shall not apply to those functions which the  
2 **【commissioner】** commission has determined are unique to each  
3 department or agency in its capacity as an appointing authority.

4 **【d.】** i. Each department, office, division, bureau or agency in  
5 the executive branch of State government shall cooperate with the  
6 **【commissioner】** commission and make available to the  
7 **【commissioner】** commission such information, personnel and  
8 assistance necessary to effectuate the purposes of **【this amendatory**  
9 **act, P.L.1993, c.114】** P.L. , c. (pending before the Legislature as  
10 this bill).

11 **【e.】** j. This section shall not be construed to permit or require  
12 negotiations pursuant to the "New Jersey Employer-Employee  
13 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or  
14 regulation promulgated by the **【Commissioner of Personnel or the**  
15 **Merit System Board】** State Treasurer or Civil Service Commission  
16 pursuant to this section or any other section of this title.

17 (cf: P.L.1993, c.114, s.1)

18

19 79. N.J.S.11A:11-3 is amended to read as follows:

20 11A:11-3. Names. Any law, rule, regulation, order,  
21 reorganization plan, contract, document, judicial or administrative  
22 proceeding, appropriation or otherwise which refers to the  
23 Department of **【Civil Service shall mean the Department of】**  
24 **Personnel【; Civil Service Commission】**, Commissioner of  
25 Personnel, or Merit System Board shall mean **【Merit System Board;**  
26 and President of the Civil Service Commission or Chief Examiner  
27 and Secretary, or both, shall mean **【Commissioner of Personnel】** the  
28 Department of the Treasury, State Treasurer, Civil Service  
29 Commission, or Department of Health and Senior Services, as  
30 provided by P.L. , c. (pending before the Legislature as this bill).

31 (cf: N.J.S.11A:11-3)

32

33 80. N.J.S.11A:11-4 is amended to read as follows:

Chapter 29, P.L. 2008

48

1 11A:11-4. Rules. All rules of the **【Civil Service Commission】**  
2 Merit System Board or the Department of Personnel in effect on the  
3 effective date of P.L. , c. (pending before the Legislature as this  
4 bill) shall remain in effect except as changed or modified by this  
5 title or **【board】** action of the Civil Service Commission, State  
6 Treasurer, Commissioner of Health and Senior Services, or other  
7 authority, as appropriate.

8 (cf: N.J.S.11A:11-4)

9  
10 81. N.J.S.11A:11-5 is amended to read as follows:

11 11A:11-5. Pending actions. Any action pending on the effective  
12 date of **【this act】** P.L. , c. (pending before the Legislature as  
13 this bill) shall continue under the prior law and rule.

14 (cf: N.J.S.11A:11-5)

15  
16 82. N.J.S.11A:11-6 is amended to read as follows:

17 11A:11-6. Transfer. The transfers directed by **【this title】** P.L. ,  
18 c. (pending before the Legislature as this bill), except as otherwise  
19 provided, shall be made in accordance with the "State Agency  
20 Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

21 (cf: N.J.S.11A:11-6)

22  
23 83. N.J.S.11A:12-1 is amended to read as follows:

24 11A:12-1. Inconsistent laws. Any law or statute which is  
25 inconsistent with any of the provisions of this title, as amended by  
26 P.L. , c. (pending before the Legislature as this bill), are to the  
27 extent of the inconsistency hereby superseded, except that the title  
28 is not to be construed either to expand or to diminish collective  
29 negotiation rights existing under the "New Jersey Employer-  
30 Employee Relations Act," P.L.1941, c. 100 (C. 34:13A-1 et seq.).

31 (cf: N.J.S.11A:12-1)

32  
33 84. N.J.S.2A:12-6 is amended to read as follows:

34 2A:12-6. The Administrative Director of the Courts is  
35 authorized to distribute or cause to be distributed any bound

**Chapter 29, P.L. 2008**

49

- 1 volumes of the New Jersey Reports and the New Jersey Superior  
2 Court Reports heretofore or hereafter published and delivered to  
3 him, as follows:
- 4 To each member of the Legislature, one copy of each volume of  
5 such reports.
- 6 To the following named, for official use, to remain the property  
7 of the State, the following number of copies of each volume of such  
8 reports:
- 9 a. To the Governor, four copies;
- 10 b. To the Department of Law and Public Safety, for the Division  
11 of Law, four copies; and the Division of Alcoholic Beverage  
12 Control, one copy;
- 13 c. To the Department of the Treasury, for the State Treasurer,  
14 one copy; the Division of Taxation, three copies; and the Division  
15 of Local Government Services in the Department of Community  
16 Affairs, one copy;
- 17 d. To the Department of State, one copy;
- 18 e. **【To the Department of Personnel, one copy】** (Deleted by  
19 amendment, P.L. , c. (pending before the Legislature as this  
20 bill));
- 21 f. To the Department of Banking and Insurance, two copies;
- 22 g. To the Board of Public Utilities in the Department of the  
23 Treasury, one copy;
- 24 h. To the Department of Labor and Workforce Development, for  
25 the commissioner, one copy; the Division of Workers'  
26 Compensation, five copies; the State Board of Mediation, one copy;  
27 and the Division of Employment Security, three copies;
- 28 i. To the Department of Education, for the commissioner, one  
29 copy;
- 30 j. To the Department of Transportation, one copy;
- 31 k. To the Department of Human Services, one copy; the  
32 Department of Corrections, one copy; and the Department of  
33 Children and Families, one copy;
- 34 l. To each judge of the federal courts in and for the district of  
35 New Jersey, one copy;

**Chapter 29, P.L. 2008**

50

- 1 m. To each justice of the Supreme Court, one copy;
- 2 n. To each judge of the Superior Court, one copy;
- 3 o. To the Administrative Director of the Courts, one copy;
- 4 p. To each standing master of the Superior Court, one copy;
- 5 q. (Deleted by amendment, P.L.1983, c.36.)
- 6 r. To the clerk of the Supreme Court, one copy;
- 7 s. To the clerk of the Superior Court, one copy;
- 8 t. (Deleted by amendment, P.L.1983, c.36.)
- 9 u. (Deleted by amendment, P.L.1983, c.36.)
- 10 v. (Deleted by amendment, P.L.1991, c.91.)
- 11 w. (Deleted by amendment, P.L.1991, c.91.)
- 12 x. To each county prosecutor, one copy;
- 13 y. To the Central Management Unit in the Office of Legislative  
14 Services, one copy;
- 15 z. To each surrogate, one copy;
- 16 aa. To each county clerk, one copy;
- 17 ab. To each sheriff, one copy;
- 18 ac. To Rutgers, The State University, two copies; and the law  
19 schools, five copies each;
- 20 ad. To the law school of Seton Hall University, five copies;
- 21 ae. To Princeton University, two copies;
- 22 af. To the Library of Congress, four copies;
- 23 ag. To the New Jersey Historical Society, one copy;
- 24 ah. To every library provided by the board of chosen freeholders  
25 of any county at the courthouse in each county, one copy;
- 26 ai. To the library of every county bar association in this State,  
27 one copy;
- 28 aj. To each incorporated library association in this State, which  
29 has a law library at the county seat of the county in which it is  
30 located, one copy;
- 31 ak. To each judge of the tax court, one copy;
- 32 al. The State Library, 60 copies, five of which shall be deposited  
33 in the Law Library, and 55 of which shall be used by the State  
34 Librarian to send one copy to the state library of each state and  
35 territory of the United States, the same to be in exchange for the law

**Chapter 29, P.L. 2008**

1 reports of such states and territories sent to the State Library, which  
2 reports shall be deposited in and become part of the collection of  
3 the Law Library.

4 The remaining copies of such reports shall be retained by the  
5 administrative director for the use of the State and for such further  
6 distribution as he may determine upon.

7 (cf: P.L.2006, c.47, s.21)

8 85. Section 14 of P.L.2006, c.47 (C.9:3A-14) is amended to read  
9 as follows:

10 14. The Department of Children and Families shall not employ  
11 any individual as a direct care staff member unless the  
12 Commissioner of Children and Families has first determined,  
13 consistent with the requirements and standards of this section, that  
14 no criminal history record information exists on file in the Federal  
15 Bureau of Investigation, Identification Division, or in the State  
16 Bureau of Identification in the Division of State Police, which  
17 would disqualify that individual from being employed at the  
18 department. A criminal history record background check shall be  
19 conducted at least once every two years for an individual employed  
20 as a direct care staff member.

21 As used in this section, "direct care staff member" means an  
22 individual employed at the department in a position which involves  
23 unsupervised, regular contact with individuals receiving services  
24 from the department.

25 a. An individual shall be disqualified from employment as a  
26 direct care staff member if that individual's criminal history record  
27 check reveals a record of conviction of any of the following crimes  
28 and offenses:

29 (1) In New Jersey, any crime or disorderly persons offense:

30 (a) involving danger to the person, meaning those crimes and  
31 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,  
32 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.  
33 or N.J.S.2C:15-1 et seq.; or

**Chapter 29, P.L. 2008**

- 1 (b) against the family, children or incompetents, meaning those  
2 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et  
3 seq.; or
- 4 (2) In any other state or jurisdiction, of conduct which, if  
5 committed in New Jersey, would constitute any of the crimes or  
6 disorderly persons offenses described in paragraph (1) of this  
7 subsection.
- 8 b. Notwithstanding the provisions of subsection a. of this  
9 section to the contrary, no individual shall be disqualified from  
10 employment under this act on the basis of any conviction disclosed  
11 by a criminal history record check performed pursuant to this  
12 section if the individual has affirmatively demonstrated to the  
13 Commissioner of Children and Families clear and convincing  
14 evidence of his rehabilitation. In determining whether an individual  
15 has affirmatively demonstrated rehabilitation, the following factors  
16 shall be considered:
- 17 (1) The nature and responsibility of the position which the  
18 convicted individual would hold;
- 19 (2) The nature and seriousness of the offense;
- 20 (3) The circumstances under which the offense occurred;
- 21 (4) The date of the offense;
- 22 (5) The age of the individual when the offense was committed;
- 23 (6) Whether the offense was an isolated or repeated incident;
- 24 (7) Any social conditions which may have contributed to the  
25 offense; and
- 26 (8) Any evidence of rehabilitation, including good conduct in  
27 prison or in the community, counseling or psychiatric treatment  
28 received, acquisition of additional academic or vocational  
29 schooling, successful participation in correctional work-release  
30 programs, or the recommendation of persons who have had the  
31 individual under their supervision.
- 32 c. If a prospective direct care staff member refuses to consent  
33 to, or cooperate in, the securing of a criminal history record  
34 background check, the commissioner shall not consider the  
35 individual for employment as a direct care staff member. The

**Chapter 29, P.L. 2008**

1 prospective staff member shall, however, retain any available right  
2 of review by the **【Merit System Board in the Department of**  
3 **Personnel】** Civil Service Commission.

4 d. If a current direct care staff member refuses to consent to, or  
5 cooperate in, the securing of a criminal history record background  
6 check, the commissioner shall immediately remove the individual  
7 from his position as a direct care staff member and terminate the  
8 individual 's employment. The staff member shall, however, retain  
9 any available right of review by the **【Merit System Board in the**  
10 **Department of Personnel】** Civil Service Commission.

11 e. Notwithstanding the provisions of subsection a. of this  
12 section to the contrary, the department may provisionally employ an  
13 individual as a direct care staff member for a period not to exceed  
14 six months if that individual's State Bureau of Identification  
15 criminal history record background check does not contain any  
16 information that would disqualify the individual from employment  
17 at the department and if the individual submits to the commissioner  
18 a sworn statement attesting that the individual has not been  
19 convicted of any crime or disorderly persons offense as described in  
20 this section, pending a determination that no criminal history record  
21 background information which would disqualify the individual  
22 exists on file in the Federal Bureau of Investigation, Identification  
23 Division. An individual who is provisionally employed pursuant to  
24 this subsection shall perform his duties under the direct supervision  
25 of a superior who acts in a supervisory capacity over that individual  
26 until the determination concerning the federal information is  
27 complete.

28 f. All applicants or current direct care staff members from  
29 whom criminal history record background checks are required shall  
30 submit their fingerprints in a manner acceptable to the  
31 commissioner. The commissioner is authorized to exchange  
32 fingerprint data with and receive criminal history record  
33 information from the Federal Bureau of Investigation and the  
34 Division of State Police for use in making the determinations  
35 required by this section. No criminal history record background

**Chapter 29, P.L. 2008**

1 check shall be performed pursuant to this section unless the  
2 applicant shall have furnished his written consent to the check.

3 g. (1) Upon receipt of an applicant or direct care staff member's  
4 criminal history record information from the Federal Bureau of  
5 Investigation or the Division of State Police, as applicable, the  
6 commissioner shall notify the applicant or staff member, in writing,  
7 of the applicant's or staff member's qualification or disqualification  
8 for employment under this act. If the applicant or staff member is  
9 disqualified, the conviction or convictions which constitute the  
10 basis for the disqualification shall be identified in the written  
11 notice.

12 (2) The applicant or staff member shall have 30 days from the  
13 date of written notice of disqualification to petition the  
14 commissioner for a hearing on the accuracy of the criminal history  
15 record information or to establish his rehabilitation under  
16 subsection b. of this section. The commissioner may refer any case  
17 arising hereunder to the Office of Administrative Law for  
18 administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1  
19 et al.).

20 (3) The commissioner shall not maintain any individual's  
21 criminal history record information or evidence of rehabilitation  
22 submitted under this section for more than six months from the date  
23 of a final determination by the commissioner as to the individual's  
24 qualification or disqualification to be a direct care staff member  
25 pursuant to this section.

26 h. The commissioner shall initiate a criminal history record  
27 background check on all prospective direct care staff members.  
28 Current direct care staff members who have had a criminal history  
29 record background check conducted and stored in a manner  
30 approved by the commissioner shall have up to two years from the  
31 effective date of this act until the next criminal history background  
32 check is conducted.

33 i. The department shall assume the cost of all criminal history  
34 record background checks conducted on current and prospective  
35 direct care staff members.

**Chapter 29, P.L. 2008**

1 (cf: P.L.2006, c.47, s.14)

2

3 86. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to  
4 read as follows:

5 19. a. The President of Thomas Edison State College or the  
6 designee thereof shall, with the advice of the State Librarian,  
7 appoint all professional staff in the library, and fix the  
8 compensation of all such persons thus appointed. The President of  
9 Thomas Edison State College or the designee thereof shall appoint  
10 such other personnel as that person may consider necessary for the  
11 efficient performance of the work of the library and fix their  
12 compensation. All persons thus appointed shall be subject to the  
13 provisions of Title 11A, Civil Service, of the New Jersey Statutes.

14 b. For all purposes, the employees of the State Library shall be  
15 considered employees of Thomas Edison State College.

16 c. Thomas Edison State College shall maintain, in a manner  
17 acceptable to the **【Department of Personnel】** Civil Service  
18 Commission, the personnel records of all employees and positions  
19 currently on staff and funded. All such records shall be subject to  
20 audit by the **【Department of Personnel】** Civil Service Commission.

21 d. The State shall be responsible for paying the entire employer  
22 contribution of the pension and benefits costs for the State Library  
23 employees whose salaries are funded from the direct State services  
24 portion of the annual appropriation for the State Library.

25 (cf: P.L.2001, c.137, s.11)

26

27 87. Section 2 of P.L.1988, c.45 (C.30:4-3.5) is amended to read  
28 as follows:

29 2. a. A facility shall not employ any individual unless the  
30 Commissioner of the Department of Human Services has first  
31 determined, consistent with the requirements and standards of this  
32 act, that no criminal history record information exists on file in the  
33 Federal Bureau of Investigation, Identification Division, or in the  
34 State Bureau of Identification in the Division of State Police, which  
35 would disqualify that individual from being employed at the

**Chapter 29, P.L. 2008**

1 facility. A criminal history record background check shall be  
2 conducted at least once every two years for an individual employed  
3 at the facility. An individual shall be disqualified from employment  
4 under this act if that individual's criminal history record check  
5 reveals a record of conviction of any of the following crimes and  
6 offenses:

- 7 (1) In New Jersey, any crime or disorderly persons offense:  
8 (a) Involving danger to the person, meaning those crimes and  
9 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,  
10 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.  
11 or N.J.S.2C:15-1 et seq.; or  
12 (b) Against the family, children or incompetents, meaning those  
13 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et  
14 seq.; or  
15 (2) In any other state or jurisdiction, of conduct which, if  
16 committed in New Jersey, would constitute any of the crimes or  
17 disorderly persons offenses described in paragraph (1) of this  
18 subsection.

19 b. Notwithstanding the provisions of subsection a. of this  
20 section, no individual shall be disqualified from employment under  
21 this act on the basis of any conviction disclosed by a criminal  
22 history record check performed pursuant to this act if the individual  
23 has affirmatively demonstrated to the Commissioner of Human  
24 Services clear and convincing evidence of his rehabilitation. In  
25 determining whether an individual has affirmatively demonstrated  
26 rehabilitation, the following factors shall be considered:

- 27 (1) The nature and responsibility of the position which the  
28 convicted individual would hold;  
29 (2) The nature and seriousness of the offense;  
30 (3) The circumstances under which the offense occurred;  
31 (4) The date of the offense;  
32 (5) The age of the individual when the offense was committed;  
33 (6) Whether the offense was an isolated or repeated incident;  
34 (7) Any social conditions which may have contributed to the  
35 offense; and

**Chapter 29, P.L. 2008**

- 1 (8) Any evidence of rehabilitation, including good conduct in  
2 prison or in the community, counseling or psychiatric treatment  
3 received, acquisition of additional academic or vocational  
4 schooling, successful participation in correctional work-release  
5 programs, or the recommendation of persons who have had the  
6 individual under their supervision.
- 7 c. If a prospective employee of a facility refuses to consent to,  
8 or cooperate in, the securing of a criminal history record  
9 background check, the commissioner shall direct the principal  
10 administrator not to consider the person for employment at the  
11 facility. The prospective employee shall, however, retain any  
12 available right of review by the **【Merit System Board in the**  
13 **Department of Personnel】** Civil Service Commission.
- 14 d. If a current employee of a facility refuses to consent to, or  
15 cooperate in, the securing of a criminal history record background  
16 check, the commissioner shall direct the principal administrator to  
17 immediately remove the person from his position at the facility and  
18 to terminate the person's employment at the facility. The employee  
19 shall, however, retain any available right of review by the **【Merit**  
20 **System Board in the Department of Personnel】** Civil Service  
21 Commission.
- 22 e. Notwithstanding the provisions of subsection a. of this section  
23 to the contrary, a facility may provisionally employ an individual  
24 for a period not to exceed six months if that individual's State  
25 Bureau of Identification criminal history record background check  
26 does not contain any information that would disqualify the  
27 individual from employment at the facility and if the individual  
28 submits to the commissioner a sworn statement attesting that the  
29 individual has not been convicted of any crime or disorderly  
30 persons offense as described in this act, pending a determination  
31 that no criminal history record background information which  
32 would disqualify the individual exists on file in the Federal Bureau  
33 of Investigation, Identification Division. An individual who is  
34 provisionally employed pursuant to this subsection shall perform  
35 his duties at the facility under the direct supervision of a superior

## **Chapter 29, P.L. 2008**

58

- 1 who acts in a supervisory capacity over that individual until the
- 2 determination concerning the federal information is complete.
- 3 (cf: P.L.1997, c.71, s.1)

**Chapter 29, P.L. 2008**

1       88. Section 1 of P.L.1974, c.44 (C.30:1-8.1) is amended to read  
2 as follows:

3       1. The commissioner shall be assisted in the performance of his  
4 duties by three deputy commissioners. Each deputy commissioner  
5 shall be appointed by and shall serve at the pleasure of the  
6 commissioner, and until his successor has been appointed and  
7 qualified.

8       Each deputy commissioner shall exercise such powers and  
9 perform such duties as the commissioner shall prescribe.

10       Unless otherwise provided by law, each deputy commissioner  
11 shall receive such salary as may be established by the commissioner  
12 with the approval of the **【Commissioner of Personnel】** Civil  
13 Service Commission and the Director of the Division of Budget and  
14 Accounting.

15       The commissioner may designate one of the deputy  
16 commissioners to exercise the powers and perform the duties of the  
17 commissioner during his disability or absence.

18 (cf: P.L.2004, c.130, s.44)

19

20       89. Section 6 of P.L.1990, c.73 (C.30:4-78.2) is amended to read  
21 as follows:

22       6. If the commissioner determines that the plan submitted  
23 pursuant to section 5 of this amendatory and supplementary act is  
24 appropriate, the commissioner shall enter into negotiations with the  
25 governing body of the county to provide for the State assumption of  
26 the management and operation of the psychiatric facility, in which  
27 case the State shall operate and maintain the psychiatric facility,  
28 provided that the funding ratios shall not change.

29       Any agreement for the assumption shall include, but not be  
30 limited to, such matters as personnel salaries, benefits, tenure or  
31 other rights; debt obligations of the facility; existing vendor  
32 contracts; lease, purchase or other arrangements for the State's  
33 operation of the facility; purchase of services from the county;  
34 capital improvements; staffing arrangements; and insurance  
35 payments and receivables, including Medicare and Medicaid

**Chapter 29, P.L. 2008**

60

1 payments. When negotiating an agreement the Commissioner of  
2 Human Services shall consult with the State **【Department of**  
3 **Personnel】** Civil Service Commission concerning personnel  
4 salaries, benefits, tenure or other rights. If the commissioner and  
5 the governing body of the county agree to the State assumption of  
6 the management and operation of a county psychiatric facility, any  
7 changes in salaries, benefits, tenure or other rights of employees  
8 will recognize the rights and responsibilities under appropriate  
9 collective bargaining agreements.  
10 (cf: P.L.1990, c.73, s.6)

11  
12 90. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to  
13 read as follows:

14 4. a. All policies and determinations of the Parole Board shall  
15 be made by the majority vote of the members.

16 b. Except where otherwise noted, parole determinations on  
17 individual cases pursuant to this act shall be made by the majority  
18 vote of a quorum of the appropriate board panel established  
19 pursuant to this section.

20 c. The chairman of the board shall be the chief executive  
21 officer of the board and, after consulting with the board, shall be  
22 responsible for designating the time and place of all board  
23 meetings, for appointing the board's employees, for organizing,  
24 controlling and directing the work of the board and its employees,  
25 and for preparation and justification of the board's budget. Only the  
26 employees in those titles and positions as are designated by the  
27 **【Commissioner of the Department of Personnel】** Civil Service  
28 Commission shall serve at the pleasure of the chairman and shall  
29 not be subject to the provisions of Title 11A of the New Jersey  
30 Statutes. All other employees, including hearing officers, shall be  
31 in the career service and subject to the provisions of Title 11A of  
32 the New Jersey Statutes. All such career service employees who are  
33 employed by the State Parole Board on September 5, 2001, and in  
34 the case of hearing officers, those who have been employed by the  
35 State Parole Board for a period of at least one year prior to the

**Chapter 29, P.L. 2008**

1 effective date of P.L.2005, c.344, shall have permanent career  
2 service status with seniority awarded from the date of their  
3 appointments. Parole officers assigned to supervise adult parolees  
4 and all supervisory titles associated with the supervision of adult  
5 parolees in the parole officer series shall be classified employees  
6 subject to the provisions of Title 11A of the New Jersey Statutes.  
7 Parole officers assigned to supervise adult parolees and all  
8 supervisory titles associated with the supervision of adult parolees  
9 in the parole officer job classification series shall be  
10 organizationally assigned to the State Parole Board with a sworn  
11 member of the Division of Parole appointed to act as director of  
12 parole supervision. The director of parole supervision shall report  
13 directly to the Chairman of the State Parole Board or to such person  
14 as the chairman may designate.

15 d. The board shall promulgate such reasonable rules and  
16 regulations, consistent with this act, as may be necessary for the  
17 proper discharge of its responsibilities. The chairman shall file  
18 such rules and regulations with the Secretary of State. The  
19 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
20 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and  
21 regulations concerning policy and administration, but not to other  
22 actions taken under this act, such as parole hearings, parole  
23 revocation hearings and review of parole cases. In determination of  
24 its rules and regulations concerning policy and administration, the  
25 board shall consult the Governor, the Commissioner of Corrections  
26 and the Juvenile Justice Commission established pursuant to section  
27 2 of P.L.1995, c.284 (C.52:17B-170).

28 e. The board, in conjunction with the Department of  
29 Corrections and the Juvenile Justice Commission, shall develop a  
30 uniform information system in order to closely monitor the parole  
31 process. Such system shall include participation in the Uniform  
32 Parole Reports of the National Council on Crime and Delinquency.

33 f. The board shall transmit a report of its work for the  
34 preceding fiscal year, including information on the causes and  
35 extent of parole recidivism, to the Governor, the Legislature and the

**Chapter 29, P.L. 2008**

1 Juvenile Justice Commission annually. The report also may include  
2 relevant information on compliance with established time frames in  
3 the processing of parole eligibility determinations, the effectiveness  
4 of any pertinent legislative or administrative measures, and any  
5 recommendations to enhance board operations or to effectuate the  
6 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-  
7 123.45 et seq.).

8 g. The board shall give public notice prior to considering any  
9 adult inmate for release.

10 h. The board shall give notice to the appropriate prosecutor's  
11 office and to the committing court prior to the initial consideration  
12 of any juvenile inmate for release.

13 (cf: P.L.2005, c.344, s.1)

14

15 91. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to  
16 read as follows:

17 9. The commission shall:

18 a. Issue the New Jersey Unified Workforce Investment Plan  
19 pursuant to the provisions of the Workforce Investment Act of  
20 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of  
21 P.L.1989, c.293 (C.34:15C-7);

22 b. Establish performance standards for workforce investment  
23 programs pursuant to the Workforce Investment Act of 1998,  
24 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of  
25 P.L.1989, c.293 (C.34:15C-8);

26 c. Act to ensure the full participation of Workforce Investment  
27 Boards in the planning and supervision of local workforce  
28 investment systems. The commission shall be responsible to  
29 oversee and develop appropriate standards to ensure Workforce  
30 Investment Board compliance with State and federal law, the State  
31 plan, and other relevant requirements regarding membership,  
32 staffing, meetings, and functions;

33 d. Foster and coordinate initiatives of the Department of  
34 Education and Commission on Higher Education to enhance the

## Chapter 29, P.L. 2008

63

- 1 contributions of public schools and institutions of higher education  
2 to the implementation of the State workforce investment policy;
- 3 e. Examine federal and State laws and regulations to assess  
4 whether those laws and regulations present barriers to achieving any  
5 of the goals of this act. The commission shall, from time to time as  
6 it deems appropriate, issue to the Governor and the Legislature  
7 reports on its findings, including recommendations for changes in  
8 State or federal laws or regulations concerning workforce  
9 investment programs or services, including, when appropriate,  
10 recommendations to merge other State advisory structures and  
11 functions into the commission;
- 12 f. Perform the duties assigned to a State Workforce Investment  
13 Board pursuant to subsection (d) of section 111 of the Workforce  
14 Investment Act of 1998, Pub.L.105-220 (29U.S.C. s.2821);
- 15 g. Have the authority to enter into agreements with the head of  
16 each State department or commission which administers or funds  
17 education, employment or training programs, including, but not  
18 limited to, the Departments of Labor and Workforce Development,  
19 Community Affairs, Education, and Human Services and the  
20 Commission on Higher Education, the New Jersey Commerce  
21 Commission, and the Juvenile Justice Commission, which  
22 agreements are for the purpose of assigning planning, policy  
23 guidance and oversight functions to each Workforce Investment  
24 Board with respect to any workforce investment program funded or  
25 administered by the State department or commission within the  
26 Workforce Investment Board's respective labor market area or local  
27 area, as the case may be; and
- 28 h. Establish guidelines to be used by the Workforce Investment  
29 Boards in performing the planning, policy guidance, and oversight  
30 functions assigned to the boards under any agreement reached by  
31 the commission with a department or commission pursuant to  
32 subsection g. of this section. The commission shall approve all  
33 local Workforce Investment Board plans that meet the criteria  
34 established by the commission for the establishment of One-Stop  
35 systems. The Department of Labor and Workforce Development

**Chapter 29, P.L. 2008**

1 shall approve the operational portion of the plans for programs  
2 administered by the department.

3 The commission shall have access to all files and records of  
4 other State agencies and may require any officer or employee  
5 therein to provide such information as it may deem necessary in the  
6 performance of its functions.

7 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be  
8 construed as affecting the authority of the **【Commissioner of  
9 Personnel】** State Treasurer to review and approve training programs  
10 for State employees pursuant to N.J.S.11A:6-25.

11 (cf: P.L.2007, c.253, s.20)

12

13 92. Section 36 of P.L.1987, c.444 (C.38A:3-2h) is amended to  
14 read as follows:

15 36. Each director shall receive such salary as may be established  
16 by the Adjutant General with the approval of the **【Commissioner of  
17 Personnel】** Civil Service Commission and the Director of the  
18 Division of Budget and Accounting.

19 (cf: P.L.1987, c.444, s.36)

20

21 93. Section 5 of P.L.2003, c.13 (C.39:2A-5) is amended to read  
22 as follows:

23 5. a. Upon the abolishment of the division, all career service  
24 employees serving in the division on that date shall be employees of  
25 the commission and shall be transferred to the commission pursuant  
26 to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et  
27 seq.) and shall retain their present career service employment status  
28 and their collective bargaining status, including all rights of tenure,  
29 retirement, pension, disability, leave of absence, or similar benefits.  
30 Future employees of the commission shall be hired consistent with  
31 the provisions of Title 11A of the New Jersey Statutes and the rules  
32 promulgated thereunder.

33 b. Upon action of the commission, all agency employees shall  
34 become employees of the commission. Such employees shall be  
35 assigned to appropriate titles by the **【Department of Personnel】**

**Chapter 29, P.L. 2008**

1 Civil Service Commission. Those private motor vehicle agency  
2 employees who were employed by the agency on or before January  
3 1, 2003 and who are assigned to career service titles upon  
4 employment with the commission shall, upon completion of the  
5 special probationary period described in section 7 of this act, attain  
6 permanent, regular appointments in their respective titles. No  
7 special probationary period shall be required for those who have  
8 previously completed a probationary period during their previous  
9 State service employment. Except for managerial and confidential  
10 employees as defined by the "New Jersey Employer - Employee  
11 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), such  
12 employees shall be covered under the State of New Jersey's  
13 collective bargaining agreements and shall obtain all employment  
14 and collective bargaining rights consistent therewith.

15 c. Officers and employees of the commission shall be enrolled  
16 in the Public Employees' Retirement System and shall be eligible to  
17 participate in the State Health Benefits Program established  
18 pursuant to the "New Jersey State Health Benefits Program Act,"  
19 P.L.1961, c.49 (C.52:14-17.25 et seq.).  
20 (cf: P.L.2003, c.13, s.5)

21

22 94. Section 7 of P.L.2003, c.13 (C.39:2A-7) is amended to read  
23 as follows:

24 7. Notwithstanding the provisions of Title 11A of the New  
25 Jersey Statutes and the rules promulgated thereunder to the  
26 contrary, all employees entering or returning to State service other  
27 than those on a Special Reemployment List as employees of the  
28 commission following employment with a private motor vehicle  
29 agency, who have been employed with the private motor vehicle  
30 agency on or before January 1, 2003, and assigned to the career  
31 service shall be subject to a special probationary period unless they  
32 have already completed a probationary period during their previous  
33 State service employment. The special probationary period shall  
34 have a duration of six months from the date that the employees  
35 enter or return to State service as employees of the commission.

**Chapter 29, P.L. 2008**

1 Each employee's work performance shall be evaluated to determine  
2 whether the employee can satisfactorily perform the duties of the  
3 title to which the employee is appointed and progress reports shall  
4 be provided to the employee as provided by the rules of the **【Merit**  
5 **System Board in the Department of Personnel】** Civil Service  
6 Commission. An employee who is determined to have satisfactorily  
7 performed the duties of the employee's career service title shall  
8 attain permanent status in that title at the conclusion of the special  
9 probationary period. An employee who is determined not to have  
10 satisfactorily performed the duties of that title during or at the  
11 conclusion of the special probationary period shall be immediately  
12 separated from State service and shall not have any right of appeal  
13 regarding the separation to the **【Merit System Board】** Civil Service  
14 Commission.  
15 (cf: P.L.2003, c.13, s.7)

16  
17 95. R.S.39:5-41 is amended to read as follows:  
18 39:5-41. a. All fines, penalties and forfeitures imposed and  
19 collected under authority of law for any violations of R.S.39:4-63  
20 and R.S.39:4-64 shall be forwarded by the judge to whom the same  
21 have been paid to the proper financial officer of a county, if the  
22 violation occurred within the jurisdiction of that county's central  
23 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the  
24 municipality wherein the violation occurred, to be used by the  
25 county or municipality to help finance litter control activities in  
26 addition to or supplementing existing litter pickup and removal  
27 activities in the municipality.  
28 b. Except as otherwise provided by subsection a. of this  
29 section, all fines, penalties and forfeitures imposed and collected  
30 under authority of law for any violations of the provisions of this  
31 Title, other than those violations in which the complaining witness  
32 is the chief administrator, a member of his staff, a member of the  
33 State Police, a member of a county police department and force or a  
34 county park police system in a county that has established a central  
35 municipal court, an inspector of the Board of Public Utilities, or a

**Chapter 29, P.L. 2008**

1 law enforcement officer of any other State agency, shall be  
2 forwarded by the judge to whom the same have been paid as  
3 follows: one-half of the total amount collected to the financial  
4 officer, as designated by the local governing body, of the respective  
5 municipalities wherein the violations occurred, to be used by the  
6 municipality for general municipal use and to defray the cost of  
7 operating the municipal court; and one-half of the total amount  
8 collected to the proper financial officer of the county wherein they  
9 were collected, to be used by the county as a fund for the  
10 construction, reconstruction, maintenance and repair of roads and  
11 bridges, snow removal, the acquisition and purchase of rights-of-  
12 way, and the purchase, replacement and repair of equipment for use  
13 on said roads and bridges therein. Up to 25% of the money  
14 received by a municipality pursuant to this subsection, but not more  
15 than the actual amount budgeted for the municipal court, whichever  
16 is less, may be used to upgrade case processing.

17 All fines, penalties and forfeitures imposed and collected under  
18 authority of law for any violations of the provisions of this Title, in  
19 which the complaining witness is a member of a county police  
20 department and force or a county park police system in a county  
21 that has established a central municipal court, shall be forwarded by  
22 the judge to whom the same have been paid to the financial officer,  
23 designated by the governing body of the county, for all violations  
24 occurring within the jurisdiction of that court, to be used for general  
25 county use and to defray the cost of operating the central municipal  
26 court.

27 Whenever any county has deposited moneys collected pursuant  
28 to this section in a special trust fund in lieu of expending the same  
29 for the purposes authorized by this section, it may withdraw from  
30 said special trust fund in any year an amount which is not in excess  
31 of the amount expended by the county over the immediately  
32 preceding three-year period from general county revenues for said  
33 purposes. Such moneys withdrawn from the trust fund shall be  
34 accounted for and used as are other general county revenues.

35 c. (Deleted by amendment, P.L.1993, c.293.)

Chapter 29, P.L. 2008

1 d. Notwithstanding the provisions of subsections a. and b. of  
2 this section, \$1 shall be added to the amount of each fine and  
3 penalty imposed and collected through a court under authority of  
4 any law for any violation of the provisions of Title 39 of the  
5 Revised Statutes or any other motor vehicle or traffic violation in  
6 this State and shall be forwarded by the person to whom the same  
7 are paid to the State Treasurer. In addition, upon the forfeiture of  
8 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.  
9 The State Treasurer shall annually deposit those moneys so  
10 forwarded in the "Body Armor Replacement" fund established  
11 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning  
12 in the fiscal year next following the effective date of this act, the  
13 State Treasurer annually shall allocate from those moneys so  
14 forwarded an amount not to exceed \$400,000 to the Department of  
15 **【Personnel】** the Treasury to be expended exclusively for the  
16 purposes of funding the operation of the "Law Enforcement Officer  
17 Crisis Intervention Services" telephone hotline established and  
18 maintained under the provisions of **【P.L.1998, c.149 (C.11A:2-25 et**  
19 **al.)】** sections 115 and 116 of P.L. , c. (C. )(pending before the  
20 Legislature as this bill).

21 e. Notwithstanding the provisions of subsections a. and b. of  
22 this section, \$1 shall be added to the amount of each fine and  
23 penalty imposed and collected through a court under authority of  
24 any law for any violation of the provisions of Title 39 of the  
25 Revised Statutes or any other motor vehicle or traffic violation in  
26 this State and shall be forwarded by the person to whom the same  
27 are paid to the State Treasurer. The State Treasurer shall annually  
28 deposit those moneys so forwarded in the "New Jersey Spinal Cord  
29 Research Fund" established pursuant to section 9 of P.L.1999, c.201  
30 (C.52:9E-9). In order to comply with the provisions of Article VIII,  
31 Section II, paragraph 5 of the State Constitution, a municipal or  
32 county agency which forwards moneys to the State Treasurer  
33 pursuant to this subsection may retain an amount equal to 2% of the  
34 moneys which it collects pursuant to this subsection as

**Chapter 29, P.L. 2008**

1 compensation for its administrative costs associated with  
2 implementing the provisions of this subsection.

3 f. Notwithstanding the provisions of subsections a. and b. of  
4 this section, \$1 shall be added to the amount of each fine and  
5 penalty imposed and collected through a court under authority of  
6 any law for any violation of the provisions of Title 39 of the  
7 Revised Statutes or any other motor vehicle or traffic violation in  
8 this State and shall be forwarded by the person to whom the same  
9 are paid to the State Treasurer. The State Treasurer shall annually  
10 deposit those moneys so forwarded in the "Autism Medical  
11 Research and Treatment Fund" established pursuant to section 1 of  
12 P.L.2003, c.144 (C.30:6D-62.2).

13 g. Notwithstanding the provisions of subsections a. and b. of  
14 this section, \$2 shall be added to the amount of each fine and  
15 penalty imposed and collected by a court under authority of any law  
16 for any violation of the provisions of Title 39 of the Revised  
17 Statutes or any other motor vehicle or traffic violation in this State  
18 and shall be forwarded by the person to whom the same are paid to  
19 the State Treasurer. The State Treasurer shall annually deposit  
20 those moneys so forwarded in the "New Jersey Forensic DNA  
21 Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to  
22 depositing the moneys into the fund, the State Treasurer shall  
23 forward to the Administrative Office of the Courts an amount not to  
24 exceed \$475,000 from moneys initially collected pursuant to this  
25 subsection to be used exclusively to establish a collection  
26 mechanism and to provide funding to update the Automated Traffic  
27 System Fund created pursuant to N.J.S.2B:12-30 to implement the  
28 provisions of this subsection.

29 The authority to impose additional fines and penalties under this  
30 subsection shall take effect 90 days after the effective date of  
31 P.L.2003, c.183 and shall expire five years thereafter. Not later  
32 than the 180th day prior to such expiration, the Attorney General  
33 shall prepare and submit to the Governor and the Legislature a  
34 report on the collection and use of DNA samples under P.L.1994,  
35 c.136. The report shall cover the period beginning on that effective

**Chapter 29, P.L. 2008**

1 date and ending four years thereafter. The report shall indicate  
2 separately, for each one-year period during those four years that  
3 begins on that effective date or an anniversary thereof, the number  
4 of each type of biological sample taken and the total cost of taking  
5 that type of sample, and also the number of identifications and  
6 exonerations achieved through the use of the samples. In addition,  
7 the report shall evaluate the effectiveness, including cost  
8 effectiveness, of having the samples available to further police  
9 investigations and other forensic purposes.

10 h. Notwithstanding the provisions of subsections a. and b. of  
11 this section, \$1 shall be added to the amount of each fine and  
12 penalty imposed and collected under authority of any law for any  
13 violation of the provisions of Title 39 of the Revised Statutes or any  
14 other motor vehicle or traffic violation in this State and shall be  
15 forwarded by the person to whom the same are paid to the State  
16 Treasurer. The State Treasurer shall annually deposit those moneys  
17 so forwarded in the "New Jersey Brain Injury Research Fund"  
18 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).  
19 The Administrative Office of the Courts may retain an amount  
20 equal to \$475,000 from the moneys which it initially collects  
21 pursuant to this subsection, prior to depositing any moneys in the  
22 "New Jersey Brain Injury Research Fund," in order to meet the  
23 expenses associated with utilizing the Automated Traffic System  
24 Fund created pursuant to N.J.S.2B:12-30 to implement the  
25 provisions of this subsection and serve other statutory purposes.

26 i. Notwithstanding the provisions of subsections a. and b. of  
27 this section, all fines and penalties imposed and collected under  
28 authority of law for any violation related to the unlawful operation  
29 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-  
30 17.1) shall be forwarded by the judge to whom the same have been  
31 paid to the State Treasurer, if the complaining witness is the chief  
32 administrator, a member of his staff, a member of the State Police,  
33 an inspector of the Board of Public Utilities, or a law enforcement  
34 officer or other official of any other State agency; or, if the  
35 complaining witness is not one of the foregoing, one-half to the

**Chapter 29, P.L. 2008**

1 chief financial officer of the county and one-half to the chief  
2 financial officer of the municipality wherein the violation occurred.  
3 (cf: P.L.2007, c.178, s.2)

4  
5 96. Section 4 of P.L.1997, c.265 (C.40A:12A-22.4) is amended  
6 to read as follows:

7 4. a. Upon receipt of an applicant's criminal history record  
8 information, an authority shall notify the applicant, in writing, as to  
9 whether he is qualified or disqualified for employment pursuant to  
10 this act. If the applicant is disqualified for employment, the  
11 conviction or convictions which constitute the basis for the  
12 disqualification shall be identified in the written notice.

13 b. An applicant to a housing authority which is subject to the  
14 provisions of Title 11A of the New Jersey Statutes shall have 20  
15 days from the date of written notice of disqualification to file an  
16 appeal with the **【Department of Personnel】** Civil Service  
17 Commission for a review on the accuracy of the criminal history  
18 record information or to establish his or her rehabilitation under  
19 subsection b. of section 2 of P.L.1997, c.265 (C.40A:12A-22.2)  
20 pursuant to regulations promulgated by the **【Merit System Board】**  
21 Civil Service Commission.

22 c. The **【Department of Personnel】** Civil Service Commission  
23 or an authority shall not maintain an applicant's criminal history  
24 record information or evidence of rehabilitation submitted under  
25 this section for more than six months from the date the applicant is  
26 hired or the date of the final disposition of the applicant's  
27 disqualification, as the case may be.

28 This section shall not prohibit the **【Department of Personnel】**  
29 Civil Service Commission from maintaining a copy of the decision  
30 on the applicant's appeal, or the entire record in the case of a  
31 judicial appeal.

32 (cf: P.L.1997,c.265, s.4)

33

34 97. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended  
35 to read as follows:

**Chapter 29, P.L. 2008**

1       1. a. In any municipality of this State, before any person shall  
2 be appointed as a member of the paid fire department or paid  
3 member of a part-paid fire department, the appointing authority may  
4 classify all the duly qualified applicants for the position or positions  
5 to be filled in the following classes:

- 6       I. Residents of the municipality.
- 7       II. Other residents of the county in which the municipality is  
8 situate.
- 9       III. Other residents of the State.
- 10      IV. All other qualified applicants.

11       Within each such classification duly qualified applicants who are  
12 veterans shall be accorded all such veterans' preferences as are  
13 provided by law. Persons discharged from the service within 6  
14 months prior to making application to such municipality, who fulfill  
15 the requirements of N.J.S.40A:14-10.1, and who, thereby, are  
16 entitled to appointment notwithstanding their failure to meet the  
17 New Jersey residency requirement at the time of their initial  
18 application, shall be placed in Class III.

19       Preference in appointment second to that accorded to veterans  
20 pursuant to current law but superseding that accorded non-veterans  
21 shall be accorded all duly qualified applicants whose natural or  
22 adoptive parent was killed in the lawful discharge of official duties  
23 while serving as a member of any paid fire department or paid  
24 member of any part-paid fire department in the State at any time  
25 prior to the closing date for the filing of an application, provided  
26 that required documentation is submitted with the application by the  
27 closing date.

28       When a veteran and a non-veteran whose parent was killed in the  
29 lawful discharge of official duties while serving as a member of any  
30 paid fire department, or paid member of any part-paid fire  
31 department are duly qualified applicants for a position, first  
32 preference shall be given to the veteran.

33       b. In any municipality which classifies qualified applicants  
34 pursuant to subsection a. of this section, the appointing authority  
35 shall first appoint all those in Class I and then those in each

**Chapter 29, P.L. 2008**

1 succeeding class in the order above listed, and shall appoint a  
2 person or persons in any such class only to a vacancy or vacancies  
3 remaining after all qualified applicants in the preceding class or  
4 classes have been appointed or have declined an offer of  
5 appointment.

6 c. In any such municipality operating under the provisions of  
7 Title 11A of the New Jersey Statutes, the classes of qualified  
8 applicants defined in subsection a. of this section shall be  
9 considered as separate and successive lists of eligibles, and the  
10 **【Department of Personnel】** Civil Service Commission shall, when  
11 requested to certify eligibles for positions specified in this section,  
12 make such certifications from said classes separately and  
13 successively, and shall certify no persons from any such class until  
14 all persons in the preceding class or classes have been appointed or  
15 have declined offers of appointment.

16 d. This section shall apply only to initial appointments and not  
17 to promotional appointments of persons already members of the fire  
18 department.

19 e. In making temporary appointments such appointing  
20 authority shall utilize the classifications set forth in subsection a. of  
21 this section, and shall classify accordingly all duly qualified  
22 applicants for the position or positions to be temporarily filled.

23 (cf: P.L.2005, c.290, s.1)

24

25 98. Section 2 of P.L.1976, c.132 (C.40A:14-123.1a) is amended  
26 to read as follows:

27 2. a. In any municipality of this State, before any person shall  
28 be appointed as a member of the police department and force, the  
29 appointing authority may classify all the duly qualified applicants  
30 for the position or positions to be filled in the following classes:

31 I. Residents of the municipality.

32 II. Other residents of the county in which the municipality is  
33 situate.

34 III. Other residents of the State.

35 IV. All other qualified applicants.

**Chapter 29, P.L. 2008**

1        Within each such classification duly qualified applicants who are  
2 veterans shall be accorded all such veterans' preferences as are  
3 provided by law. Persons discharged from the service within 6  
4 months prior to making application to such municipality who fulfill  
5 the requirements of N.J.S.40A:14-123.1, and who, thereby, are  
6 entitled to appointment notwithstanding their failure to meet the  
7 New Jersey residency requirement at the time of their initial  
8 application, shall be placed in Class III.

9        Preference in appointment second to that accorded to veterans  
10 pursuant to current law but superceding that accorded non-veterans  
11 shall be accorded all duly qualified applicants whose natural or  
12 adoptive parent was killed in the lawful discharge of official duties  
13 while serving as a law enforcement officer in any law enforcement  
14 agency in the State at any time prior to the closing date for the  
15 filing of an application, provided that required documentation is  
16 submitted with the application by the closing date. This paragraph  
17 shall not, however, be applicable if the municipality has entered  
18 into a consent decree with the United States Department of Justice  
19 concerning the hiring practices of the municipality.

20        When a veteran and a non-veteran whose parent was killed in the  
21 lawful discharge of official duties while serving as a law  
22 enforcement officer in any law enforcement agency in the State are  
23 duly qualified applicants for a position, first preference shall be  
24 given to the veteran.

25        As used in this section, "law enforcement officer" means any  
26 person who is employed as a permanent full-time member of an  
27 enforcement agency, who is statutorily empowered to act for the  
28 detection, investigation, arrest and conviction of persons violating  
29 the criminal laws of this State and statutorily required to  
30 successfully complete a training course approved, or certified as  
31 being substantially equivalent to such an approved course, by the  
32 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-  
33 66 et seq.); and "law enforcement agency" means a department,  
34 division, bureau, commission, board or other authority of the State  
35 or of any political subdivision thereof which has by statute or

**Chapter 29, P.L. 2008**

1 ordinance the responsibility of detecting and enforcing the general  
2 criminal laws of this State.

3 b. In any municipality which classifies qualified applicants  
4 pursuant to subsection a. of this section, the appointing authority  
5 shall first appoint all those in Class I and then those in each  
6 succeeding class in the order above listed, and shall appoint a  
7 person or persons in any such class only to a vacancy or vacancies  
8 remaining after all qualified applicants in the preceding class or  
9 classes have been appointed or have declined an offer of  
10 appointment.

11 c. In any such municipality operating under the provisions of  
12 Title 11A of the New Jersey Statutes, the classes of qualified  
13 applicants defined in subsection a. of this section shall be  
14 considered as separate and successive lists of eligibles, and the  
15 **【Department of Personnel】** Civil Service Commission shall, when  
16 requested to certify eligibles for positions specified in this section,  
17 make such certifications from said classes separately and  
18 successively, and shall certify no persons from any such class until  
19 all persons in the preceding class or classes have been appointed or  
20 have declined offers of appointment.

21 d. This section shall apply only to initial appointments and not  
22 to promotional appointments of persons already members of the  
23 police department.

24 e. In making temporary appointments the appointing authority  
25 may utilize the classifications set forth in subsection a. of this  
26 section, and shall classify accordingly all duly qualified applicants  
27 for the positions to be temporarily filled.

28 (cf: P.L.2005, c.290, s.2)

29

30 99. Section 1 of P.L.1979, c.461 (C.40A:14-127.1) is amended  
31 to read as follows:

32 1. a. Notwithstanding the provisions of any other law to the  
33 contrary, any former State trooper, sheriff's officer or deputy, or  
34 county or municipal police officer who has separated from service  
35 voluntarily or involuntarily other than by removal for cause on

**Chapter 29, P.L. 2008**

1 charges of misconduct or delinquency, shall be deemed to meet the  
2 maximum age requirement for appointment established by  
3 N.J.S.40A:14-127, if his actual age, less the number of years of his  
4 previous service as a law enforcement officer, would meet the  
5 maximum age requirement established by said section, but no  
6 person may be appointed who is over the age of 45 as of the date of  
7 his reappointment; except that in the case of a State trooper,  
8 sheriff's officer or deputy, or county or municipal police officer  
9 whose separation from service was involuntary due to a lay-off or  
10 reduction in force, such person shall be deemed to meet the  
11 maximum age requirement for appointment by complying with the  
12 procedure established hereinbefore without regard to his actual age  
13 at the time of reappointment.

14 b. For the purposes of meeting the maximum age requirement  
15 for appointment established by N.J.S.40A:14-127 and for the  
16 purpose of taking any civil service examination for appointment as  
17 a municipal police officer, the **【Commissioner of Personnel】** Civil  
18 Service Commission, for good cause shown, may deem an  
19 individual a former State trooper, sheriff's officer or deputy, or  
20 county or municipal police officer in accordance with subsection a.  
21 of this section, even though that individual's separation from current  
22 service will not occur except upon a new appointment.

23 (cf: P.L.1993, c.319, s.1)

24

25 100. Section 1 of P.L.1996, c.140 (C.40A:14-182) is amended to  
26 read as follows:

27 1. a. The provisions of any other law to the contrary  
28 notwithstanding, the appointing authority of a municipality which,  
29 pursuant to N.J.S.40A:14-7, has established and maintains a paid or  
30 part-paid fire department and force or the board of fire  
31 commissioners in the case of a fire district established pursuant to  
32 the provisions of N.J.S.40A:14-70 et seq., may appoint as a  
33 member or officer of that fire department or force any person who:

34 (1) was serving as a civilian federal firefighter in good standing  
35 at any U.S. military installation in the State;

**Chapter 29, P.L. 2008**

- 1 (2) satisfactorily completed such firefighter training as is  
2 required for employment as a civilian federal firefighter; and
- 3 (3) was, as a consequence of the closure of a federal military  
4 installation in this State, terminated as a civilian federal firefighter  
5 within 48 months prior to the appointment.
- 6 b. A municipality may employ such a person notwithstanding  
7 that:
- 8 (1) Title 11A, Civil Service, of the New Jersey Statutes is  
9 operative in that municipality;
- 10 (2) the municipality has available to it an eligible or regular  
11 reemployment list of persons eligible for such appointments; and
- 12 (3) the appointed person is not on any eligible list. A  
13 municipality which has adopted Title 11A, Civil Service, may not  
14 employ such a person if a special reemployment list is in existence  
15 for the firefighter title to be filled.
- 16 c. If a municipality determines to appoint a person pursuant to  
17 the provisions of this act, it shall give first priority in making such  
18 appointments to residents of the municipality and second priority to  
19 residents of the county not residing in the municipality.
- 20 d. The seniority, seniority-related privileges and rank a civilian  
21 federal firefighter possessed while employed at a federal military  
22 installation shall not be transferable to a position in a municipal fire  
23 department and force obtained pursuant to the provisions of this  
24 section.
- 25 e. To effectuate the purposes of this section, the **【Department of**  
26 **Personnel】** Civil Service Commission shall prepare and circulate, to  
27 those municipalities which have established and maintain fire  
28 departments and forces pursuant to N.J.S.40A:14-7, and to boards  
29 of fire commissioners in the case of fire districts established  
30 pursuant to the provisions of N.J.S.40A:14-70 et seq., a list of  
31 civilian federal firefighters eligible for appointment under the  
32 provisions of this section. The **【Department of Personnel】** Civil  
33 Service Commission shall also circulate the list to municipalities  
34 and fire districts that have not adopted Title 11A, Civil Service, of  
35 the New Jersey Statutes.

**Chapter 29, P.L. 2008**

1 Placement on the list compiled by the department shall be  
2 governed by length of service as a federal firefighter. A federal  
3 firefighter may apply for placement on the list at the time he or she  
4 receives a notice of termination of position or a priority placement  
5 program notice, and shall remain on the list for a period of four  
6 years.

7 (cf: P.L.1996, c.140, s.1)

8 101. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to  
9 read as follows:

10 11. a. When a local unit contracts, through a shared service or  
11 joint meeting, to have another local unit or a joint meeting provide a  
12 service it is currently providing using public employees and one or  
13 more of the local units have adopted Title 11A, Civil Service, then  
14 the agreement shall include an employment reconciliation plan in  
15 accordance with this section that and, if one or more of the local  
16 units have adopted Title 11A, Civil Service, shall specifically set  
17 forth the intended jurisdiction of the **【Department of Personnel】**  
18 Civil Service Commission. An employment reconciliation plan  
19 shall be subject to the following provisions:

20 (1) a determination of those employees, if any, that shall be  
21 transferred to the providing local unit, retained by the recipient  
22 local unit, or terminated from employment for reasons of economy  
23 or efficiency, subject to the provisions of any existing collective  
24 bargaining agreements within the local units.

25 (2) any employee terminated for reasons of economy or  
26 efficiency by the local unit providing the service under the shared  
27 service agreement shall be given a terminal leave payment of not  
28 less than a period of one month for each five-year period of past  
29 service as an employee with the local unit, or other enhanced  
30 benefits that may be provided or negotiated. For the purposes of  
31 this paragraph, "terminal leave payment" means a single, lump sum  
32 payment, paid at termination, calculated using the regular base  
33 salary at the time of termination. Unless otherwise negotiated or  
34 provided by the employer, a terminal leave benefit shall not include  
35 extended payment, or payment for retroactive salary increases,

**Chapter 29, P.L. 2008**

1 bonuses, overtime, longevity, sick leave, accrued vacation or other  
2 time benefit, or any other benefit.

3 (3) the **【Department of Personnel】** Civil Service Commission  
4 shall place any employee that has permanent status pursuant to Title  
5 11A, Civil Service, of the New Jersey Statutes that is terminated for  
6 reasons of economy or efficiency at any time by either local unit on  
7 a special reemployment list for any civil service employer within  
8 the county of the agreement or any political subdivision therein.

9 (4) when a proposed shared service agreement affects  
10 employees in local units subject to Title 11A, Civil Service, of the  
11 New Jersey Statutes, an employment reconciliation plan shall be  
12 filed with the **【Department of Personnel】** Civil Service  
13 Commission prior to the approval of the shared service agreement.  
14 The department shall review it for consistency with this section  
15 within 45 days of receipt and it shall be deemed approved, subject  
16 to approval of the shared service agreement by the end of that time,  
17 unless the department has responded with a denial or conditions that  
18 must be met in order for it to be approved.

19 (5) when an action is required of the **【Department of Personnel】**  
20 Civil Service Commission by this section, parties to a planned  
21 shared service agreement may consult with that department in  
22 advance of the action and the department shall provide such  
23 technical support as may be necessary to assist in the preparation of  
24 an employment reconciliation plan or any other action required of  
25 the department by this section.

26 b. If all the local units that are parties to the agreement are  
27 subject to the provisions of Title 11A, Civil Service, of the New  
28 Jersey Statutes, the **【Department of Personnel】** Civil Service  
29 Commission shall create an implementation plan for the agreement  
30 that will: (1) transfer employees with current status in current title  
31 unless reclassified, or (2) reclassify employees into job titles that  
32 best reflect the work to be performed. The **【Department of**  
33 **Personnel】** Civil Service Commission shall review whether any  
34 existing hiring or promotional lists should be merged, inactivated,  
35 or re-announced. Non-transferred employees shall be removed or

**Chapter 29, P.L. 2008**

1 suspended only for good cause and after the opportunity for a  
2 hearing before the **【Merit System Board】** Civil Service  
3 Commission; provided, however, that they may be laid-off in  
4 accordance with the provisions of N.J.S.11A:8-1 et seq., and the  
5 regulations promulgated thereunder. The final decision of which  
6 employees shall transfer to the new employer is vested solely with  
7 the local unit that will provide the service and subject to the  
8 provisions of any existing collective bargaining agreements within  
9 the local units.

10 c. If the local unit that will provide the service pursuant to a  
11 shared service agreement is subject to Title 11A, Civil Service, of  
12 the New Jersey Statutes, but the local unit to receive the service is  
13 not subject to that Title, and the contracting local units desire that  
14 some or all employees of the recipient local unit are to be  
15 transferred to the providing local unit, the **【Department of**  
16 **Personnel】** Civil Service Commission shall vest only those  
17 employees who have been employed for one year or more in  
18 permanent status pursuant to N.J.S.11A:9-9 in appropriate titles,  
19 seniority, and tenure with the providing local unit based on the  
20 duties of the position. The final decision of which employees shall  
21 transfer to the new employer is vested solely with the local unit that  
22 will provide the service and subject to the provisions of any existing  
23 collective bargaining agreements within the local units.

24 d. If the local unit that will provide the service is not subject to  
25 the provisions of Title 11A, Civil Service, of the New Jersey  
26 Statutes, but the local unit that will receive the service is subject to  
27 that Title and the parties desire that some or all employees of the  
28 recipient local unit are to be transferred to the providing local unit,  
29 the transferred employees shall be granted tenure in office and shall  
30 only be removed or suspended for good cause and after a hearing;  
31 provided, however, that they may be laid-off in accordance with the  
32 provisions of N.J.S.11A:8-1 et seq., and the regulations  
33 promulgated thereunder. The transferred employees shall be  
34 subject to layoff procedures prior to the transfer to the new entity.  
35 Once transferred, they will be subject to any employment contracts

**Chapter 29, P.L. 2008**

1 and provisions that exist for the new entity. The final decision of  
2 which employees shall transfer to the new employer is vested solely  
3 with the local unit that will provide the service and subject to the  
4 provisions of any existing collective bargaining agreements within  
5 the local units.

6 (cf: P.L.2007, c.63, s.11)

7

8 102. Section 19 of P.L.2007, c.63 (C.40A:65-19) is amended to  
9 read as follows:

10 19. a. When a local unit agrees to participate in a joint meeting  
11 that will provide a service that the local unit is currently providing  
12 itself through public employees, the agreement shall include an  
13 employment reconciliation plan in accordance with this section. An  
14 employment reconciliation plan shall be subject to the following  
15 provisions:

16 (1) a determination of those employees, if any, that shall be  
17 transferred to the joint meeting, retained by the contracting local  
18 unit, or terminated from employment for reasons of economy or  
19 efficiency subject to the provisions of any collective bargaining  
20 agreements within the local units.

21 (2) any employee terminated for reasons of economy or  
22 efficiency by the contracting local unit providing the service or by  
23 the joint meeting shall be given a terminal leave payment of not less  
24 than a period of one month for each five-year period of past service  
25 as an employee with the local unit, or other enhanced benefits that  
26 may be provided or negotiated. Unless otherwise negotiated or  
27 provided by the employer, a terminal leave benefit shall not include  
28 extended payment, or payment for retroactive salary increases,  
29 bonuses, overtime, longevity, sick leave, accrued vacation or other  
30 time benefit, or any other benefit.

31 (3) the **【Department of Personnel】** Civil Service Commission  
32 shall place any employee that has permanent status pursuant to Title  
33 11A, Civil Service, of the New Jersey Statutes that is terminated for  
34 reasons of economy or efficiency at any time by either local unit on

**Chapter 29, P.L. 2008**

1 a special reemployment list for any civil service employer within  
2 the county of the agreement or any political subdivision therein.

3 (4) when a proposed joint contract affects employees in local  
4 units that operate under the provisions of Title 11A, Civil Service,  
5 of the New Jersey Statutes, an employment reconciliation plan shall  
6 be filed with the **【Department of Personnel】** Civil Service  
7 Commission prior to the approval of the joint meeting agreement.  
8 That department shall review the plan for consistency with this  
9 section within 45 days of receipt and it shall be deemed approved,  
10 subject to approval of the joint meeting agreement by the end of  
11 that time, unless that department has responded with a denial or  
12 conditions that must be met in order for it to be approved.

13 (5) when an action is required of the **【Department of Personnel】**  
14 Civil Service Commission by this section, parties to a proposed  
15 joint contract may consult with the department in advance of the  
16 action and the department shall provide such technical support as  
17 may be necessary to assist in the preparation of an employment  
18 reconciliation plan or any other action required of the department  
19 by this section.

20 b. If both the local unit and joint meeting operate under the  
21 provisions of Title 11A, Civil Service, of the New Jersey Statutes,  
22 the **【Department of Personnel】** Civil Service Commission shall  
23 create an implementation plan for employees to be hired by the joint  
24 meeting that will: (1) transfer employees with current status in  
25 current title unless reclassified or (2) reclassify employees, if  
26 necessary, into job titles that best reflect the work to be performed.  
27 The **【Department of Personnel】** Civil Service Commission shall  
28 review whether any existing hiring or promotional lists should be  
29 merged, inactivated, or re-announced. Non-transferred employees  
30 shall be removed or suspended only for good cause and after the  
31 opportunity for a hearing before the **【Merit System Board】** Civil  
32 Service Commission; provided, however, that they may be laid-off  
33 in accordance with the provisions of N.J.S.11A:8-1 et seq., and the  
34 regulations promulgated thereunder. The final decision of which  
35 employees shall transfer to the new employer is vested solely with

**Chapter 29, P.L. 2008**

1 the local unit that will provide the service and subject to the  
2 provisions of any existing collective bargaining agreements within  
3 the local units.

4 c. If the joint meeting operates under the provisions of Title  
5 11A, Civil Service, of the New Jersey Statutes, and a local unit  
6 receiving the service is not subject to that Title, and the parties  
7 desire that some or all employees of the local unit be transferred to  
8 the joint meeting, the **【Department of Personnel】** Civil Service  
9 Commission shall vest only those employees who have been  
10 employed one year or more in permanent status pursuant to  
11 N.J.S.40A:9-9 in appropriate titles, seniority, and tenure with the  
12 providing local unit based on the duties of the position. The final  
13 decision of which employees shall transfer to the new employer is  
14 vested solely with the joint meeting and subject to the agreements  
15 affecting the parties, provided that those agreements do not conflict  
16 with the provisions of any existing collective bargaining agreements  
17 within the local units.

18 d. (1) If the joint meeting does not operate under the provisions  
19 of Title 11A, Civil Service, of the New Jersey Statutes, and the  
20 local unit receiving the service is subject to that Title, and the  
21 parties desire that some or all employees of the recipient local unit  
22 are to be transferred to the joint meeting, then the transferred  
23 employees shall be granted tenure in office and shall be removed or  
24 suspended only for good cause and after a hearing. The transferred  
25 employees shall be subject to layoff procedures prior to the transfer  
26 to the new entity. Once transferred, they will be subject to any  
27 employment contracts and provisions that exist for the new entity.  
28 The final decision of which employees shall transfer to the joint  
29 meeting is vested solely with the joint meeting and subject to the  
30 provisions of any existing collective bargaining agreements within  
31 the local units.

32 (2) A joint meeting established after the effective date of  
33 sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.) that affects  
34 both employees in local units subject to Title 11A, Civil Service, of  
35 the New Jersey Statutes and employees in local units not subject to

**Chapter 29, P.L. 2008**

1 that Title, shall determine whether the employees of the joint  
2 meeting shall be subject to the Title. If the joint meeting  
3 determines that the employees shall not be subject to Title 11A,  
4 Civil Service, of the New Jersey Statutes, then the employees from  
5 the local units in which the Title is in effect shall have the same  
6 rights as employees transferred pursuant to paragraph (1) of this  
7 subsection.

8 (cf: P.L.2007, c.63, s.19)

9

10 103. Section 27 of P.L.2007, c.63 (C.40A:65-27) is amended to  
11 read as follows:

12 27. a. Once a consolidation has been approved by the affected  
13 municipal governing bodies or voters, the division shall create a  
14 task force of State departments, offices and agencies, as it deems  
15 appropriate, and representatives of affected negotiations units, to  
16 facilitate the consolidation and provide technical assistance.

17 b. When a consolidation plan provides that the consolidated  
18 municipality will be subject to the provisions of Title 11A, Civil  
19 Service, of the New Jersey Statutes the **【Department of Personnel】**  
20 Civil Service Commission is specifically authorized to create a  
21 consolidation implementation plan to vest non-civil service  
22 employees, based on the education and experience of the  
23 individuals, in appropriate titles and tenure.

24 c. Whenever a referendum question to decide if a consolidated  
25 municipality shall be subject to the provisions of Title 11A, Civil  
26 Service, of the New Jersey Statutes fails, the employees of a  
27 municipality already subject to that Title shall be given non-civil  
28 service titles in the new entity and previously held tenure shall be  
29 vacated.

30 d. The Public Employment Relations Commission is authorized  
31 to provide technical advice, pursuant to section 12 of P.L.1968,  
32 c.303 (C.34:13A-8.3), to assist a new municipality and existing  
33 labor unions to integrate separate labor agreements into  
34 consolidated agreements and to adjust the structure of collective

## **Chapter 29, P.L. 2008**

85

- 1 negotiations units, as the commission determines appropriate for the
- 2 consolidated municipality.
- 3 (cf: P.L.2007, c.63, s.27)

**Chapter 29, P.L. 2008**

1       104. Section 12 of P.L.1971, c.182 (C.52:13D-23) is amended to  
2 read as follows:

3       12. (a) (1) The head of each State agency, or the principal  
4 officer in charge of a division, board, bureau, commission or other  
5 instrumentality within a department of State Government  
6 designated by the head of such department for the purposes  
7 hereinafter set forth, shall within six months from the date of  
8 enactment, promulgate a code of ethics to govern and guide the  
9 conduct of the members of the Legislature, the State officers and  
10 employees or the special State officers and employees in the agency  
11 to which said code is applicable. Such code shall conform to the  
12 general standards hereinafter set forth in this section, but it shall be  
13 formulated with respect to the particular needs and problems of the  
14 agency to which said code is to apply and, when applicable, shall be  
15 a supplement to the uniform ethics code promulgated pursuant to  
16 paragraph (2) of this subsection. Notwithstanding any other  
17 provisions of this section, the New Jersey members to any interstate  
18 agency to which New Jersey is a party and the officers and  
19 employees of any State agency which fails to promulgate a code of  
20 ethics shall be deemed to be subject to a code of ethics the  
21 provisions of which shall be paragraphs (1) through (6) of  
22 subsection (e) of this section.

23       (2) Within 180 days following the effective date of this act,  
24 P.L.2005, c.382, the State Ethics Commission shall promulgate a  
25 uniform ethics code to govern and guide the conduct of State  
26 officers and employees and special State officers and employees in  
27 State agencies in the Executive Branch. Such code shall conform to  
28 the general standards hereinafter set forth in this section, shall be  
29 the primary code of ethics for State agencies once it is adopted and  
30 a code promulgated pursuant to paragraph (1) of this subsection  
31 shall be a supplement to the primary code. The head of each State  
32 agency, or the principal officer in charge of a division, board,  
33 bureau, commission or other instrumentality within a department of  
34 State Government designated by the head of such department shall

**Chapter 29, P.L. 2008**

1 revise each code of ethics promulgated prior to the uniform code to  
2 recognize the uniform code as the primary code.

3 (b) A code of ethics formulated pursuant to subsection (a) of  
4 this section to govern and guide the conduct of the State officers  
5 and employees or the special State officers and employees in any  
6 State agency in the Executive Branch, or any portion of such a  
7 code, shall not be effective unless it has first been approved by the  
8 State Ethics Commission. When a proposed code is submitted to  
9 the said commission it shall be accompanied by an opinion of the  
10 Attorney General as to its compliance with the provisions of this act  
11 and any other applicable provision of law. Nothing contained herein  
12 shall prevent officers of State agencies in the Executive Branch  
13 from consulting with the Attorney General or with the State Ethics  
14 Commission at any time in connection with the preparation or  
15 revision of such codes of ethics.

16 (c) A code of ethics formulated pursuant to this section to  
17 govern and guide the conduct of the members of the Legislature,  
18 State officers and employees or special State officers and  
19 employees in any State agency in the Legislative Branch, or any  
20 portion of such code, shall not be effective unless it has first been  
21 approved by the Legislature by concurrent resolution. When a  
22 proposed code is submitted to the Legislature for approval it shall  
23 be accompanied by an opinion of the chief counsel as to its  
24 compliance with the provisions of this act and any other applicable  
25 provisions of law. Nothing contained herein shall prevent officers  
26 of State agencies in the Legislative Branch from consulting with the  
27 Chief Legislative Counsel or the Joint Legislative Committee on  
28 Ethical Standards at any time in connection with the preparation or  
29 revision of such codes of ethics.

30 (d) Violations of a code of ethics promulgated pursuant to this  
31 section shall be cause for removal, suspension, demotion or other  
32 disciplinary action by the State officer or agency having the power  
33 of removal or discipline. When a person who is in the classified  
34 civil service is charged with a violation of such a code of ethics, the  
35 procedure leading to such removal or discipline shall be governed

**Chapter 29, P.L. 2008**

1 by any applicable provisions of the Civil Service Act, N.J.S. 11A:1-  
2 1 et seq., and the Rules of the **【Department of Personnel】** Civil  
3 Service Commission. No action for removal or discipline shall be  
4 taken under this subsection except upon the referral or with the  
5 approval of the State Ethics Commission or the Joint Legislative  
6 Committee on Ethical Standards, whichever is authorized to  
7 exercise jurisdiction with respect to the complaint upon which such  
8 action for removal or discipline is to be taken.

9 (e) A code of ethics for officers and employees of a State  
10 agency shall conform to the following general standards:

11 (1) No State officer or employee or special State officer or  
12 employee should have any interest, financial or otherwise, direct or  
13 indirect, or engage in any business or transaction or professional  
14 activity, which is in substantial conflict with the proper discharge of  
15 his duties in the public interest.

16 (2) No State officer or employee or special State officer or  
17 employee should engage in any particular business, profession,  
18 trade or occupation which is subject to licensing or regulation by a  
19 specific agency of State Government without promptly filing notice  
20 of such activity with the State Ethics Commission, if he is an officer  
21 or employee in the Executive Branch, or with the Joint Legislative  
22 Committee on Ethical Standards, if he is an officer or employee in  
23 the Legislative Branch.

24 (3) No State officer or employee or special State officer or  
25 employee should use or attempt to use his official position to secure  
26 unwarranted privileges or advantages for himself or others.

27 (4) No State officer or employee or special State officer or  
28 employee should act in his official capacity in any matter wherein  
29 he has a direct or indirect personal financial interest that might  
30 reasonably be expected to impair his objectivity or independence of  
31 judgment.

32 (5) No State officer or employee or special State officer or  
33 employee should undertake any employment or service, whether  
34 compensated or not, which might reasonably be expected to impair

**Chapter 29, P.L. 2008**

1 his objectivity and independence of judgment in the exercise of his  
2 official duties.

3 (6) No State officer or employee or special State officer or  
4 employee should accept any gift, favor, service or other thing of  
5 value under circumstances from which it might be reasonably  
6 inferred that such gift, service or other thing of value was given or  
7 offered for the purpose of influencing him in the discharge of his  
8 official duties.

9 (7) No State officer or employee or special State officer or  
10 employee should knowingly act in any way that might reasonably  
11 be expected to create an impression or suspicion among the public  
12 having knowledge of his acts that he may be engaged in conduct  
13 violative of his trust as a State officer or employee or special State  
14 officer or employee.

15 (8) Rules of conduct adopted pursuant to these principles should  
16 recognize that under our democratic form of government public  
17 officials and employees should be drawn from all of our society,  
18 that citizens who serve in government cannot and should not be  
19 expected to be without any personal interest in the decisions and  
20 policies of government; that citizens who are government officials  
21 and employees have a right to private interests of a personal,  
22 financial and economic nature; that standards of conduct should  
23 separate those conflicts of interest which are unavoidable in a free  
24 society from those conflicts of interest which are substantial and  
25 material, or which bring government into disrepute.

26 (f) The code of ethics for members of the Legislature shall  
27 conform to subsection (e) hereof as nearly as may be possible.

28 (cf: P.L.2005, c.382, s.10)

29

30 105. Section 13 of P.L.1971, c.182 (52:13D-24) is amended to  
31 read as follows:

32 13. a. No State officer or employee, special State officer or  
33 employee, or member of the Legislature shall solicit, receive or  
34 agree to receive, whether directly or indirectly, any compensation,  
35 reward, employment, gift, honorarium, out-of-State travel or

**Chapter 29, P.L. 2008**

1 subsistence expense or other thing of value from any source other  
2 than the State of New Jersey, for any service, advice, assistance,  
3 appearance, speech or other matter related to the officer, employee,  
4 or member's official duties, except as authorized in this section.

5 b. A State officer or employee, special State officer or  
6 employee, or member of the Legislature may, in connection with  
7 any service, advice, assistance, appearance, speech or other matter  
8 related to the officer, employee, or member's official duties, solicit,  
9 receive or agree to receive, whether directly or indirectly, from  
10 sources other than the State, the following:

11 (1) reasonable fees for published books on matters within the  
12 officer, employee, or member's official duties;

13 (2) reimbursement or payment of actual and reasonable  
14 expenditures for travel or subsistence and allowable entertainment  
15 expenses associated with attending an event in New Jersey if  
16 expenditures for travel or subsistence and entertainment expenses  
17 are not paid for by the State of New Jersey;

18 (3) reimbursement or payment of actual and reasonable  
19 expenditures for travel or subsistence outside New Jersey, not to  
20 exceed \$500.00 per trip, if expenditures for travel or subsistence  
21 and entertainment expenses are not paid for by the State of New  
22 Jersey. The \$500 per trip limitation shall not apply if the  
23 reimbursement or payment is made by (a) a nonprofit organization  
24 of which the officer, employee, or member is, at the time of  
25 reimbursement or payment, an active member as a result of the  
26 payment of a fee or charge for membership to the organization by  
27 the State or the Legislature in the case of a member of the  
28 Legislature; (b) a nonprofit organization that does not contract with  
29 the State to provide goods, materials, equipment, or services; or (c)  
30 any agency of the federal government, any agency of another state  
31 or of two or more states, or any political subdivision of another  
32 state.

33 Members of the Legislature shall obtain the approval of the  
34 presiding officer of the member's House before accepting any

**Chapter 29, P.L. 2008**

1 reimbursement or payment of expenditures for travel or subsistence  
2 outside New Jersey.

3 As used in this subsection, "reasonable expenditures for travel or  
4 subsistence" means commercial travel rates directly to and from an  
5 event and food and lodging expenses which are moderate and  
6 neither elaborate nor excessive; and "allowable entertainment  
7 expenses" means the costs for a guest speaker, incidental music and  
8 other ancillary entertainment at any meal at an event, provided they  
9 are moderate and not elaborate or excessive, but does not include  
10 the costs of personal recreation, such as being a spectator at or  
11 engaging in a sporting or athletic activity which may occur as part  
12 of that event.

13 c. This section shall not apply to the solicitation or acceptance  
14 of contributions to the campaign of an announced candidate for  
15 elective public office, except that campaign contributions may not  
16 be accepted if they are known to be given in lieu of a payment  
17 prohibited pursuant to this section.

18 d. (1) Notwithstanding any other provision of law, a designated  
19 State officer as defined in paragraph (2) of this subsection shall not  
20 solicit, receive or agree to receive, whether directly or indirectly,  
21 any compensation, salary, honorarium, fee, or other form of income  
22 from any source, other than the compensation paid or reimbursed to  
23 him or her by the State for the performance of official duties, for  
24 any service, advice, assistance, appearance, speech or other matter,  
25 except for investment income from stocks, mutual funds, bonds,  
26 bank accounts, notes, a beneficial interest in a trust, financial  
27 compensation received as a result of prior employment or  
28 contractual relationships, and income from the disposition or rental  
29 of real property, or any other similar financial instrument and  
30 except for reimbursement for travel as authorized in subsections (2)  
31 and (3) of paragraph b. of this section. To receive such income, a  
32 designated State officer shall first seek review and approval by the  
33 State Ethics Commission to ensure that the receipt of such income  
34 does not violate the "New Jersey Conflicts of Interest Law,"  
35 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of

**Chapter 29, P.L. 2008**

1 ethics, and does not undermine the full and diligent performance of  
2 the designated State officer's duties.

3 (2) For the purposes of this subsection, "designated State  
4 officer" shall include: the Governor, the Adjutant General, the  
5 Secretary of Agriculture, the Attorney General, the Commissioner  
6 of Banking and Insurance, the Secretary and Chief Executive  
7 Officer of the Commerce and Economic Growth Commission, the  
8 Commissioner of Community Affairs, the Commissioner of  
9 Corrections, the Commissioner of Education, the Commissioner of  
10 Environmental Protection, the Commissioner of Health and Senior  
11 Services, the Commissioner of Human Services, the Commissioner  
12 of Children and Families, the Commissioner of Labor and  
13 Workforce Development, **the Commissioner of Personnel,** the  
14 President of the State Board of Public Utilities, the Secretary of  
15 State, the Superintendent of State Police, the Commissioner of  
16 Transportation, the State Treasurer, the head of any other  
17 department in the Executive Branch, and the following members of  
18 the staff of the Office of the Governor: Chief of Staff, Chief of  
19 Management and Operations, Chief of Policy and Communications,  
20 Chief Counsel to the Governor, Director of Communications, Policy  
21 Counselor to the Governor, and any deputy or principal  
22 administrative assistant to any of the aforementioned members of  
23 the staff of the Office of the Governor listed in this subsection.

24 e. A violation of this section shall not constitute a crime or  
25 offense under the laws of this State.

26 (cf: P.L.2006, c.47, s.188)

27

28 106. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to  
29 read as follows:

30 1. Notwithstanding the provisions of the annual appropriations  
31 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor  
32 shall fix and establish the annual salary, not to exceed \$133,330 in  
33 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000  
34 in calendar year 2002 and thereafter, for each of the following  
35 officers:

## Chapter 29, P.L. 2008

93

- 1 Title
- 2 Agriculture Department
- 3 Secretary of Agriculture
- 4 Children and Families Department
- 5 Commissioner of Children and Families
- 6 Community Affairs Department
- 7 Commissioner of Community Affairs
- 8 Corrections Department
- 9 Commissioner of Corrections
- 10 Education Department
- 11 Commissioner of Education
- 12 Environmental Protection Department
- 13 Commissioner of Environmental Protection
- 14 Health and Senior Services Department
- 15 Commissioner of Health and Senior Services
- 16 Human Services Department
- 17 Commissioner of Human Services
- 18 Banking and Insurance Department
- 19 Commissioner of Banking and Insurance
- 20 Labor and Workforce Development Department
- 21 Commissioner of Labor and Workforce Development
- 22 Law and Public Safety Department
- 23 Attorney General
- 24 Military and Veterans' Affairs Department
- 25 Adjutant General
- 26 **【Personnel Department**
- 27 **Commissioner of Personnel】**
- 28 State Department
- 29 Secretary of State
- 30 Transportation Department
- 31 Commissioner of Transportation
- 32 Treasury Department
- 33 State Treasurer
- 34 Members, Board of Public Utilities
- 35 Public Advocate Department

**Chapter 29, P.L. 2008**

94

1       Public Advocate  
2 (cf: P.L.2007, c.253, s.23)

3

4       107. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to  
5 read as follows:

6       2. The salary ranges for the following positions shall be as  
7 established by the **【Department of Personnel】** Civil Service  
8 Commission with the approval of the Director, Division of Budget  
9 and Accounting. The salary rate for any such position shall be the  
10 salary step in such range next above the salary currently being paid;  
11 provided, however, that any sums appropriated for salaries may be  
12 made available for salary adjustments therein arising from various  
13 exigencies of the State service and for normal merit salary  
14 increments as the **【Commissioner of Personnel, the】** Civil Service  
15 Commission, the State Treasurer and the Director of the Division of  
16 Budget and Accounting shall determine; and provided, further, that  
17 nothing in this act shall reduce the salary rate for any such position  
18 below that which is being paid on the effective date of this act:

19       **【Personnel Department**

20           Chief Examiner and Secretary**】**

21       Community Affairs Department

22           Assistant Commissioner of Community Affairs

23           Director, Division of State and Regional Planning

24           Director, Division of Local Government Services

25           Director, Division of Housing and Urban Renewal

26           Director, Office of Aging Programs

27           Director, Office on Women

28       Environmental Protection Department

29           Director, Division of Water Resources

30           Director, Division of Parks and Forestry

31           Director of Fish, Game and Shell Fisheries

32           Director, Division of Marine Services

33           Director, Division of Environmental Quality

34       Health and Senior Services Department

35           Director, Division, of Narcotic and Drug Abuse Control

**Chapter 29, P.L. 2008**

- 1 Corrections Department
- 2 Chairman, State Parole Board
- 3 Associate Member, State Parole Board
- 4 Public Defender
- 5 Labor and Workforce Development Department
- 6 Director, Workplace Standards
- 7 Law and Public Safety Department
- 8 Colonel and Superintendent, State Police
- 9 State Medical Examiner
- 10 Director, Division of Alcoholic Beverage Control
- 11 State Superintendent of Weights and Measures
- 12 Public Utilities Department
- 13 Director, Office of Cable Television
- 14 Executive Director, Public Broadcasting
- 15 State Department
- 16 Transportation Department
- 17 Assistant Commissioner for Highways
- 18 Assistant Commissioner for Public Transportation
- 19 Chief Administrator, New Jersey Motor Vehicle
- 20 Commission
- 21 Treasury Department
- 22 Director, Division of Budget and Accounting
- 23 Director, Division of Taxation
- 24 Director, Division of Purchase and Property
- 25 Director, Division of Pensions and Benefits
- 26 Director, Division of State Lottery.

27 (cf: P.L.2005, c.240, s.2)

28

29 108. Section 3 of P.L.1961, c.49 (C.52:14-17.27) is amended to  
30 read as follows:

31 3. There is hereby created a State Health Benefits Commission,  
32 consisting of five members: the State Treasurer; the Commissioner  
33 of Banking and Insurance; the **【Commissioner of Personnel】**  
34 Chairperson of the Civil Service Commission; a State employees'  
35 representative chosen by the Public Employees' Committee of the

**Chapter 29, P.L. 2008**

1 AFL-CIO; and, through June 30, 2008, when employers of  
2 employees, as defined in section 32 of P.L.2007, c.103 (C.52:14-  
3 17.46.2), will no longer be eligible to participate in the State Health  
4 Benefits Program authorized by P.L.1961, c.49, a representative  
5 chosen by the New Jersey Education Association, which represents  
6 the largest number of employees of employers other than the State  
7 participating in the State Health Benefits Program. Beginning July  
8 1, 2008, the fifth member of the commission shall be a local  
9 employees' representative chosen by the Public Employees'  
10 Committee of the AFL-CIO.

11 The treasurer shall be chairman of the commission and the health  
12 benefits program authorized by P.L.1961, c.49 shall be administered  
13 in the Treasury Department. The Director of the Division of  
14 Pensions and Benefits shall be the secretary of the commission. The  
15 commission shall establish a health benefits program for the  
16 employees of the State, the cost of which shall be paid as specified  
17 in section 6 of P.L.1961, c.49. The commission shall establish rules  
18 and regulations as may be deemed reasonable and necessary for the  
19 administration of P.L.1961, c.49.

20 The Attorney General shall be the legal advisor of the  
21 commission.

22 The members of the commission shall serve without  
23 compensation but shall be reimbursed for any necessary  
24 expenditures. The public employee members shall not suffer loss of  
25 salary or wages during service on the commission.

26 The commission shall publish annually a report showing the  
27 fiscal transactions of the program for the preceding year and stating  
28 other facts pertaining to the plan. The commission shall submit the  
29 report to the Governor and furnish a copy to every employer for use  
30 of the participants and the public.

31 (cf: P.L.2007, c.103, s.20)

**Chapter 29, P.L. 2008**

1       109. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to  
2 read as follows:

3       2. As used in this act:

4       "Approved school" shall mean a school approved and authorized  
5 by the Police Training Commission to give police training courses  
6 or a training course for State and county corrections officers and  
7 juvenile detention officers as prescribed in this act.

8       "Commission" shall mean the Police Training Commission or  
9 officers or employees thereof acting on its behalf.

10       "County" shall mean any county which within its jurisdiction has  
11 or shall have a law enforcement unit as defined in this act.

12       "Law enforcement unit" shall mean any police force or  
13 organization in a municipality or county which has by statute or  
14 ordinance the responsibility of detecting crime and enforcing the  
15 general criminal laws of this State.

16       "Municipality" shall mean a city of any class, township, borough,  
17 village, camp meeting association, or any other type of municipality  
18 in this State which, within its jurisdiction, has or shall have a law  
19 enforcement unit as defined in this act.

20       "Permanent appointment" shall mean an appointment having  
21 permanent status as a police officer in a law enforcement unit as  
22 prescribed by Title 11A of the New Jersey Statutes, **【Merit System**  
23 **Board】** Civil Service Commission Rules and Regulations, or of any  
24 other law of this State, municipal ordinance, or rules and  
25 regulations adopted thereunder.

26       "Police officer" shall mean any employee of a law enforcement  
27 unit, including sheriff's officers and county investigators in the  
28 office of the county prosecutor, other than civilian heads thereof,  
29 assistant prosecutors and legal assistants, persons appointed  
30 pursuant to the provisions of R.S.40:47-19, persons whose duties do  
31 not include any police function, court attendants, State and county  
32 corrections officers, juvenile corrections officers and juvenile  
33 detention officers.

34 (cf: P.L.1995, c.280, s.54)

35

**Chapter 29, P.L. 2008**

1       110. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to  
2 read as follows:

3       4. a. The advisory council to the Juvenile Justice Commission  
4 shall consist of the following members:

5       (1) The Commissioner of the Department of Labor and  
6 Workforce Development, the Commissioner of the Department of  
7 Health, the Commissioner of the Department of Community  
8 Affairs, the **【**Commissioner of the Department of Personnel**】**  
9 Chairperson of the Civil Service Commission, the Public Defender  
10 and a county prosecutor selected by and serving at the pleasure of  
11 the Governor or a person designated by one of the forenamed  
12 officers to serve in that officer's place;

13       (2) Nine members who shall be selected for their knowledge,  
14 competence, experience or interest in the juvenile justice system.  
15 Appointments shall be made as follows: three by the President of  
16 the Senate, no more than two of whom shall be of the same political  
17 party; three by the Speaker of the General Assembly, no more than  
18 two of whom shall be of the same political party and three by the  
19 Governor, no more than two of whom shall be of the same political  
20 party.

21       b. The term of office of each public member of the advisory  
22 council shall be three years; except that of the first members  
23 appointed, one appointed by the Governor, one by the President of  
24 the Senate and one by the Speaker of the General Assembly shall be  
25 appointed for a term of one year, one appointed by the Governor,  
26 one by the President of the Senate and one by the Speaker of the  
27 General Assembly shall be appointed for a term of two years and  
28 the remaining three members shall be appointed for a term of three  
29 years. Each member shall serve until a successor has been  
30 appointed and qualified, and vacancies shall be filled in the same  
31 manner as the original appointments for the remainder of the  
32 unexpired term. A member is eligible for reappointment to the  
33 council.

34       c. The Governor shall appoint the chair of the advisory council  
35 from among the members of the council. The chair shall serve at

**Chapter 29, P.L. 2008**

1 the pleasure of the Governor during the Governor's term of office  
2 and until the appointment and qualification of the chair's successor.  
3 The members of the council shall elect a vice-chair from among the  
4 members of the council.

5 d. The members of the council shall receive no compensation  
6 for their services.

7 (cf: P.L.1995, c.284, s.4)

8

9 111. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to  
10 read as follows:

11 6. a. The Juvenile Justice Commission shall employ, within the  
12 limits of available funds, juvenile corrections officers to staff each  
13 State secure juvenile facility and to provide security for other State  
14 juvenile facilities and programs including parole programs as  
15 deemed appropriate and to perform all other duties related to  
16 enforcement of confinement and conditions of release including  
17 execution of warrants and legal process. Juvenile corrections  
18 officers shall be in the competitive division of the career service  
19 established pursuant to N.J.S.11A:3-2, "policemen" within the  
20 meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members  
21 of the Police and Firemen's Retirement System of New Jersey  
22 established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2),  
23 and shall be "employees" within the meaning of section 3 of  
24 P.L.1941, c.100 (C.34:13A-3).

25 b. Except as provided in subsection c. of this section, no person  
26 shall be appointed as a juvenile corrections officer unless that  
27 person:

28 (1) Is a citizen of the United States;

29 (2) Is able to read, write and speak the English language well  
30 and intelligently;

31 (3) Has a high school diploma or its equivalent;

32 (4) Is sound in body and of good health;

33 (5) Is of good moral character;

**Chapter 29, P.L. 2008**

- 1 (6) Has not been convicted of any offense which would make  
2 the person unfit to perform the duties of a juvenile corrections  
3 officer;
- 4 (7) Has successfully completed the training course approved by  
5 the Police Training Commission and required by section 5 of  
6 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the  
7 provisions of that section; and
- 8 (8) Meets such other qualifications, including education and  
9 training, as may be specified by the commission in consultation  
10 with the **【Department of Personnel】** Civil Service Commission.
- 11 c. (1) Pending appointment of a full complement of juvenile  
12 corrections officers who meet the requirements of subsection b. of  
13 this section, the commission and the Commissioner of Corrections  
14 shall arrange through agreement for the assignment of corrections  
15 officers necessary to fill the positions transferred pursuant to  
16 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers  
17 assigned to the commission pursuant to such an agreement shall be  
18 under the supervision of the commission during the period of  
19 assignment as provided by the agreement between the commission  
20 and the Commissioner of Corrections. The primary concerns of all  
21 agreements governing assignment and supervision shall be public  
22 safety and safety within the facilities and programs. No officer  
23 assigned pursuant to such an agreement shall, by virtue of such  
24 assignment, be considered an employee of the commission or lose  
25 or suffer any diminution of any right, power, privilege or benefit to  
26 which the employee would otherwise be entitled pursuant to the  
27 provisions of Title 11A of the New Jersey Statutes, Title 34 of the  
28 Revised Statutes, or Title 43 of the Revised Statutes, including any  
29 rights, powers, privileges or benefits as to salary, seniority,  
30 promotion, re-employment, retirement, pension or representation  
31 for purposes of collective bargaining;
- 32 (2) Notwithstanding the provisions of subsection b. of this  
33 section, a corrections officer assigned to the commission pursuant  
34 to this section shall not be considered ineligible for the position of  
35 juvenile corrections officer solely because the officer does not meet

**Chapter 29, P.L. 2008**

1 any educational or training requirement the commission may  
2 establish and may be appointed as a juvenile corrections officer if  
3 the officer applies for such position within 18 months of the  
4 effective date of this act. A juvenile corrections officer appointed  
5 pursuant to this subsection shall not be deprived of any right or  
6 protection provided by Title 11A of the New Jersey Statutes or any  
7 pension or retirement system and, notwithstanding any law or  
8 regulation to the contrary, shall be eligible to compete for vacant  
9 positions within the Department of Corrections with full credit for  
10 experience, service and rank earned as an employee of the  
11 Department of Corrections and such credit for experience, service  
12 and rank earned as an employee of the commission as the  
13 Commissioner of Corrections, after consultation with the  
14 Commissioner of Personnel, deems appropriate.

15 d. Each juvenile corrections officer shall by virtue of such  
16 employment and in addition to any other power or authority, be  
17 empowered to act as an officer for the detection, apprehension,  
18 arrest and adjudication of offenders against the law and, subject to  
19 regulations promulgated by the commission and conditions set forth  
20 in N.J.S.2C:39-6, shall have the authority to possess and carry a  
21 firearm.

22 (cf: P.L.1995, c.284, s.6)

23

24 112. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to  
25 read as follows:

26 8. a. The appointing authority of any municipality shall appoint  
27 a construction official and any necessary subcode officials to  
28 administer and enforce the code. The appointing authority may, by  
29 resolution or order as appropriate, set the total number of weekly  
30 hours of operation of the construction official's office and the total  
31 number of weekly work hours of the construction official,  
32 commensurate with the compensation paid to the construction  
33 official. The appointing authority shall not set the specific work  
34 hours of the construction official. The appointing authority shall  
35 also appoint a construction board of appeals to hear and decide

**Chapter 29, P.L. 2008**

1 appeals from decisions made by said construction official and  
2 subcode officials, in the administration and enforcement of the  
3 code. Nothing herein, however, shall prevent a municipality from  
4 accepting inspections as to compliance with the code or any  
5 subcode thereof made by an inspection authority approved by the  
6 State of New Jersey pursuant to law.

7     b. To establish tenure rights or any other right or protection  
8 provided by the "State Uniform Construction Code Act" or Title  
9 11A, Civil Service, of the New Jersey Statutes, or any pension law  
10 or retirement system, the job title "construction official" shall be  
11 equivalent to that job title which, prior to the adoption of the State  
12 Uniform Construction Code as provided in section 5 of the "State  
13 Uniform Construction Code Act," entailed the chief administrative  
14 responsibility to enforce all construction codes which had been  
15 adopted by the municipal governing body, the enforcement of  
16 which was not the responsibility of an authorized private inspection  
17 agency; and the job title "subcode official" shall be equivalent to  
18 that job title which, prior to the adoption of the State Uniform  
19 Construction Code, entailed subordinate administrative  
20 responsibility to enforce one or more of the following construction  
21 codes: building, plumbing, electrical or fire code.

22     Any person, in a municipality operating under Title 11A, Civil  
23 Service, of the New Jersey Statutes, who, prior to the adoption of  
24 the State Uniform Construction Code, held the equivalent of the job  
25 title "construction" official or "subcode" official, but who no longer  
26 holds his position as a result of a determination that his old job title  
27 was not equivalent to that of "construction" official or "subcode"  
28 official, shall be offered reappointment as a construction official or  
29 subcode official, as the case may be, and shall be granted permanent  
30 classified status in such position. Tenure shall continue for (1) any  
31 construction official or subcode official who is serving under tenure  
32 as otherwise provided by law on the effective date of this act or  
33 within one year thereafter, or (2) any person certified pursuant to  
34 subsection c. of this section and who subsequently gains such  
35 tenure.

**Chapter 29, P.L. 2008**

103

1 A construction official or subcode official appointed in a  
2 municipality operating under the provisions of Title 11A, Civil  
3 Service, of the New Jersey Statutes, who, at the time of adoption of  
4 the State Uniform Construction Code, January 1, 1977, or prior to  
5 January 1, 1981, had permanent classified status or was employed  
6 as a construction official or subcode official or in another position  
7 in the unclassified service, shall be included in the classified service  
8 without civil service examination in his respective title of  
9 construction official or subcode official. Any individual employed  
10 by a municipality, who, in his employment with the municipality  
11 between January 1, 1977 and prior to January 1, 1981, was charged  
12 with the chief administrative responsibility to enforce all existing  
13 municipal construction codes, shall be deemed as appointed to the  
14 position of construction official for the purposes of this act. Any  
15 individual employed by a municipality, who, in his employment  
16 with the municipality between January 1, 1977 and prior to January  
17 1, 1981, was charged with chief responsibility to enforce the  
18 municipal building, plumbing, fire, or electrical code, shall be  
19 deemed as appointed to the position of subcode official for the  
20 purposes of this act. No person, on or after January 1, 1981, shall  
21 be appointed as construction or subcode official in a municipality  
22 operating under Title 11A, Civil Service, of the New Jersey Statutes  
23 without having passed an examination administered by the **【Merit**  
24 **System Board】** Civil Service Commission certifying the merit and  
25 fitness of the person to hold such position; provided that, whenever  
26 a noncivil service municipality adopts the provisions of that Title,  
27 construction code officials and subcode officials of such  
28 municipality appointed prior to the filing of the petition for the  
29 adoption of civil service, shall attain permanent status in the  
30 classified service without examination. Any construction or  
31 subcode official appointed after January 1, 1981 on a provisional  
32 basis in a municipality which has adopted the provisions of Title  
33 11A, Civil Service, of the New Jersey Statutes, may not be removed  
34 from office except for just cause after a fair and impartial hearing  
35 has been held at the local level, with no further appeal to the **【Merit**

**Chapter 29, P.L. 2008**

1 System Board】 Civil Service Commission; provided, however, that  
2 such a construction or subcode official may be removed to permit  
3 the appointment of a person certified for appointment by the 【Merit  
4 System Board】 Civil Service Commission.

5 A construction official or subcode official in a noncivil service  
6 municipality shall be appointed for a term of four years and shall,  
7 upon appointment to a second consecutive term or on or after the  
8 commencement of a fifth consecutive year of service, including  
9 years of service in an equivalent job title held prior to the adoption  
10 of the State Uniform Construction Code, be granted tenure and shall  
11 not be removed from office except for just cause after a fair and  
12 impartial hearing.

13 A construction or subcode official, to be eligible for appointment  
14 in civil service or noncivil service municipalities, shall be certified  
15 by the State of New Jersey in accordance with subsection c. of this  
16 section and shall have had at least three years' experience in  
17 construction, design or supervision as a licensed engineer or  
18 registered architect; or five years' experience in construction,  
19 design, or supervision as an architect or engineer with a bachelor's  
20 degree from an accredited institution of higher education; or 10  
21 years' experience in construction, design or supervision as a  
22 journeyman in a trade or as a contractor. A subcode official shall,  
23 pursuant to any subcode which he administers, pass upon:

24 (1) matters relative to the mode, manner of construction or  
25 materials to be used in the erection or alteration of buildings or  
26 structures, except as to any such matter foreclosed by State  
27 approval pursuant to this act, and (2) actual execution of the  
28 approved plans and the installation of the materials approved by the  
29 State. The construction official in each municipality shall be the  
30 chief administrator of the "enforcing agency." He shall have the  
31 power to overrule a determination of a subcode official based on an  
32 interpretation of a substantive provision of the subcode which such  
33 subcode official administers, only if the construction official is  
34 qualified to act pursuant to this act as a subcode official for such  
35 subcode. He may serve as subcode official for any subcode which

**Chapter 29, P.L. 2008**

1 he is qualified under this act to administer. A subcode official or  
2 municipal engineer may serve as a construction official if otherwise  
3 qualified under the provisions of this act. The municipal enforcing  
4 agency shall require compliance with the provisions of the code, of  
5 all rules lawfully adopted and promulgated thereunder and of laws  
6 relating to the construction, alteration, repair, removal, demolition  
7 and integral equipment and location, occupancy and maintenance  
8 of buildings and structures, except as may be otherwise provided  
9 for.

10 Two or more municipalities may provide by ordinance, subject to  
11 regulations established by the commissioner, for the joint  
12 appointment of a construction official and subcode official for the  
13 purpose of enforcing the provisions of the code in the same manner.

14 c. No person shall act as a construction official or subcode  
15 official for any municipality unless the commissioner determines  
16 that said person is so qualified, except for the following:

17 (1) a municipal construction official or subcode official holding  
18 office under permanent civil service status, or tenure as otherwise  
19 provided by law on the effective date of this act or within one year  
20 thereafter and (2) a municipal construction official or subcode  
21 official holding office without such permanent civil service status  
22 or tenure on the effective date of this act or within one year  
23 thereafter; provided said construction official or subcode official  
24 not having such permanent civil service status or tenure shall be  
25 certified in accordance with this act within four years of the  
26 effective date thereof; provided further that a person holding on the  
27 effective date of this act a valid plumbing inspector's license from  
28 the Department of Health and Senior Services pursuant to Title 26  
29 of the Revised Statutes may serve as a plumbing subcode official  
30 and a person holding on the effective date of this act a valid  
31 electrical inspector's license from the Board of Public Utilities  
32 pursuant to Title 48 of the Revised Statutes may serve as an  
33 electrical subcode official. The commissioner, after consultation  
34 with the code advisory board, may authorize the preparation and  
35 conducting of oral, written and practical examinations to determine

**Chapter 29, P.L. 2008**

1 if a person is qualified by this act to be eligible to be a construction  
2 official or subcode official or, in the alternative, may accept  
3 successful completion of programs of training as proof of  
4 qualification within the meaning of this act. Upon a determination  
5 of qualification the commissioner shall issue or cause to be issued a  
6 certificate to the construction official or subcode official or trainee  
7 stating that he is so certified. The commissioner, after consultation  
8 with the code advisory board, may establish classes of certification  
9 that will recognize the varying complexities of code enforcement in  
10 the municipalities within the State. The commissioner shall, after  
11 consultation with the code advisory board, provide for educational  
12 programs designed to train and assist construction officials and  
13 subcode officials in carrying out their responsibilities.

14 Whenever the commissioner is required by the terms of this  
15 subsection to consult with the code advisory board and the matter in  
16 question concerns plumbing subcode officials, the commissioner  
17 shall also consult with the Public Health Council and Commissioner  
18 of Health and Senior Services.

19 d. The commissioner, after consultation with the code advisory  
20 board, may periodically require that each construction official and  
21 subcode official demonstrate a working knowledge of innovations  
22 in construction technology and materials, recent changes in and  
23 additions to the relevant portions of the State Uniform Construction  
24 Code, and current standards of professional ethics and legal  
25 responsibility; or, in the alternative, the commissioner, after  
26 consultation with the code advisory board, may accept successful  
27 completion of appropriate programs of training as proof of such  
28 working knowledge.

29 (cf: P.L.2000, c.126, s.29)

30

31 113. Section 10 of P.L.1989, c.222 (C.App.A:9-42.1b) is  
32 amended to read as follows:

33 10. The deputy emergency management coordinator position  
34 shall be filled by the governing body in each county by: a. the  
35 appointment of a qualified individual; b. the selection of a qualified

**Chapter 29, P.L. 2008**

1 volunteer; or, if appropriate, c. the selection of an individual  
2 pursuant to the rules and regulations of the **【Department of**  
3 **Personnel】** Civil Service Commission of the State of New Jersey.  
4 (cf: P.L.1989, c.222, s.10)  
5

6 114. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to  
7 read as follows:

8 24. a. (1) There is established in the Department of  
9 Environmental Protection the Office of Green Acres. The  
10 commissioner may appoint an administrator or director who shall  
11 supervise the office, and the department may employ such other  
12 personnel and staff as may be required to carry out the duties and  
13 responsibilities of the department and the office pursuant to this act,  
14 all without regard to the provisions of Title 11A, Civil Service, of  
15 the New Jersey Statutes. Persons appointed or employed as  
16 provided pursuant to this subsection shall be compensated in a  
17 manner similar to other employees in the Executive Branch, and  
18 their compensation shall be determined by the **【Commissioner of**  
19 **Personnel】** Civil Service Commission.

20 (2) The Green Acres Program in the Department of  
21 Environmental Protection, together with all of its functions, powers  
22 and duties, are continued and transferred to and constituted as the  
23 Office of Green Acres in the Department of Environmental  
24 Protection. Whenever, in any law, rule, regulation, order, contract,  
25 document, judicial or administrative proceeding or otherwise,  
26 reference is made to the Green Acres Program, the same shall mean  
27 and refer to the Office of Green Acres in the Department of  
28 Environmental Protection. This transfer shall be subject to the  
29 provisions of the "State Agency Transfer Act," P.L.1971, c.375  
30 (C.52:14D-1 et seq.).

31 b. The duties and responsibilities of the office shall be as  
32 follows:

33 (1) Administer all provisions of this act pertaining to funding  
34 the acquisition and development of lands for recreation and

**Chapter 29, P.L. 2008**

1 conservation purposes as authorized pursuant to Article VIII,  
2 Section II, paragraph 7 of the State Constitution;

3 (2) Continue to administer all grant and loan programs for the  
4 acquisition and development of lands for recreation and  
5 conservation purposes, including the Green Trust, established or  
6 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1  
7 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155  
8 (C.13:8A-35 et seq.); or any Green Acres bond act; and

9 (3) Adopt, with the approval of the commissioner and pursuant  
10 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
11 1 et seq.), rules and regulations:

12 (a) establishing application procedures for grants and loans for  
13 the acquisition and development of lands for recreation and  
14 conservation purposes, criteria and policies for the evaluation and  
15 priority ranking of projects for eligibility to receive funding for  
16 recreation and conservation purposes using constitutionally  
17 dedicated moneys, any conditions that may be placed on the award  
18 of a grant or loan for recreation and conservation purposes pursuant  
19 to this act, and any restrictions that may be placed on the use of  
20 lands acquired or developed with a grant or loan for recreation and  
21 conservation purposes pursuant to this act. The criteria and policies  
22 established pursuant to this subparagraph for the evaluation and  
23 priority ranking of projects for eligibility to receive funding for  
24 recreation and conservation purposes using constitutionally  
25 dedicated moneys may be based upon, but need not be limited to,  
26 such factors as: protection of the environment, natural resources,  
27 water resources, watersheds, aquifers, wetlands, floodplains and  
28 flood-prone areas, stream corridors, beaches and coastal resources,  
29 forests and grasslands, scenic views, biodiversity, habitat for  
30 wildlife, rare, threatened, or endangered species, and plants; degree  
31 of likelihood of development; promotion of greenways; provision  
32 for recreational access and use; protection of geologic, historic,  
33 archaeological, and cultural resources; relative cost; parcel size; and  
34 degree of public support; and

**Chapter 29, P.L. 2008**

1 (b) addressing any other matters deemed necessary to implement  
2 and carry out the goals and objectives of Article VIII, Section II,  
3 paragraph 7 of the State Constitution and this act with respect to the  
4 acquisition and development of lands for recreation and  
5 conservation purposes; and

6 (4) Establishing criteria and policies for the evaluation and  
7 priority ranking of State projects to acquire and develop lands for  
8 recreation and conservation purposes using constitutionally  
9 dedicated moneys, which criteria and policies may be based upon,  
10 but need not be limited to, such factors as: protection of the  
11 environment, natural resources, water resources, watersheds,  
12 aquifers, wetlands, floodplains and flood-prone areas, stream  
13 corridors, beaches and coastal resources, forests and grasslands,  
14 scenic views, biodiversity, habitat for wildlife, rare, threatened, or  
15 endangered species, and plants; degree of likelihood of  
16 development; promotion of greenways; provision for recreational  
17 access and use; protection of geologic, historic, archaeological, and  
18 cultural resources; relative cost; parcel size; and degree of public  
19 support.

20 (cf: P.L.2002, c.76, s.2)

21

22 115. (New section) a. The Department of Health and Senior  
23 Services shall maintain a toll-free information "Law Enforcement  
24 Officer Crisis Intervention Services" telephone hotline on a 24-hour  
25 basis.

26 The hotline shall receive and respond to calls from law  
27 enforcement officers and sheriff's officers who have been involved  
28 in any event or incident which has produced personal or job-related  
29 depression, anxiety, stress, or other psychological or emotional  
30 tension, trauma, or disorder for the officer and officers who have  
31 been wounded in the line of duty. The operators of the hotline shall  
32 seek to identify those officers who should be referred to further  
33 debriefing and counseling services, and to provide such referrals.  
34 In the case of wounded officers, those services may include peer  
35 counseling, diffusing, debriefing, group therapy and individual

**Chapter 29, P.L. 2008**

1 therapy as part of a coordinated assistance program, to be known as  
2 the "Blue Heart Law Enforcement Assistance Program," designed  
3 and implemented by the University of Medicine and Dentistry of  
4 New Jersey's University Behavioral Healthcare Unit.

5 b. The operators of the hotline shall be trained by the  
6 Department of Health and Senior Services and, to the greatest  
7 extent possible, shall be persons, who by experience or education,  
8 are: (1) familiar with post trauma disorders and the emotional and  
9 psychological tensions, depressions, and anxieties unique to law  
10 enforcement officers and sheriff's officers; or (2) trained to provide  
11 counseling services involving marriage and family life, substance  
12 abuse, personal stress management and other emotional or  
13 psychological disorders or conditions which may be likely to  
14 adversely affect the personal and professional well-being of a law  
15 enforcement officer and a sheriff's officer.

16 c. To ensure the integrity of the telephone hotline and to  
17 encourage officers to utilize it, the commissioner shall provide for  
18 the confidentiality of the names of the officers calling, the  
19 information discussed by that officer and the operator, and any  
20 referrals for further debriefing or counseling; provided, however,  
21 the commissioner may, by rule and regulation, (1) establish  
22 guidelines providing for the tracking of any officer who exhibits a  
23 severe emotional or psychological disorder or condition which the  
24 operator handling the call reasonably believes might result in harm  
25 to the officer or others and (2) establish a confidential registry of  
26 wounded New Jersey law enforcement officers.

27  
28 116. (New section) The Commissioner of Health and Senior  
29 Services shall prepare a list of appropriately licensed or certified  
30 psychiatrists, psychologists, and social workers; other appropriately  
31 trained and qualified counselors; and experienced former law  
32 enforcement officers who are willing to accept referrals and to  
33 participate in the debriefing and counseling offered law  
34 enforcement officers and sheriff's officers under the provisions of

**Chapter 29, P.L. 2008**

1 sections 115 to 116 of P.L. , c. (C. )(pending before the  
2 Legislature as this bill).

3

4 117. (New section) The State Treasurer shall develop programs  
5 to improve efficiency and effectiveness of the public service,  
6 including, but not limited to, employee training, development,  
7 assistance and incentives; may establish an internship program; and  
8 assist the Governor in general work force planning, personnel  
9 matters and labor relations.

10

11 118. a. There is established a Civil Service Reform Task Force  
12 within the Department of the Treasury. The task force shall be  
13 comprised of the following members: the Chair of the Civil Service  
14 Commission, or his designee, who shall serve ex officio; the State  
15 Treasurer, or his designee, who shall serve ex officio; and seven  
16 public members to be appointed by the Governor.

17 The majority of the public members shall, to the extent  
18 practicable, have expertise in civil service or public sector  
19 personnel management matters.

20 Vacancies in the membership of the task force shall be filled in  
21 the same manner as the original appointments were made.

22 The task force shall organize as soon as may be practicable, but  
23 no later than the 30th day after the appointment of its members, and  
24 shall select a chairperson from among the public members. The  
25 chairperson shall appoint a secretary who need not be a member of  
26 the task force. The public members shall serve without  
27 compensation, but may be reimbursed for necessary expenses  
28 incurred in the performance of their duties.

29 The Department of the Treasury shall provide such staff and  
30 resources as the task force requires to carry out its duties.

31 The task force is entitled to the assistance and services of the  
32 employees of any State department, board, bureau, commission or  
33 agency as it may require and as may be available to it for its  
34 purposes, and to incur traveling and other miscellaneous expenses

**Chapter 29, P.L. 2008**

112

1 necessary to perform its duties, within the limits of funds  
2 appropriated or otherwise made available to it for its purpose.

3 The task force may meet and hold hearings at such places as it  
4 shall designate.

5 b. The task force shall study and evaluate the current civil  
6 service system and develop recommendations with regard to its  
7 reform.

8 c. The task force shall report to the Governor, the Civil Service  
9 Commission, and the Legislature on its findings and  
10 recommendations within 12 months following its organizational  
11 meeting. The task force shall expire 30 days after the submission of  
12 its report.

13

14 119. The following statutes are repealed:

15

16 N.J.S.11A:2-8

17 N.J.S.11A:2-9

18 N.J.S.11A:2-10

19 N.J.S.11A:12-4

20 N.J.S.11A:12-5

21 Sections 1, 2, and 3 of P.L.1998, c.149 (C.11A:2-25 through 11A:2-  
22 27)

23

24 120. This act shall take effect immediately and any actions  
25 necessary to implement this act may be taken any time thereafter.  
26 General implementation shall be completed no later than 12 months  
27 following enactment.