

ASSEMBLY, No. 574

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

SYNOPSIS

Broadens affirmative action program in Division of State Police.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning affirmative action employment and promotion in
2 the Division of State Police and supplementing Title 53 of the
3 Revised Statutes.

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

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8 1. a. The chief of the Equal Employment Opportunity/Affirmative
9 Action Bureau in the Division of State Police in the Department of
10 Law and Public Safety, established pursuant to P.L.1986, c.112
11 (C.11A:7-1 et seq.), shall be appointed by, serve at the pleasure of,
12 and report to the Attorney General. The chief shall be qualified by
13 training and experience to supervise the work of the bureau.

14 b. There is hereby established within the bureau an Affirmative
15 Action Compliance Unit which shall be responsible for the preparation,
16 revision, implementation, and administration of policies of
17 nondiscrimination, equal opportunity and affirmative action, as these
18 policies relate to the recruitment, selection and promotion of persons
19 to sworn positions in the division. The unit shall maintain an active
20 public recruiting program designed to enlarge the pool of qualified
21 minority and women recruits to ensure sufficient numbers of these
22 candidates for appointment to State Police Academy classes. As used
23 in this act, "minority" means persons of African-American, Hispanic,
24 Asian and native American descent.

25 The unit shall utilize personnel currently employed by the bureau
26 and assigned to these activities and may hire such additional personnel
27 as may be necessary. The supervisor of the unit shall report to the
28 bureau chief.

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30 2. To assure that sworn positions at all levels of the division are
31 equally accessible to all qualified persons, and to eliminate the
32 underutilization of qualified minorities and non-minority women, the
33 Superintendent, after consulting with the Attorney General and the
34 chief of the bureau, shall adopt and periodically revise, if necessary, an
35 affirmative action plan for the division. In addition to the
36 requirements for State agencies, generally, contained in the equal
37 opportunity and affirmative action provisions of P.L.1986, c.112
38 (C.11A:7-1 et seq.) and any rule or regulation promulgated
39 thereunder, the plan shall be based on an analysis of the division's
40 deficiencies and resources and shall provide for the following:

41 a. Numeric goals and timetables for recruitment and promotion that
42 are reasonably attainable through the good faith efforts of the division.
43 In determining timetables and establishing goals, the Affirmative
44 Action Compliance Unit shall:

45 (1) Involve division personnel at all levels in the goal-setting
46 process.

- 1 (2) Establish goals that are significant, measurable and attainable.
- 2 (3) Establish goals that are specific for planned results, with
3 timetables for completion.
- 4 (4) Consider the anticipated expansion, contraction, and turnover
5 in the division's work force.
- 6 (5) Specify discrete goals and timetables for the hiring and
7 promotion of minorities and for non-minority women which identify
8 existing deficiencies in numbers or percentages of these personnel and
9 target measures to correct these deficiencies.
- 10 (6) Provide for inclusion of the goals and timetables, with
11 supporting data and the analysis thereof, into the division's written
12 affirmative action program.
- 13 (7) Provide for the collection of data that will permit the
14 measurement and evaluation of goals. These data shall include, but not
15 be limited to, progression line charts, seniority rosters, applicant flow
16 data, and applicant rejection ratios indicating minority and gender
17 status.
- 18 b. State Police training academy classes consisting of at least 25
19 per cent qualified minority recruits and 10 per cent non-minority
20 women recruits, until such time as the final goals of the affirmative
21 action program are achieved. The division shall make a good faith
22 effort to meet or exceed these goals.
- 23 c. Enhancement of promotional opportunities for minorities and
24 women in sworn positions in the division based on their merit and
25 fitness as determined by suitable promotion tests or other unbiased
26 criteria, such as training and pertinent experience. Selection shall,
27 except under special circumstances, be based on division-wide
28 promotional lists. The division shall make available a statement of
29 justifiable reasons as to why a division-wide promotional list is not
30 being utilized for promotions to a particular title. Goals for promotion
31 shall generally seek to achieve a percentage of minorities and non-
32 minority women in each sworn rank that is at least equal to the
33 percentages minorities and non-minority women represent in the total
34 sworn work force of the division.
- 35
- 36 3. a. The division shall be deemed to be in compliance with its
37 commitments under section 2 of this act if it meets its goals and
38 timetables or if it makes a good faith effort to meet these goals and
39 timetables. In the event of the failure of the division to meet these
40 goals and timetables, it shall be given an opportunity to demonstrate
41 that it has made every good faith effort to meet its commitments. All
42 the actions of the division shall be reviewed and evaluated by the
43 Attorney General in determining whether such good faith efforts have
44 been made.
- 45 b. If the division, despite its good faith efforts, fails to meet its
46 goals and timetables within a reasonable period of time, it shall make

1 appropriate changes in its affirmative action plan to the extent
2 necessary to attain its goals. The division shall develop and adopt
3 alternative recruitment and selection methods, subject to approval by
4 the Attorney General, if it is determined that the failure of the division
5 to meet its goals is attributable in substantial part to its recruitment
6 and selection methods. If the division's failure to meet its goals is
7 attributable in substantial part to its use of a qualification standard or
8 criterion which has adversely affected the opportunities of minorities
9 and non-minority women for hiring or promotion, the division shall
10 demonstrate that such qualification standard or criterion is directly
11 related to job performance. In the event of a failure to demonstrate
12 this relationship, the division, under the direction of the chief of the
13 Equal Employment Opportunity/Affirmative Action Bureau, shall
14 assess the reason for the failure and propose to the Senate Legislative
15 Oversight Committee and the Assembly Policy and Regulatory
16 Oversight Committee, meeting jointly, measures that it will take to
17 address the failure.

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19 4. The chief of the Affirmative Action Compliance Unit shall
20 annually submit to the Governor and to the Legislature a report
21 describing efforts undertaken by the unit during the previous year to
22 expand the pool of qualified minority candidates and of non-minority
23 women candidates for appointment to the New Jersey State Police
24 Academy and to increase the promotional opportunities for sworn
25 minority candidates and non-minority women candidates within the
26 division. The report shall also describe the division's efforts and
27 progress being made in attaining and maintaining the goals and
28 timetables established pursuant to section 2 of this act.

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30 5. This act shall take effect on the first day of the fifth month after
31 enactment.

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STATEMENT

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36 The number of African-American, Hispanic, Asian and other
37 minority recruits in State Police trooper training classes has declined
38 in the years since the U.S. Justice Department agreed in 1992 to
39 dissolve a consent decree entered into in 1975 which established or
40 sought to establish long-term hiring goals within the Division of State
41 Police. The goal of the consent decree for a division work force
42 consisting of 14 per cent black and Spanish-surnamed members, and
43 the percentage of all minorities, including Asians and native
44 Americans, has been achieved, according to State Police documents.
45 However, minorities constituted only 7.6 per cent of the 1998 State
46 Police graduating class of recruits and still represent a small

1 percentage of the officer ranks of the division. Minority males
2 represented 17.4 percent of the civilian labor force in New Jersey,
3 according to the 1990 census.

4 This bill is intended to achieve a State Police force that better
5 reflects the diversity of this State. It establishes a special affirmative
6 action compliance unit within the existing Equal Employment
7 Opportunity/Affirmative Action Bureau in the Division of State Police.
8 Under this bill, the bureau chief would be appointed by and report
9 directly to the Attorney General.

10 The affirmative action compliance unit would draw on the current
11 staff of the existing Equal Employment Opportunity/Affirmative
12 Action Bureau and would hire such additional personnel as necessary.
13 The unit would be responsible for an active recruiting program
14 designed to attract sufficient numbers of qualified persons of minority
15 background and women for vacancies in State Police Academy classes.
16 The unit would also oversee a new program of promotional
17 opportunity based on division-wide promotion lists. A goal for
18 promotions will be to have minorities represented in each of the
19 various division titles in proportion to their number in the division,
20 generally.

21 The unit would be responsible for developing new goals and
22 timetables based on an analysis of the division's current deficiencies.
23 The division would be expected to seek a goal of appointing at least
24 25 per cent qualified minority persons and at least 10 per cent qualified
25 non-minority women to its training academy classes until the
26 affirmative action program's final goal is reached. Promotions for
27 sworn officers would be made strictly according to merit and fitness.

28 Should goals and timetables not be met, despite good faith efforts,
29 alternative selection methods, subject to review by the Legislature's
30 oversight committees, would be required.

31 The division's Affirmative Action Compliance Unit would also be
32 required to submit to the Governor and the Legislature an annual
33 report describing its efforts to expand the pool of qualified minority
34 and non-minority women candidates for appointment, to increase
35 promotional opportunities for minority troopers and non-minority
36 women troopers, and to attain the program's goals and timetables.

37 This bill responds to issues raised in recent hearings of the Black
38 and Latino Caucus concerning allegations of racial profiling by the
39 State Police.