

ASSEMBLY, No. 207

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Co-Sponsored by:

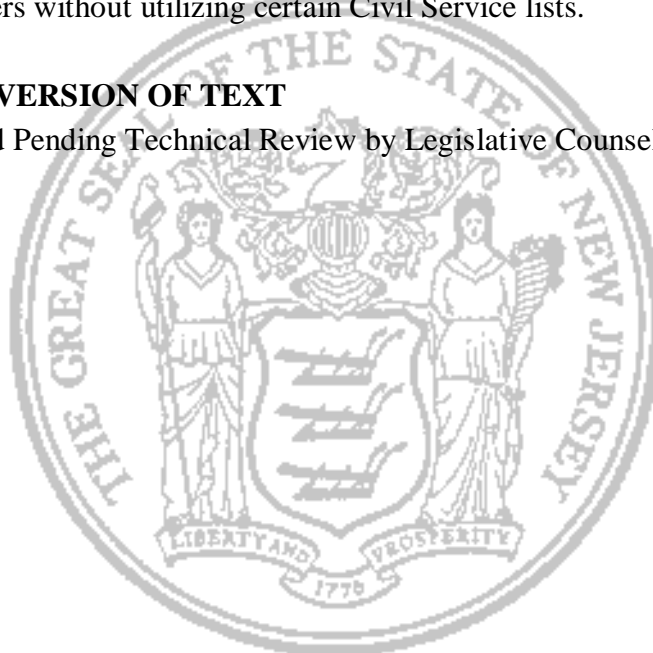
**Assemblywomen Rodriguez, Handlin, Assemblyman Scalera and
Assemblywoman Evans**

SYNOPSIS

Permits sheriffs, local police, and county corrections facilities to hire certain laid off officers without utilizing certain Civil Service lists.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/9/2010)

A207 CAPUTO, TUCKER

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1 AN ACT concerning certain sheriff's officers and county corrections
2 officers, amending P.L.1991, c.299 and supplementing Title 40A
3 of the New Jersey Statutes.

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

7
8 1. Section 1 of P.L.1991, c.299 (C.40A:14-180) is amended to
9 read as follows:

10 1. a. The provisions of any other law to the contrary
11 notwithstanding, the appointing authority of a county or
12 municipality which, pursuant to N.J.S.40A:14-106, in the case of a
13 county, or N.J.S.40A:14-118, in the case of a municipality, has
14 established and maintains a police force or the sheriff of any county
15 may appoint as a member or officer of the county or municipal
16 police department or as a member or officer of the county sheriff's
17 office any person who:

18 (1) was serving as a law enforcement officer in good standing in
19 any State, county or municipal law enforcement department or
20 agency, or county sheriff's office; and

21 (2) satisfactorily completed a working test period in a State law
22 enforcement title or in a law enforcement title in a county or
23 municipality which has adopted Title 11A, Civil Service, of the
24 New Jersey Statutes or satisfactorily completed a comparable,
25 documented probationary period in a law enforcement title in a
26 county or municipality which has not adopted Title 11A, Civil
27 Service; and

28 (3) was, for reasons of economy, terminated as a law
29 enforcement officer within 60 months prior to the appointment.

30 b. A county **[or]** , municipality, or sheriff may employ such a
31 person notwithstanding that:

32 (1) Title 11A, Civil Service, of the New Jersey Statutes is
33 operative in that county or municipality;

34 (2) the county **[or]** , municipality, or sheriff's office has
35 available to it an eligible or regular reemployment list of **[persons]**
36 law enforcement officers eligible for such appointments; and

37 (3) the appointed person is not on any eligible list. A county or
38 municipality which has adopted Title 11A, Civil Service, may not
39 employ such a person if a special reemployment list is in existence
40 for the law enforcement title to be filled.

41 c. If a county or a sheriff determines to appoint a person
42 pursuant to the provisions of this act, **[it shall give]** first priority in
43 making such appointments shall be given to residents of the county.
44 A municipality making such an appointment shall give first priority

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

Matter underlined thus is new matter.

1 to residents of the municipality and second priority to residents of
2 the county not residing in the municipality.

3 d. The seniority, seniority-related privileges and rank a law
4 enforcement officer possessed with the employer who terminated
5 the officer's employment for reasons of economy shall not be
6 transferable to a new position when the officer is appointed to a law
7 enforcement position pursuant to the provisions of this section.

8 The provisions of this section shall not apply to a sheriff's
9 investigator appointed pursuant to section 2 of P.L.1987, c.113
10 (C.40A:9-117a.

11 (cf: P.L.1996, c.13, s.1)

12

13 2. (New section) a. The provisions of any other law to the
14 contrary notwithstanding, the appointing authority of a county
15 correctional facility, be that the governing body of the county
16 pursuant to R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may
17 appoint as a county correctional officer any person who:

18 (1) was serving as a county correctional officer in good standing
19 in any county correctional facility in this State; and

20 (2) satisfactorily completed a working test period in a county
21 correctional officer title or in a county which has adopted Title 11A,
22 Civil Service, of the New Jersey Statutes or satisfactorily completed
23 a comparable, documented probationary period in a county
24 correctional title in a county which has not adopted Title 11A, Civil
25 Service; and

26 (3) was, for reasons of economy, terminated as a county
27 correctional officer within 60 months prior to the appointment.

28 b. The appointing authority of a county correctional facility
29 may employ such a person notwithstanding that:

30 (1) Title 11A, Civil Service, of the New Jersey Statutes is
31 operative in that county;

32 (2) the appointing authority has available to it an eligible or
33 regular reemployment list of corrections officers eligible for such
34 appointments; and

35 (3) the appointed person is not on any eligible list. If the county
36 appointing authority is subject to the provisions of Title 11A, Civil
37 Service, it may not employ such a person if a special reemployment
38 list is in existence for the county corrections officer title to be filled.

39 c. If the county appointing authority determines to appoint a
40 person pursuant to the provisions of this act, it shall give first
41 priority in making such appointments to residents of the county.

42 d. The seniority, seniority-related privileges and rank a county
43 corrections officer possessed with the employer who terminated the
44 officer's employment for reasons of economy shall not be
45 transferable to a new position when the officer is appointed to a
46 county corrections officer position pursuant to the provisions of this
47 section.

1 3. This act shall take effect on the first day of the third month
2 following enactment.

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STATEMENT

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7 This bill adds the county sheriff to the law enforcement agencies
8 that are authorized to hire law enforcement officers that have been
9 laid off by other law enforcement agencies for reasons of economy,
10 without having to go through any Civil Service list of eligible
11 employees.

12 Under current law, county and municipal police forces are
13 authorized to hire laid off law enforcement officers without
14 utilizing any Civil Service lists, provided that the laid off officer
15 was in good standing as an employee at the time of the lay off and
16 had satisfactorily completed a working test period.

17 This bill amends the existing law to add the county sheriff to the
18 agencies that are statutorily authorized to hire laid off law
19 enforcement officers.

20 The bill also adds a new section of law to authorize the
21 appointing authority of each county correctional facility to hire
22 county corrections officers that have been laid off by other county
23 correctional facilities without having to go through any Civil
24 Service list of eligible employees. The authority to hire laid off
25 county corrections officers has to be extended under a separate
26 section of law since their training requirements and law
27 enforcement experiences are distinctly different from those of
28 sheriff's officers and county and municipal police officers. Because
29 of these differences, this bill also clarifies that the Civil Service
30 Commission may promulgate two separate reemployment lists: one
31 for law enforcement officers and one for corrections officers.
32 Having two separate lists allows for the Commission to choose the
33 person with the appropriate training for the position being filled.

34 The bill further clarifies that sheriff's officers are excluded from
35 the bill's provisions.

36 County sheriffs are authorized by law to appoint up to 15 percent
37 of the total number of sheriff's officers employed by the sheriff to
38 the position of sheriff's investigator. These sheriff's investigators
39 serve at the pleasure of the appointing sheriff and are specifically
40 included in the unclassified service of the civil service.