

# ASSEMBLY, No. 1665

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**SYNOPSIS**

Revises civil service status of certain county welfare agency management positions and requires county welfare agencies to adjust office hours.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A1665 GREENWALD

2

1 AN ACT concerning county welfare agencies and revising parts of  
2 statutory law.

3

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

6

7 1. R.S.44:4-33 is amended to read as follows:

8 44:4-33. The director of welfare **[,]** and the deputy director  
9 **[shall]** may be [and hereby is classified in the competitive class of  
10 the classified service as defined and provided in Title 11, Civil  
11 Service, notwithstanding the county welfare board may not  
12 otherwise be operating under the provisions of Title 11, Civil  
13 Service. Directors of welfare hereafter appointed shall have a  
14 working test period, as otherwise defined and governed by sections  
15 11:12-1 and 11:12-2, which shall be not shorter than six months and  
16 which shall, on request of the appointing authority, be extended for  
17 an additional period or periods not to exceed a total of twelve  
18 months including the initial period], in the unclassified service and  
19 , in which case, the person shall serve at the pleasure of the county  
20 welfare board.

21 Notwithstanding the provisions of this section to the contrary, a  
22 person appointed by the county welfare board as a director of  
23 welfare or deputy director prior to the date of enactment of  
24 P.L. , c. (pending before the Legislature as this bill) shall  
25 continue to serve in the career service.

26 (cf: P.L.1940, c.187, s.1)

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28 2. R.S.44:4-34 is amended to read as follows:

29 44:4-34. The county welfare board shall appoint **[such other**  
30 **officers, assistants and]** employees as may be necessary to carry out  
31 the provisions of this chapter. All **[employees of the county**  
32 **welfare board shall hold their office or employment during good**  
33 **behavior, and may be removed upon written charges and after a**  
34 **hearing, due notice of which shall be given therefor by the county**  
35 **welfare board, for misconduct, neglect or incompetence]** such  
36 employees shall be part of the career service.

37 (cf: R.S.44:4-34)

38

39 3. R.S.44:7-9 is amended to read as follows:

40 44:7-9. The county welfare board shall annually elect from  
41 among its members a chairman, vice-chairman and secretary-  
42 treasurer. The director of welfare, appointed as hereinafter  
43 provided, shall not be a member of the board. The county welfare  
44 board shall appoint such other officers, assistants and employees as

**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 may be necessary and proper to carry out the provisions of this  
2 chapter, subject to compliance with the personnel standards and  
3 regulations established and maintained by the Civil Service  
4 Commission or the State division or both as otherwise provided. It  
5 may also determine the compensation of the director, deputy  
6 director, and other employees within the limits of the sums made  
7 available for that purpose by the board of chosen freeholders and  
8 the State, as hereinafter provided. The director of welfare, officers,  
9 assistants and other employees shall be subject to such rules and  
10 regulations in the discharge of their duties as may be made by  
11 **[such]** the county welfare board and the State division. All regular  
12 employees are hereby empowered to take and certify any and all  
13 affidavits and acknowledgments as are required on papers or  
14 documents executed in connection with the administration of this  
15 chapter or other public welfare functions and for this purpose shall  
16 be vested with all powers and authority now exercised by other  
17 persons authorized to take affidavits and acknowledgments. All  
18 such employees of the county welfare board shall hold their office  
19 or employment during good behavior, and may be removed upon  
20 written charges and after a hearing, due notice of which shall be  
21 given therefor by the county welfare board, for misconduct, neglect,  
22 incompetency, or other just cause.

23 All paid officers and employees of any county welfare board,  
24 except the director **[,]** and the deputy director, and any attorney  
25 serving as legal counsel, which county welfare board operates under  
26 the provisions of Title **[11]** 11A, Civil Service, shall be **[and the**  
27 **same hereby are]** classified in the competitive class of the  
28 **[classified]** career service, and all such officers and employees of  
29 any county welfare board which does not operate under the  
30 provisions of Title **[11]** 11A, Civil Service, shall be similarly  
31 classified under the personnel standards to be established and  
32 maintained by the State division. The director **[,]** and deputy  
33 director, if in the unclassified service, shall serve at the pleasure of  
34 the county welfare board.

35 Notwithstanding the provisions of this section to the contrary, a  
36 person appointed by the county welfare board as a director of  
37 welfare or deputy director prior to the date of enactment of  
38 P.L. , c. (pending before the Legislature as this bill) shall  
39 continue to serve in the career service. All **[such]** other paid  
40 officers and employees, presently employed by any county welfare  
41 board, who have been so employed for a continuous period of at  
42 least one year prior to adoption of this act and, who have not  
43 previously entered the service of the county or of the county  
44 welfare board through competitive or qualifying examination, and  
45 who are not otherwise granted permanent status by the provisions  
46 of this section, shall be permitted to obtain permanent status in their  
47 present positions through qualifying examination. **[All such paid**

1 officers and employees who are not permanent employees in the  
2 competitive class or who have previously entered the service of the  
3 county or of the county welfare board through competitive or  
4 qualifying examination, shall be and the same hereby are granted  
5 permanent status in their present positions without further  
6 examination. All such paid officers and employees, presently  
7 employed by any county welfare board, who have heretofore been  
8 appointed or reappointed and qualified under section 44:7-6 of the  
9 Revised Statutes as adopted March sixteenth, one thousand nine  
10 hundred and thirty-six, and who have held their respective offices  
11 and positions for a period equal to the minimum required  
12 probationary period for such offices or positions, shall be and the  
13 same hereby are granted permanent status in their present positions  
14 without further examination.】

15 (cf: P.L.1942, c.173, s.2)

16

17 4. R.S.44:7-11 is amended to read as follows:

18 44:7-11. a. The county welfare board shall appoint a director of  
19 welfare, who 【shall have the qualifications herein provided】 may  
20 be in the unclassified service, in which case, the director shall serve  
21 at the pleasure of the county welfare board.

22 Notwithstanding the provisions of this subsection to the contrary,  
23 a person appointed by the county welfare board as a director of  
24 welfare prior to the date of enactment of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending  
25 before the Legislature as this bill) shall continue to serve in the  
26 career service. The county adjuster, when qualified, may be  
27 appointed to this office, but when so appointed shall not serve as an  
28 ex-officio member of the county welfare board.

29 The director of welfare shall 【be and hereby is classified in the  
30 competitive class of the classified service as defined and provided  
31 in Title 11, Civil Service, notwithstanding the county welfare board  
32 may not otherwise be operating under the provisions of Title 11,  
33 Civil Service. Directors of welfare hereafter appointed shall have a  
34 working test period, as otherwise defined and governed by sections  
35 11:12-1 and 11:12-2, which shall be not shorter than six months and  
36 which shall, on request of the appointing authority, be extended for  
37 an additional period or periods not to exceed a total of twelve  
38 months including the initial period.

39 He shall】 be: the clerk of the county welfare board and 【shall】  
40 serve as such without additional compensation【. He shall be】; and  
41 the chief executive and approval officer of the county welfare  
42 board【,】 and 【shall】 exercise all the powers pertaining thereto.

43 【He】 The director of welfare shall be a citizen of the State and of  
44 the United States, shall be capable of making and keeping such  
45 records and reports as are lawfully required, shall have adequate  
46 knowledge of the laws concerning old age assistance; and shall be a  
47 trained and qualified expert in the field of welfare service, with

1 administrative experience therein or possess educational,  
2 management or other qualifications that make the director suitable  
3 for the position.

4 b. The county welfare board may appoint a deputy director of  
5 welfare, who shall have qualifications necessary to the appointment  
6 of directors of welfare and be under the supervision of ~~such~~ the  
7 director of welfare, and be vested, on approval of the county  
8 welfare board, with the same powers as the director of welfare. The  
9 deputy director of welfare ~~shall be and hereby is classified~~ may  
10 be in the [competitive class of the classified] unclassified service ,  
11 in which case, the deputy director shall serve at the pleasure of the  
12 county welfare board [as defined and provided in Title 11, Civil  
13 Service, notwithstanding the county welfare board may not  
14 otherwise be operating under the provisions of Title 11, Civil  
15 Service].

16 Notwithstanding the provisions of this subsection to the contrary,  
17 a person appointed by the county welfare board as a deputy director  
18 of welfare prior to the date of enactment of P.L. , c. (pending  
19 before the Legislature as this bill) shall continue to serve in the  
20 career service.

21 (cf: P.L.1940, c.186, s.3)

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23 5. (New section) a. The Director of the Division of Family  
24 Development in the Department of Human Services shall require  
25 each county welfare agency to adjust its office hours to include  
26 early morning hours at least one day a week and evening hours at  
27 least one day a week. The director shall not require a county  
28 welfare agency to increase the total number of office hours in a  
29 week.

30 b. The Commissioner of Human Services shall adopt rules and  
31 regulations, pursuant to the "Administrative Procedure Act,"  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
33 this section.

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35 6. This act shall take effect immediately, except that section 5  
36 shall take effect on the 180th day after the date of enactment, but  
37 the Commissioner of Human Services may take such anticipatory  
38 administrative action in advance as shall be necessary for the  
39 implementation of section 5.

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STATEMENT

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44 This bill concerns the civil service status of certain management  
45 positions at county welfare boards (or county boards of social  
46 services as they are otherwise known). The bill clarifies that the job  
47 titles of certain management positions (directors and deputy

1 directors of county welfare boards) may be removed from the  
2 classified service, at the discretion of the county (instead of  
3 requiring that these titles be removed from the classified service), in  
4 which case, the director or deputy director shall serve at the  
5 pleasure of the county welfare board.

6 Specifically, the provisions of the bill would apply prospectively  
7 to the positions of director and deputy director of welfare. The bill  
8 provides that a person appointed as a director or deputy director  
9 prior to the date of enactment of the bill shall continue to serve in  
10 the career service.

11 Authorizing the counties to remove these job titles from the  
12 career civil service would ensure that the top management of a  
13 county welfare agency is responsible directly to the board for policy  
14 decisions and day-to-day operations, which is expected to result in  
15 greater accountability and fiscal responsibility with respect to the  
16 services provided, and allow for greater efficiency through  
17 opportunities for centralization of management staff functions. In  
18 addition, this change would provide the board with the flexibility to  
19 fill a vacancy in these positions from a broader spectrum of  
20 candidates with more diverse experience, who may not be in the  
21 career service.

22 The bill also amends R.S.44:7-11 to add the option that a  
23 director of welfare have educational, management or other  
24 qualifications that make the director suitable for the position.

25 The bill also mandates that the Director of the Division of  
26 Family Development (DFD) in the Department of Human Services  
27 require that each county welfare agency adjust its office hours to  
28 include early morning hours at least one day a week, and evening  
29 hours at least one day a week. The director shall not require a  
30 county welfare agency to increase the total number of office hours  
31 in a week.

32 Adjustments to the office hours of county welfare agencies will  
33 provide the working poor in the State with greater access to the  
34 services and programs for which they are eligible. DFD regulations  
35 currently encourage county welfare agencies to offer appointments  
36 outside normal business hours, but do not require that they do so.  
37 Some, although not all, county welfare agencies currently offer  
38 certain office hours outside normal business hours.