

# SENATE, No. 2154

## STATE OF NEW JERSEY

### 214th LEGISLATURE

INTRODUCED JUNE 28, 2010

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Sussex, Hunterdon and Morris)**

**Co-Sponsored by:**

**Senator Beck**

**SYNOPSIS**

Replaces references to Civil Service Commission with chairperson of commission to clarify duties and responsibilities of chairperson.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/21/2010)**

S2154 OROHO

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1 AN ACT concerning the duties and responsibilities of the  
2 chairperson of the Civil Service Commission and amending  
3 various parts of the statutory law.

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

7  
8 1. N.J.S.11A:2-6 is amended to read as follows:

9 11A:2-6. Powers and duties. In addition to other powers and  
10 duties vested in it by this title or by any other law, the commission  
11 shall:

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

15 (1) Removal,

16 (2) Suspension or fine as prescribed in N.J.S.11A:2-14,

17 (3) Disciplinary demotion, and

18 (4) Termination at the end of the working test period for  
19 unsatisfactory performance;

20 b. On a review of the written record, render the final  
21 administrative decision on other appeals;

22 c. Provide for interim remedies or relief in a pending appeal  
23 where warranted;

24 d. Adopt and enforce rules to carry out this title and to  
25 effectively implement a comprehensive personnel management  
26 system;

27 e. Interpret the application of this title to any public body or  
28 entity; **[and]**

29 f. Authorize and conduct such studies, inquiries, investigations  
30 or hearings in the operation of this title as it deems necessary ; and

31 g. Set standards and procedures for review and render the final  
32 administrative decision on a written record or after recommendation  
33 by an independent reviewer assigned by the commission from  
34 classification, salary, layoff rights and in the State service  
35 noncontractual grievances.

36 (cf: P.L.2008, c.29, s.6)

37  
38 2. N.J.S.11A:2-7 is amended to read as follows:

39 11A:2-7. Subpenas; oaths. The commission or chairperson may  
40 subpoena and require the attendance of witnesses in this State and  
41 the production of evidence or documents relevant to any proceeding  
42 under this title. Those persons may also administer oaths and take  
43 testimony. Subpenas issued under this section shall be enforceable  
44 by order of the Superior Court.

45 (cf: P.L.2008, c.29, s.7)

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

2 11A:2-11. Powers and duties of the ~~commission~~ chairperson.

3 In addition to other powers and duties vested in the  
4 ~~commission~~ chairperson by this title or any other law, the  
5 ~~commission~~ chairperson:

6 a. ~~[(Deleted by amendment, P.L.2008, c.29)]~~ Shall be the  
7 principal executive and request officer of the commission,  
8 allocating the functions and activities of the commission among  
9 divisions as the chairperson may establish;

10 b. May appoint one deputy administrator, who shall be in the  
11 unclassified service, and other subordinate employees necessary to  
12 enforce or implement the provisions of this title. All employees ~~[of~~  
13 the commission whose principal duties relate to the enforcement or  
14 implementation of this title] shall be confidential employees for the  
15 purposes of the "New Jersey Employer-Employee Relations Act,"  
16 P.L.1941, c.100 (C.34:13A-1 et seq.);

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

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

21 e. Shall plan, evaluate, administer and implement personnel  
22 programs and policies in State government and political  
23 subdivisions operating under this title;

24 f. Shall establish and supervise the selection process and  
25 employee performance evaluation procedures;

26 g. ~~(Deleted by amendment, P.L.2008, c.29);~~

27 h. ~~[Shall set standards and procedures for review and render~~  
28 the final administrative decision on a written record or after  
29 recommendation by an independent reviewer assigned by the  
30 commission from classification, salary, layoff rights and in the State  
31 service noncontractual grievances] ~~(Deleted by amendment, P.L. ,~~  
32 c. (pending before the Legislature as this bill);

33 i. May establish pilot programs and other projects for a  
34 maximum of one year outside of the provisions of this title;

35 j. Shall provide for a public employee interchange program  
36 pursuant to the "Government Employee Interchange Act of 1967,"  
37 P.L.1967, c.77 (C.52:14-6.10 et seq.) and may provide for an  
38 employee interchange program between public and private sector  
39 employees;

40 k. ~~[(Deleted by amendment, P.L.2008, c.29)]~~ May establish  
41 an internship program;

42 l. ~~(Deleted by amendment, P.L.2008, c.29);~~

43 m. Shall establish and consult with advisory boards representing  
44 political subdivisions, personnel officers, labor organizations and  
45 other appropriate groups;

46 n. Shall make an annual report to the Governor and Legislature  
47 and all other special or periodic reports as may be required. The

S2154 OROHO

4

1 annual report shall indicate the number of persons, by title, who, on  
2 March 31, June 30, September 30, and December 31 of each year,  
3 held appointments to positions in the senior executive service and  
4 the number of noncareer employees by title, who, on those same  
5 dates, held appointments in positions in the senior executive  
6 service; [and]

7 o. Shall have the authority to assess costs for special or other  
8 services;

9 p. [(Deleted by amendment, P.L.2008, c.29)] Shall  
10 recommend rules to the commission for implementation of this title;  
11 and

12 q. Shall act on petitions for stay, interim relief and  
13 interlocutory review in emergent matters between meetings of the  
14 commission.

15 (cf: P.L.2008, c.29, s.8)

16

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

18 11A:2-12. Delegation. The [commission] chairperson may  
19 delegate to an appointing authority the responsibility for classifying  
20 positions, administering examinations and other technical personnel  
21 functions according to prescribed standards, but the [commission]  
22 chairperson may not delegate any appellate or rulemaking function  
23 of the commission.

24 This delegation shall be written and shall conform to the  
25 provisions of this title. The [commission] chairperson may assign  
26 staff of the commission to an appointing authority to assist the  
27 appointing authority in its delegated personnel duties. The  
28 employees shall continue as employees of the commission. All  
29 delegation shall be subject to supervision by the [commission]  
30 chairperson and post-audit and may be cancelled, modified or  
31 limited at any time by the [commission] chairperson. Such  
32 delegation is to be performed in consultation with the advisory  
33 board representing political subdivisions, and approved by an  
34 affected appointing authority when the delegation requires  
35 substantial costs. The commission [, in consultation with the  
36 advisory board representing political subdivisions,] shall adopt  
37 rules to define substantial costs, upon recommendation by the  
38 chairperson. The chairperson shall consult with the advisory board  
39 representing political subdivisions, prior to submitting such  
40 recommendation.

41 (cf: P.L.2008, c.29, s.9)

42

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

45 1. a. The commission shall provide, by regulation, for  
46 intergovernmental transfers by law enforcement officers, including  
47 county sheriff and corrections officers, as part of the commission's

S2154 OROHO

1 intergovernmental transfer program. These law enforcement  
2 officers, county sheriff and corrections officers shall be granted all  
3 privileges under the intergovernmental transfer program, including  
4 the option to waive all accumulated sick leave and seniority rights.

5 b. The waiver of accumulated sick leave and seniority rights  
6 shall require the consent in writing of the receiving jurisdiction, the  
7 affected employee, and the **[commission]** chairperson.

8 c. The sending jurisdiction shall not pay supplemental  
9 compensation for accumulated sick leave to any law enforcement  
10 officer, county sheriff or corrections officer, approved for an  
11 intergovernmental transfer and shall certify, to the receiving  
12 jurisdiction and the **[commission]** chairperson, that no  
13 supplemental compensation was paid.

14 (cf: P.L.2008, c.29, s.19)

15

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

17 11A:3-1. Classification. The Civil Service Commission shall  
18 assign and reassign titles among the career service, senior executive  
19 service and unclassified service. The **[commission]** chairperson  
20 shall:

21 a. Establish, administer, amend and continuously review a  
22 State classification plan governing all positions in State service and  
23 similar plans for political subdivisions;

24 b. Establish, consolidate and abolish titles;

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

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

28 e. Provide a specification for each title.

29 (cf: P.L.2008, c.29, s.20)

30

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

32 11A:3-7 Employee compensation. a. The **[commission]**  
33 chairperson shall administer an equitable State employee  
34 compensation plan which shall include pay schedules and standards  
35 and procedures for salary adjustments other than as provided for in  
36 the State compensation plan for the career, senior executive and  
37 unclassified services.

38 b. Prior to adoption or implementation of an amendment,  
39 change or modification to the compensation plan for State  
40 employees which amendment, change or modification affects public  
41 employees represented by a majority representative selected or  
42 designated pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3),  
43 the State shall negotiate with the majority representative for an  
44 agreement on the amendment, change or modification to the  
45 compensation plan. The State shall negotiate in good faith with the  
46 majority representative. A State employee compensation plan shall  
47 not be amended, changed or modified except pursuant to a written

S2154 OROHO

6

1 agreement entered into between the State and the majority  
2 representative following negotiations.

3 c. When an employee has erroneously received a salary  
4 overpayment, the commission may waive repayment based on a  
5 review of the case.

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

10 (cf: P.L.2008, c.29, s.26)

11

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

13 11A:3-8. Payroll audits. The **[commission]** chairperson may  
14 audit State payrolls and the payrolls of political subdivisions to  
15 determine compliance with this title. The **[commission]**  
16 chairperson may order and enforce immediate compliance as  
17 necessary.

18 (cf: P.L.2008, c.29, s.27)

19

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

21 11A:4-1. Examinations. The **[commission]** chairperson shall  
22 provide for:

23 a. The announcement and administration of examinations  
24 which shall test fairly the knowledge, skills and abilities required to  
25 satisfactorily perform the duties of a title or group of titles. The  
26 examinations may include, but are not limited to, written, oral,  
27 performance and evaluation of education and experience;

28 b. The rating of examinations;

29 c. The security of the examination process and appropriate  
30 sanctions for a breach of security; and

31 d. The selection of special examiners to act as subject matter  
32 specialists or to provide other assistance. Employees of the State or  
33 political subdivisions may be so engaged as part of their official  
34 duties during normal working hours with the approval of their  
35 appointing authority. Extra compensation may be provided for such  
36 service outside normal working hours; and .

37 **[e.]** The chairperson shall recommend rules to the commission  
38 to implement the right to appeal adverse actions relating to the  
39 examination and appointment process, which shall include but not  
40 be limited to rejection of an application, failure of an examination  
41 and removal from an eligible list.

42 (cf: P.L.2008, c.29, s.28)

43

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

45 11A:4-2. Holding of examinations. A vacancy shall be filled by  
46 a promotional examination when considered by the **[commission]**

1 chairperson to be in the best interest of the career service.

2 (cf: P.L.2008, c.29, s.31)

3

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

5 11A:4-3. Admission to examinations. If it appears that an  
6 eligible list is not likely to provide full certification for existing or  
7 anticipated vacancies from among qualified residents of this State,  
8 or of political subdivisions where required by law, the  
9 **[commission]** chairperson may admit other qualified nonresident  
10 applicants. Where residency preference is provided pursuant to any  
11 other statute, the **[commission]** chairperson may limit applicants to  
12 such classes as are necessary to establish a sufficient pool of  
13 eligibles.

14 (cf: P.L.2008, c.29, s.32)

15

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

17 11A:4-4. Eligible lists and certifications. The **[commission]**  
18 chairperson shall provide for:

19 a. The establishment and cancellation of eligible lists;

20 b. The certification of an eligible list to positions in other  
21 appropriate titles; and

22 c. The consolidation of eligible lists which may include, but is  
23 not limited to, the combining of names of eligibles by scores.

24 (cf: P.L.2008, c.29, s.33)

25

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

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

39 (cf: P.L.2008, c.29, s.35)

40

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

42 11A:4-8. Certification and appointment. The **[commission]**  
43 chairperson shall certify the three eligibles who have received the  
44 highest ranking on an open competitive or promotional list against  
45 the first provisional or vacancy. For each additional provisional or  
46 vacancy against whom a certification is issued at that time, the  
47 **[commission]** chairperson shall certify the next ranked eligible. If

S2154 OROHO

8

1 more than one eligible has the same score, the tie shall not be  
2 broken and they shall have the same rank. If three or more eligibles  
3 can be certified as the result of the ranking without resorting to all  
4 three highest scores, only those eligibles shall be so certified.

5 A certification that contains the names of at least three interested  
6 eligibles shall be complete and a regular appointment shall be made  
7 from among those eligibles. An eligible on an incomplete list shall  
8 be entitled to a provisional appointment if a permanent appointment  
9 is not made.

10 Eligibles on any type of reemployment list shall be certified and  
11 appointed in the order of their ranking and the certification shall not  
12 be considered incomplete.

13 cf: P.L.2008, c.29, s.36)

14

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

16 11A:4-9. Types of eligible lists. The **[commission]** chairperson  
17 may establish the following types of eligible lists:

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

21 b. Promotional, which shall include qualified permanent  
22 eligibles;

23 c. Regular reemployment, which shall include former  
24 permanent employees who resigned in good standing and whose  
25 reemployment is certified by the appointing authority as in the best  
26 interest of the service. The name of any such employee shall not  
27 remain on a reemployment list for more than three years from the  
28 date of resignation, unless otherwise extended pursuant to  
29 N.J.S.11A:4-6;

30 d. Police or fire reemployment, which shall include former  
31 permanent uniformed members of a police or fire department who  
32 have resigned in good standing and whose reemployment is  
33 certified by the appointing authority as in the best interest of the  
34 service; and

35 e. Special reemployment, which shall include permanent  
36 employees laid off or demoted in lieu of layoff from permanent  
37 titles.

38 (cf: P.L.2008, c.39, s.37)

39

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

41 11A:4-11. Removal on criminal record. Upon the request of an  
42 appointing authority, the **[commission]** chairperson may remove an  
43 eligible with a criminal record from a list when the criminal record  
44 includes a conviction for a crime which adversely relates to the  
45 employment sought. The following factors may be considered in  
46 such determination:

47 a. Nature and seriousness of the crime;

48 b. Circumstances under which the crime occurred;



S2154 OROHO

1 c. Date of the crime and age of the eligible when the crime was  
2 committed;

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

4 e. Evidence of rehabilitation.

5 The presentation to an appointing authority of a pardon or  
6 expungement shall prohibit an appointing authority from rejecting  
7 an eligible based on such criminal conviction, except for law  
8 enforcement, fire fighter or correction officer and other titles as  
9 determined by the **[commission]** chairperson.

10 (cf: P.L.2008, c.29, s.38)

11

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

13 11A:4-13. Types of appointment. The **[commission]**  
14 chairperson shall provide for the following types of appointment:

15 a. Regular appointments shall be to a title in the competitive  
16 division of the career service upon examination and certification or  
17 to a title in the noncompetitive division of the career service upon  
18 appointment. The appointments shall be permanent after  
19 satisfactory completion of a working test period;

20 b. Provisional appointments shall be made only in the  
21 competitive division of the career service and only in the absence of  
22 a complete certification, if the appointing authority certifies that in  
23 each individual case the appointee meets the minimum  
24 qualifications for the title at the time of appointment and that failure  
25 to make a provisional appointment will seriously impair the work of  
26 the appointing authority. In no case shall any provisional  
27 appointment exceed a period of 12 months;

28 c. Temporary appointments may be made, without regard to the  
29 provisions of this chapter, to temporary positions established for a  
30 period aggregating not more than six months in a 12-month period  
31 as approved by the commission. These positions include, but are not  
32 limited to, seasonal positions. Positions established as a result of a  
33 short-term grant may be established for a maximum of 12 months.  
34 Appointees to temporary positions shall meet the minimum  
35 qualifications of a title;

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

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

41 f. Unclassified appointments shall be made pursuant to  
42 N.J.S.11A:3-4 and N.J.S.11A:3-5.

43 (cf: P.L.2008, c.29, s.39)

44

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

46 11A:4-14. Promotion. The **[commission]** chairperson shall  
47 establish the minimum qualifications for promotion and shall

1 provide for the granting of credit for performance and seniority  
2 where appropriate.

3 (cf: P.L.2008, c.29, s.40)

4

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

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

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

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

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

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

32 cf: P.L.2008, c.29, s.41)

33

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

35 11A:4-16. Transfer, reassignment and lateral title change. The  
36 rules of the Civil Service Commission shall define and establish the  
37 procedures for transfer, reassignment and lateral title change.  
38 Employees shall be granted no less than 30 days' notice of transfer,  
39 except with employee consent or under emergent circumstances as  
40 established by rules of the Civil Service Commission. The  
41 **【commission】** chairperson shall provide for relocation assistance  
42 for State employees who are transferred or reassigned to a new  
43 work location due to a phasedown or closing of a State operation,  
44 subject to available appropriations. Transfers, reassignments, or  
45 lateral title changes shall not be utilized as part of a disciplinary  
46 action, except following an opportunity for hearing. Nothing herein  
47 shall prohibit transfers, reassignments, or lateral title changes made

S2154 OROHO

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1 in good faith. The burden of proof demonstrating lack of good faith  
2 shall be on the employee.

3 (cf: P.L.2008, c.29, s.42)

4

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

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

13 In all cases, a leave of absence with or without pay shall not  
14 exceed a period of one year at any one time unless renewal or  
15 extension is granted upon written approval of the [commission]  
16 chairperson.

17 (cf: P.L.2008, c.29, s.50)

18

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

21 1. The [commission] chairperson shall establish, subject to  
22 rules adopted by the commission, a voluntary furlough program for  
23 State employees under which days of leave without pay, singly or  
24 consecutively, may be taken. The seniority rights and health  
25 benefits coverage of an employee who participates in this furlough  
26 program shall continue and shall not be adversely affected by  
27 participation.

28 (cf: P.L.2008, c.29, s.51)

29

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

31 11A:6-2. Vacation leave; full-time State employees. Vacation  
32 leave for full-time State employees in the career and senior  
33 executive service shall be at least:

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

36 b. After one year and up to five years of continuous service, 12  
37 working days;

38 c. After five years and up to 12 years of continuous service, 15  
39 working days;

40 d. After 12 years and up to 20 years of continuous service, 20  
41 working days;

42 e. Over 20 years of continuous service, 25 working days;

43 f. Vacation not taken in a given year because of business  
44 demands shall accumulate and be granted during the next  
45 succeeding year only; except that vacation leave not taken by an  
46 employee in the career and senior executive service in a given year  
47 because of duties directly related to a state of emergency declared  
48 by the Governor shall accumulate until, pursuant to a plan

1 established by the employee's appointing authority and approved by  
2 the [commission] chairperson, the leave is used or the employee is  
3 compensated for that leave, which shall not be subject to collective  
4 negotiation or collective bargaining; and

5 g. Vacation not taken in a given year because of business  
6 demands shall accumulate and be granted during the next  
7 succeeding year only; except that vacation leave not taken by an  
8 employee in the unclassified service in a given year because of  
9 duties directly related to a state of emergency declared by the  
10 Governor shall accumulate until, pursuant to a plan established by  
11 the employee's appointing authority and approved by the  
12 [commission] chairperson, the leave is used or the employee is  
13 compensated for that leave, which shall not be subject to collective  
14 negotiation or collective bargaining. Nothing in this subsection  
15 shall affect any rights to vacation leave which is subject to  
16 collective negotiation or collective bargaining.

17 (cf: P.L.2008, c.29, s.52)

18

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

20 11A:6-3. Vacation leave; full-time political subdivision  
21 employees. Vacation leave for full-time political subdivision  
22 employees shall be at least:

23 a. Up to one year of service, one working day for each month  
24 of service;

25 b. After one year and up to 10 years of continuous service, 12  
26 working days;

27 c. After 10 years and up to 20 years of continuous service, 15  
28 working days;

29 d. After 20 years of continuous service, 20 working days; and

30 e. Vacation not taken in a given year because of business  
31 demands shall accumulate and be granted during the next  
32 succeeding year only; except that vacation leave not taken in a  
33 given year because of duties directly related to a state of emergency  
34 declared by the Governor may accumulate at the discretion of the  
35 appointing authority until, pursuant to a plan established by the  
36 employee's appointing authority and approved by the [commission]  
37 chairperson, the leave is used or the employee is compensated for  
38 that leave, which shall not be subject to collective negotiation or  
39 collective bargaining

40 (cf: P.L.2008, c.29, s.53)

41

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

43 11A:6-24. State employees in the career, senior executive and  
44 unclassified services in titles or circumstances designated by the  
45 Civil Service Commission shall be eligible for overtime  
46 compensation and holiday pay. Overtime compensation and  
47 holiday pay shall be either cash compensation at a rate representing  
48 1 1/2 times the employee's hourly rate of base salary or

1 compensatory time off at a rate of 1 1/2 hours for each hour worked  
2 beyond the regular workweek, at the discretion of the department  
3 head, with the approval of the **[commission]** chairperson.

4 The commission shall adopt rules for the implementation of  
5 hours of work, overtime compensation and holiday pay programs,  
6 which shall include but need not be limited to application and  
7 eligibility procedures.

8 (cf: P.L.2008, c.29, s.56)

9

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

11 11A:6-26. Employee career development. The State Treasurer  
12 shall develop and stimulate employee career development and  
13 improve management and efficiency in State government through  
14 programs, for which an assessment to State departments may be  
15 imposed, that include but are not limited to:

16 a. Career mobility and transferability;

17 b. Employee advisory services for counseling and  
18 rehabilitation; and

19 c. Retirement planning**[; and]**

20 **[d. Interchange and internship programs].**

21 (cf: P.L.2008, c.29, s.58)

22

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

24 11A:6-27. Political subdivisions. The **[commission]**  
25 chairperson may, at the request of any political subdivision, initiate  
26 programs similar to those authorized in this chapter and provide  
27 technical assistance to political subdivisions to improve the  
28 efficiency and effectiveness of their personnel management  
29 programs. The **[commission]** chairperson may require reasonable  
30 reimbursement from a participating political subdivision.

31 (cf: P.L.2008, c.29, s.59)

32

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

34 11A:6-28. Employee performance evaluations. The  
35 **[commission]** chairperson shall establish an employee performance  
36 evaluation system for State employees in the career and senior  
37 executive services. The system shall utilize standards and criteria  
38 related to job content and program goals.

39 Political subdivisions may adopt employee performance  
40 evaluation systems for their employees.

41 The Civil Service Commission shall adopt and enforce rules with  
42 respect to the utilization of performance ratings in promotion, layoff  
43 or other matters.

44 (cf: P.L.2008, c.29, s.60)

45

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

1 11A:6-29. Awards committee. The New Jersey Employee  
2 Awards Committee shall be established within the **【Civil Service**  
3 **Commission】** Department of the Treasury. The committee shall be  
4 composed of seven persons, each of whom shall be employed in a  
5 different department within the Executive Branch. Appointments to  
6 the committee shall be made by the Governor, from nominations by  
7 the **【commission】** State Treasurer, for staggered terms of three  
8 years or until a successor is appointed. No member shall serve  
9 more than two consecutive full terms. Members shall serve without  
10 compensation but shall be entitled to sums incurred for necessary  
11 expenses. The **【commission】** State Treasurer shall designate an  
12 employee as executive secretary to the committee.

13 (cf: P.L.2008, c.29, s.61)

14

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

16 11A:6-31. Powers and duties of the committee. The committee  
17 shall:

18 a. Adopt rules for the implementation of the awards programs,  
19 subject to the approval of the **【commission】** State Treasurer;

20 b. Request and receive assistance from any department in State  
21 government;

22 c. Prepare an annual report to the Governor from the  
23 **【commission】** State Treasurer concerning the operation of the  
24 awards program; and

25 d. Establish and supervise the awards committees in the  
26 departments in State government.

27 (cf: P.L.2008, c.29, s.62)

28

29 31. N.J.S.11A:7-13 is amended to read as follows:

30 11A:7-13. Accommodation for the handicapped and  
31 examination waiver. The **【commission】** chairperson may establish  
32 procedures for the reasonable accommodation of handicapped  
33 persons in the employee selection process for the State and the  
34 political subdivisions covered by this title. Pursuant to rules  
35 adopted by the Civil Service Commission, the **【commission】**  
36 chairperson may waive an examination for an applicant who suffers  
37 from a physical, mental or emotional affliction, injury, dysfunction,  
38 impairment or disability which:

39 a. Makes it physically or psychologically not practicable for  
40 that person to undergo the testing procedure for the title for which  
41 applied, but

42 b. Does not prevent that person from satisfactorily performing  
43 the responsibilities of the title under conditions of actual service;  
44 and

45 c. In making such determination, the **【commission】**  
46 chairperson may require the submission of sufficient and

1 appropriate medical documentation.

2 (cf: P.L.2008, c.29, s.68)

3

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

5 11A:8-3. Alternatives to layoff. The **[commission]** chairperson,  
6 in consultation with the advisory committee established pursuant to  
7 subsection m. of N.J.S.11A:2-11, may **[adopt]** recommend rules to  
8 the commission on voluntary reduced work time or other  
9 alternatives to layoffs. Employee participation in the program shall  
10 not affect special reemployment or retention rights.

11 (cf: P.L.2008, c.29, s.70)

12

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

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

26 (cf: P.L.2008, c.29, s.73)

27

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

29 11A:10-2. Criminal violation of title or order. Any person who  
30 purposely or knowingly violates or conspires to violate any  
31 provision of this title or Civil Service Commission or chairperson  
32 order shall be guilty of a crime of the fourth degree.

33 (cf: P.L.2008, c.29, s.74)

34

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

36 11A:10-3. Noncompliance. The Civil Service Commission or  
37 chairperson may assess all administrative costs incurred under  
38 N.J.S.11A:4-5. Other costs, charges and fines of not more than  
39 \$10,000.00 may be assessed for noncompliance or violation of this  
40 title or any order of the Civil Service Commission or chairperson.

41 (cf: P.L.2008, c.29, s.75)

42

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

44 11A:10-4. Action for enforcement. The Civil Service  
45 Commission, chairperson or other party in interest may bring an  
46 action in the Superior Court for the enforcement of this title or an  
47 order of the Civil Service Commission or chairperson.

48 (cf: P.L.2008, c.29, s.76)

S2154 OROHO

16

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

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

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

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

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

23 (cf: P.L.2008, c.29, s.86)

24

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

27 1. The commissioner shall be assisted in the performance of his  
28 duties by three deputy commissioners. Each deputy commissioner  
29 shall be appointed by and shall serve at the pleasure of the  
30 commissioner, and until his successor has been appointed and  
31 qualified.

32 Each deputy commissioner shall exercise such powers and  
33 perform such duties as the commissioner shall prescribe.

34 Unless otherwise provided by law, each deputy commissioner  
35 shall receive such salary as may be established by the commissioner  
36 with the approval of the chairperson of the Civil Service  
37 Commission and the Director of the Division of Budget and  
38 Accounting.

39 The commissioner may designate one of the deputy  
40 commissioners to exercise the powers and perform the duties of the  
41 commissioner during his disability or absence.

42 (cf: P.L.2008, c.29, s.88)

43

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

46 36. Each director shall receive such salary as may be established  
47 by the Adjutant General with the approval of the chairperson of the



S2154 OROHO

17

1 Civil Service Commission and the Director of the Division of  
2 Budget and Accounting.

3 (cf: P.L.2008, c.29, s.92)

4

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

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

17 b. Upon action of the commission, all agency employees shall  
18 become employees of the commission. Such employees shall be  
19 assigned to appropriate titles by the chairperson of the Civil Service  
20 Commission. Those private motor vehicle agency employees who  
21 were employed by the agency on or before January 1, 2003 and who  
22 are assigned to career service titles upon employment with the  
23 commission shall, upon completion of the special probationary  
24 period described in section 7 of P.L.2003, c.13 (C.39:2A-7), attain  
25 permanent, regular appointments in their respective titles. No  
26 special probationary period shall be required for those who have  
27 previously completed a probationary period during their previous  
28 State service employment. Except for managerial and confidential  
29 employees as defined by the "New Jersey Employer - Employee  
30 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), such  
31 employees shall be covered under the State of New Jersey's  
32 collective bargaining agreements and shall obtain all employment  
33 and collective bargaining rights consistent therewith.

34 c. Officers and employees of the commission shall be enrolled  
35 in the Public Employees' Retirement System and shall be eligible to  
36 participate in the State Health Benefits Program established  
37 pursuant to the "New Jersey State Health Benefits Program Act,"  
38 P.L.1961, c.49 (C.52:14-17.25 et seq.).

39 (cf: P.L.2008, c.29, s.93)

40

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

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

48 I. Residents of the municipality.

1 II. Other residents of the county in which the municipality is  
2 situate.

3 III. Other residents of the State.

4 IV. All other qualified applicants.

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

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

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

27 b. In any municipality which classifies qualified applicants  
28 pursuant to subsection a. of this section, the appointing authority  
29 shall first appoint all those in Class I and then those in each  
30 succeeding class in the order above listed, and shall appoint a  
31 person or persons in any such class only to a vacancy or vacancies  
32 remaining after all qualified applicants in the preceding class or  
33 classes have been appointed or have declined an offer of  
34 appointment.

35 c. In any such municipality operating under the provisions of  
36 Title 11A of the New Jersey Statutes, the classes of qualified  
37 applicants defined in subsection a. of this section shall be  
38 considered as separate and successive lists of eligibles, and the  
39 chairperson of the Civil Service Commission shall, when requested  
40 to certify eligibles for positions specified in this section, make such  
41 certifications from said classes separately and successively, and  
42 shall certify no persons from any such class until all persons in the  
43 preceding class or classes have been appointed or have declined  
44 offers of appointment.

45 d. This section shall apply only to initial appointments and not  
46 to promotional appointments of persons already members of the fire  
47 department.

**S2154 OROHO**

1 e. In making temporary appointments such appointing  
2 authority shall utilize the classifications set forth in subsection a. of  
3 this section, and shall classify accordingly all duly qualified  
4 applicants for the position or positions to be temporarily filled.  
5 (cf: P.L.2008, c.29, s.97)

6  
7 42. Section 2 of P.L.1976, c.132 (C.40A:14-123.1a) is amended  
8 to read as follows:

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

13 I. Residents of the municipality.

14 II. Other residents of the county in which the municipality is  
15 situate.

16 III. Other residents of the State.

17 IV. All other qualified applicants.

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

26 Preference in appointment second to that accorded to veterans  
27 pursuant to current law but superseding that accorded non-veterans  
28 shall be accorded all duly qualified applicants whose natural or  
29 adoptive parent was killed in the lawful discharge of official duties  
30 while serving as a law enforcement officer in any law enforcement  
31 agency in the State at any time prior to the closing date for the  
32 filing of an application, provided that required documentation is  
33 submitted with the application by the closing date. This paragraph  
34 shall not, however, be applicable if the municipality has entered  
35 into a consent decree with the United States Department of Justice  
36 concerning the hiring practices of the municipality.

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

42 As used in this section, "law enforcement officer" means any  
43 person who is employed as a permanent full-time member of an  
44 enforcement agency, who is statutorily empowered to act for the  
45 detection, investigation, arrest and conviction of persons violating  
46 the criminal laws of this State and statutorily required to  
47 successfully complete a training course approved, or certified as  
48 being substantially equivalent to such an approved course, by the

S2154 OROHO

20

1 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-  
2 66 et seq.); and "law enforcement agency" means a department,  
3 division, bureau, commission, board or other authority of the State  
4 or of any political subdivision thereof which has by statute or  
5 ordinance the responsibility of detecting and enforcing the general  
6 criminal laws of this State.

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

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

25 d. This section shall apply only to initial appointments and not  
26 to promotional appointments of persons already members of the  
27 police department.

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

32 (cf: P.L.2008, c.29, s.98)

33

34 43. Section 1 of P.L.1996 c.140 (C.40A:14-182) is amended to  
35 read as follows:

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

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

45 (2) satisfactorily completed such firefighter training as is  
46 required for employment as a civilian federal firefighter; and

S2154 OROHO

1 (3) was, as a consequence of the closure of a federal military  
2 installation in this State, terminated as a civilian federal firefighter  
3 within 48 months prior to the appointment.

4 b. A municipality may employ such a person notwithstanding  
5 that:

6 (1) Title 11A, Civil Service, of the New Jersey Statutes is  
7 operative in that municipality;

8 (2) the municipality has available to it an eligible or regular  
9 reemployment list of persons eligible for such appointments; and

10 (3) the appointed person is not on any eligible list. A  
11 municipality which has adopted Title 11A, Civil Service, may not  
12 employ such a person if a special reemployment list is in existence  
13 for the firefighter title to be filled.

14 c. If a municipality determines to appoint a person pursuant to  
15 the provisions of this act, it shall give first priority in making such  
16 appointments to residents of the municipality and second priority to  
17 residents of the county not residing in the municipality.

18 d. The seniority, seniority-related privileges and rank a civilian  
19 federal firefighter possessed while employed at a federal military  
20 installation shall not be transferable to a position in a municipal fire  
21 department and force obtained pursuant to the provisions of this  
22 section.

23 e. To effectuate the purposes of this section, the chairperson of  
24 the Civil Service Commission shall prepare and circulate, to those  
25 municipalities which have established and maintain fire  
26 departments and forces pursuant to N.J.S.40A:14-7, and to boards  
27 of fire commissioners in the case of fire districts established  
28 pursuant to the provisions of N.J.S.40A:14-70 et seq., a list of  
29 civilian federal firefighters eligible for appointment under the  
30 provisions of this section. The chairperson of the Civil Service  
31 Commission shall also circulate the list to municipalities and fire  
32 districts that have not adopted Title 11A, Civil Service, of the New  
33 Jersey Statutes.

34 Placement on the list compiled by the department shall be  
35 governed by length of service as a federal firefighter. A federal  
36 firefighter may apply for placement on the list at the time he or she  
37 receives a notice of termination of position or a priority placement  
38 program notice, and shall remain on the list for a period of four  
39 years.

40 (cf: P.L.2008, c.29, s.10h0)

41

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

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

1       b. When a consolidation plan provides that the consolidated  
2 municipality will be subject to the provisions of Title 11A, Civil  
3 Service, of the New Jersey Statutes the chairperson of the Civil  
4 Service Commission is specifically authorized to create a  
5 consolidation implementation plan to vest non-civil service  
6 employees, based on the education and experience of the  
7 individuals, in appropriate titles and tenure.

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

14       d. The Public Employment Relations Commission is authorized  
15 to provide technical advice, pursuant to section 12 of P.L.1968,  
16 c.303 (C.34:13A-8.3), to assist a new municipality and existing  
17 labor unions to integrate separate labor agreements into  
18 consolidated agreements and to adjust the structure of collective  
19 negotiations units, as the commission determines appropriate for the  
20 consolidated municipality.

21 (cf: P.L.2008, c.29, s.103)

22

23       45. Section 2 of P.L1974, c.55 (C.52:14-15.108) is amended to  
24 read as follows:

25       2. The salary ranges for the following positions shall be as  
26 established by the chairperson of the Civil Service Commission  
27 with the approval of the Director, Division of Budget and  
28 Accounting. The salary rate for any such position shall be the  
29 salary step in such range next above the salary currently being paid;  
30 provided, however, that any sums appropriated for salaries may be  
31 made available for salary adjustments therein arising from various  
32 exigencies of the State service and for normal merit salary  
33 increments as the chairperson of the Civil Service Commission, the  
34 State Treasurer and the Director of the Division of Budget and  
35 Accounting shall determine; and provided, further, that nothing in  
36 this act shall reduce the salary rate for any such position below that  
37 which is being paid on the effective date of this act:

38       Community Affairs Department

- 39             Assistant Commissioner of Community Affairs
- 40             Director, Division of State and Regional Planning
- 41             Director, Division of Local Government Services
- 42             Director, Division of Housing and Urban Renewal
- 43             Director, Office of Aging Programs
- 44             Director, Office on Women

45       Environmental Protection Department

- 46             Director, Division of Water Resources
- 47             Director, Division of Parks and Forestry
- 48             Director of Fish, Game and Shell Fisheries

**S2154 OROHO**

23

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

31 (cf: P.L.2008, c.29, s.107)

32

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

35 6. a. The Juvenile Justice Commission shall employ, within  
36 the limits of available funds, juvenile corrections officers to staff  
37 each State secure juvenile facility and to provide security for other  
38 State juvenile facilities and programs including parole programs as  
39 deemed appropriate and to perform all other duties related to  
40 enforcement of confinement and conditions of release including  
41 execution of warrants and legal process. Juvenile corrections  
42 officers shall be in the competitive division of the career service  
43 established pursuant to N.J.S.11A:3-2, "policemen" within the  
44 meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members  
45 of the Police and Firemen's Retirement System of New Jersey  
46 established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2),  
47 and shall be "employees" within the meaning of section 3 of  
48 P.L.1941, c.100 (C.34:13A-3).

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

- 4       (1) Is a citizen of the United States;
- 5       (2) Is able to read, write and speak the English language well  
6 and intelligently;
- 7       (3) Has a high school diploma or its equivalent;
- 8       (4) Is sound in body and of good health;
- 9       (5) Is of good moral character;
- 10      (6) Has not been convicted of any offense which would make  
11 the person unfit to perform the duties of a juvenile corrections  
12 officer;
- 13      (7) Has successfully completed the training course approved by  
14 the Police Training Commission and required by section 5 of  
15 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the  
16 provisions of that section; and
- 17      (8) Meets such other qualifications, including education and  
18 training, as may be specified by the commission in consultation  
19 with the chairperson of the Civil Service Commission.

20      c. (1) Pending appointment of a full complement of juvenile  
21 corrections officers who meet the requirements of subsection b. of  
22 this section, the commission and the Commissioner of Corrections  
23 shall arrange through agreement for the assignment of corrections  
24 officers necessary to fill the positions transferred pursuant to  
25 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers  
26 assigned to the commission pursuant to such an agreement shall be  
27 under the supervision of the commission during the period of  
28 assignment as provided by the agreement between the commission  
29 and the Commissioner of Corrections. The primary concerns of all  
30 agreements governing assignment and supervision shall be public  
31 safety and safety within the facilities and programs. No officer  
32 assigned pursuant to such an agreement shall, by virtue of such  
33 assignment, be considered an employee of the commission or lose  
34 or suffer any diminution of any right, power, privilege or benefit to  
35 which the employee would otherwise be entitled pursuant to the  
36 provisions of Title 11A of the New Jersey Statutes, Title 34 of the  
37 Revised Statutes, or Title 43 of the Revised Statutes, including any  
38 rights, powers, privileges or benefits as to salary, seniority,  
39 promotion, re-employment, retirement, pension or representation  
40 for purposes of collective bargaining;

41      (2) Notwithstanding the provisions of subsection b. of this  
42 section, a corrections officer assigned to the commission pursuant  
43 to this section shall not be considered ineligible for the position of  
44 juvenile corrections officer solely because the officer does not meet  
45 any educational or training requirement the commission may  
46 establish and may be appointed as a juvenile corrections officer if  
47 the officer applies for such position within 18 months of the  
48 effective date of this act. A juvenile corrections officer appointed



1 pursuant to this subsection shall not be deprived of any right or  
2 protection provided by Title 11A of the New Jersey Statutes or any  
3 pension or retirement system and, notwithstanding any law or  
4 regulation to the contrary, shall be eligible to compete for vacant  
5 positions within the Department of Corrections with full credit for  
6 experience, service and rank earned as an employee of the  
7 Department of Corrections and such credit for experience, service  
8 and rank earned as an employee of the commission as the  
9 Commissioner of Corrections, after consultation with the  
10 chairperson of the Civil Service Commission, deems appropriate.

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

18 (cf: P.L.2008, c.29, s.111)

19

20 47. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to  
21 read as follows:

22 24. a. (1) There is established in the Department of  
23 Environmental Protection the Office of Green Acres. The  
24 commissioner may appoint an administrator or director who shall  
25 supervise the office, and the department may employ such other  
26 personnel and staff as may be required to carry out the duties and  
27 responsibilities of the department and the office pursuant to this act,  
28 all without regard to the provisions of Title 11A, Civil Service, of  
29 the New Jersey Statutes. Persons appointed or employed as  
30 provided pursuant to this subsection shall be compensated in a  
31 manner similar to other employees in the Executive Branch, and  
32 their compensation shall be determined by the chairperson of the  
33 Civil Service Commission.

34 (2) The Green Acres Program in the Department of  
35 Environmental Protection, together with all of its functions, powers  
36 and duties, are continued and transferred to and constituted as the  
37 Office of Green Acres in the Department of Environmental  
38 Protection. Whenever, in any law, rule, regulation, order, contract,  
39 document, judicial or administrative proceeding or otherwise,  
40 reference is made to the Green Acres Program, the same shall mean  
41 and refer to the Office of Green Acres in the Department of  
42 Environmental Protection. This transfer shall be subject to the  
43 provisions of the "State Agency Transfer Act," P.L.1971, c.375  
44 (C.52:14D-1 et seq.).

45 b. The duties and responsibilities of the office shall be as  
46 follows:

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

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

35 (b) addressing any other matters deemed necessary to implement  
36 and carry out the goals and objectives of Article VIII, Section II,  
37 paragraph 7 of the State Constitution and this act with respect to the  
38 acquisition and development of lands for recreation and  
39 conservation purposes; and

40 (4) Establishing criteria and policies for the evaluation and  
41 priority ranking of State projects to acquire and develop lands for  
42 recreation and conservation purposes using constitutionally  
43 dedicated moneys, which criteria and policies may be based upon,  
44 but need not be limited to, such factors as: protection of the  
45 environment, natural resources, water resources, watersheds,  
46 aquifers, wetlands, floodplains and flood-prone areas, stream  
47 corridors, beaches and coastal resources, forests and grasslands,  
48 scenic views, biodiversity, habitat for wildlife, rare, threatened, or

**S2154 OROHO**

1 endangered species, and plants; degree of likelihood of  
2 development; promotion of greenways; provision for recreational  
3 access and use; protection of geologic, historic, archaeological, and  
4 cultural resources; relative cost; parcel size; and degree of public  
5 support.

6 (cf: P.L.2008, c.29, s.114)

7

8 48. N.J.S.11A:11-12 is amended to read as follows:

9 11A:11-2. a. The Department of Personnel is abolished as a  
10 principal department in the Executive Branch of State government.  
11 The offices and terms of the Commissioner of Personnel, the deputy  
12 commissioner, assistant commissioners, and the directors of the  
13 various divisions and offices of the Department of Personnel are  
14 terminated, except as otherwise provided by P.L.2008, c.29.

15 b. The functions, powers, and duties of the Department of  
16 Personnel, the Commissioner of Personnel, the deputy  
17 commissioner, assistant commissioners, and directors of the various  
18 divisions and offices of the Department of Personnel are continued  
19 and transferred as provided by P.L.2008, c.29. The State Treasurer  
20 may allocate the functions, powers, and duties transferred to the  
21 Department of the Treasury or the State Treasurer by P.L.2008, c.29  
22 among such divisions or subdivisions in the Department of the  
23 Treasury as the State Treasurer deems appropriate or as the State  
24 Treasurer may establish.

25 c. (1) The Division of Equal Employment Opportunity and  
26 Affirmative Action as constituted in the Department of Personnel,  
27 with its functions, powers, and duties, and those of the  
28 Commissioner of Personnel and the Merit System Board with  
29 regard to that division, is continued and transferred to the  
30 Department of the Treasury, except with regard to the power to  
31 adjudicate complaints of violations of the State policy against  
32 discrimination which power shall remain with the Civil Service  
33 Commission. The functions, powers, and duties of the Division of  
34 Equal Employment Opportunity and Affirmative Action shall be  
35 allocated within the department as the State Treasurer shall  
36 determine.

37 The Equal Employment Opportunity Advisory Commission as  
38 constituted in the Department of Personnel is continued and  
39 transferred to the Department of the Treasury to be allocated within  
40 that department as the State Treasurer shall determine. The  
41 members of the Equal Employment Opportunity Advisory  
42 Commission shall continue as members of the commission for the  
43 duration of their current terms and any reappointments and until  
44 their successors are appointed, unless removed for cause.

45 (2) The planning and research unit and function as constituted in  
46 the Department of Personnel is continued and transferred to the  
47 Department of the Treasury to be allocated within that department  
48 as the State Treasurer shall determine.

- 1 d. The Working Well NJ State employee wellness program as  
2 constituted in the Department of Personnel is continued and  
3 transferred to the Department of Health and Senior Services to be  
4 allocated within that department as the commissioner shall  
5 determine.
- 6 e. The toll-free information "Law Enforcement Officer Crisis  
7 Intervention Services" telephone hotline as constituted in the  
8 Department of Personnel is continued and transferred to the  
9 Department of Health and Senior Services, pursuant to sections 115  
10 to 116 of P.L.2008, c.29 (C.26:2NN-1 to C.26:2NN-2), to be  
11 allocated within that department as the commissioner shall  
12 determine.
- 13 f. The New Jersey Employee Awards Committee as constituted  
14 in the **【Department of Personnel】** Civil Service Commission as of  
15 the effective date of P.L. , c. (pending before the Legislature as  
16 this bill) is continued and transferred to the **【Civil Service**  
17 **Commission】** Department of the Treasury. The members of the  
18 New Jersey Employee Awards Committee shall continue as  
19 members of the committee for the duration of their current terms  
20 and any reappointments and until their successors are appointed,  
21 unless removed for cause.
- 22 g. The commission shall develop a plan for the consolidation  
23 and coordination of personnel and related functions, including, but  
24 not limited to, classification, compensation, and workforce  
25 planning, in the executive branch of State government and for  
26 transfer to the commission of such employees, positions, funding,  
27 facilities, equipment, powers, and duties from throughout the  
28 executive branch of State government as necessary and appropriate  
29 to effectuate such consolidation and coordination.
- 30 h. The commission shall submit the plan prepared pursuant to  
31 subsection g. of this section to the Governor for review and  
32 approval. With the approval of the Governor and in accordance  
33 with regulations adopted by the commission, the commission,  
34 pursuant to the approved plan, shall direct the consolidation and  
35 coordination of personnel and related functions, including, but not  
36 limited to, classification, compensation and workforce planning, in  
37 the executive branch of State government and transfer to the  
38 commission such employees, positions, funding, facilities,  
39 equipment, powers, duties and functions from throughout the  
40 executive branch of State government to effectuate such  
41 consolidation and coordination. The commission shall organize  
42 these functions in such units as the commission determines are  
43 necessary for the efficient operation of the commission and in such  
44 a manner as will provide the appointing authorities and all State  
45 employees with proper support in personnel matters. The  
46 consolidation shall not apply to those functions which the  
47 commission has determined are unique to each department or  
48 agency in its capacity as an appointing authority.

1 i. Each department, office, division, bureau or agency in the  
2 executive branch of State government shall cooperate with the  
3 commission and make available to the commission such  
4 information, personnel and assistance necessary to effectuate the  
5 purposes of P.L.2008, c.29.

6 j. This section shall not be construed to permit or require  
7 negotiations pursuant to the "New Jersey Employer-Employee  
8 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or  
9 regulation promulgated by the State Treasurer or Civil Service  
10 Commission pursuant to this section or any other section of this  
11 title.

12 (cf: P.L.2008, c.29, s.78)

13

14 49. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill replaces references to the Civil Service Commission in  
20 various sections of Title 11A of the New Jersey Statutes (Civil  
21 Service), and in various other statutes, with the chairperson of the  
22 commission in order to clarify the duties and responsibilities of the  
23 chairperson. The Civil Service Commission was created in 2008  
24 when the Department of Personnel was abolished. This bill makes  
25 corrective and clarifying adjustments to the statutes deemed  
26 necessary following that reorganization.

27 In addition, the bill transfers the State Employee Awards  
28 Committee from the Civil Service Commission to the Department  
29 of the Treasury and the responsibility for internship programs from  
30 the Department of the Treasury to the Civil Service Commission.  
31 The bill permits the chairperson of the commission to appoint a  
32 deputy administrator and changes the working test period for  
33 regular appointments of political subdivision employees from three  
34 to four months.