

ASSEMBLY, No. 426

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

SYNOPSIS

Establishes certain hiring preferences for Class Two special law enforcement officers seeking position with municipal law enforcement agency.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning Class Two special law enforcement officers
2 and amending P.L.1976, c.132.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. 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
19 are veterans shall be accorded all **[such]** veterans' preferences as
20 are provided by law. Persons discharged from the service within
21 **[6]** six months prior to making application to **[such]** the
22 municipality who fulfill the requirements of N.J.S.40A:14-123.1,
23 and who, thereby, are entitled to appointment notwithstanding their
24 failure to meet the New Jersey residency requirement at the time of
25 their initial 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 Preference in appointment third to that accorded to veterans and
43 applicants whose natural or adoptive parent was killed in the lawful
44 discharge of official duties while serving as a law enforcement
45 officer in any law enforcement agency in the State, pursuant to

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 current law, but superseding that accorded non-veterans shall be
2 accorded all duly qualified applicants who are Class Two special
3 law enforcement officers appointed pursuant to the provisions of
4 P.L.1985, c.439 (C.40A:14-146.8 et seq.).

5 As used in this section, "law enforcement officer" means any
6 person who is employed as a permanent full-time member of an
7 enforcement agency, who is statutorily empowered to act for the
8 detection, investigation, arrest and conviction of persons violating
9 the criminal laws of this State and statutorily required to
10 successfully complete a training course approved, or certified as
11 being substantially equivalent to such an approved course, by the
12 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
13 66 et seq.); and "law enforcement agency" means a department,
14 division, bureau, commission, board or other authority of the State
15 or of any political subdivision thereof which has by statute or
16 ordinance the responsibility of detecting and enforcing the general
17 criminal laws of this State.

18 b. In any municipality which classifies qualified applicants
19 pursuant to subsection a. of this section, the appointing authority
20 shall first appoint all those in Class I and then those in each
21 succeeding class in the order above listed, and shall appoint a
22 person or persons in any **【such】** class only to a vacancy or
23 vacancies remaining after all qualified applicants in the preceding
24 class or classes have been appointed or have declined an offer of
25 appointment.

26 c. In any **【such】** municipality operating under the provisions of
27 Title 11A of the New Jersey Statutes, the classes of qualified
28 applicants defined in subsection a. of this section shall be
29 considered as separate and successive lists of eligibles, and the
30 Civil Service Commission shall, when requested to certify eligibles
31 for positions specified in this section, make **【such】** the
32 certifications from **【said】** the classes separately and successively,
33 and shall certify no persons from any **【such】** class until all persons
34 in the preceding class or classes have been appointed or have
35 declined offers of appointment.

36 d. This section shall apply only to initial appointments and not
37 to promotional appointments of persons already members of the
38 police department.

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

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

44
45 2. This act shall take effect immediately.

STATEMENT

This bill establishes a hiring preference for Class Two special law enforcement officers who are seeking employment with a municipal law enforcement agency. Its provisions would apply to both civil service and non-civil service municipal law enforcement agencies that classify applicants for appointment. In addition, the provisions apply to initial appointments, but not to promotional appointments of persons who are already members of the law enforcement agency.

Under current law, veterans and children of law enforcement officers killed in the lawful discharge of official duties are given a hiring preference when applying for a position with a municipal police department. This bill gives Class Two special law enforcement officers a hiring preference after that currently given to those two groups.

It is the sponsor's intent that all hiring requirements be met prior to an applicant receiving this hiring preference.