

**ASSEMBLY, No. 5198**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED MARCH 18, 2019

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**Assemblywoman PATRICIA EGAN JONES**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

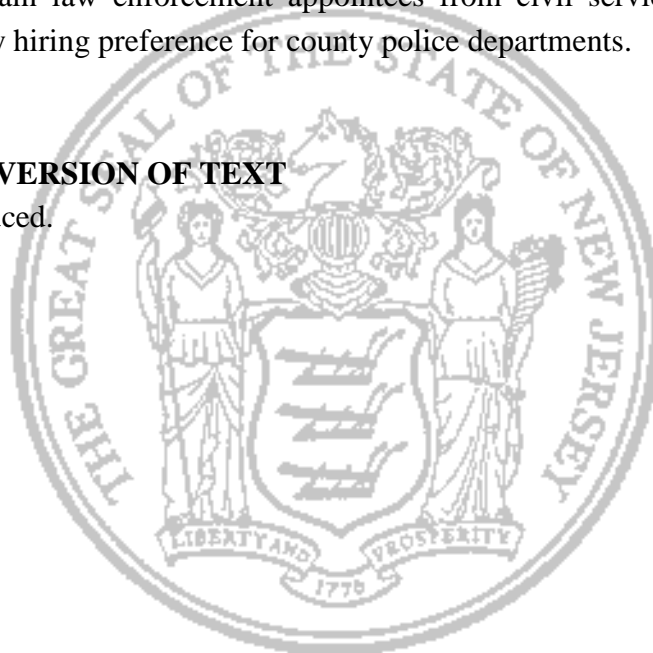
**Assemblywomen Jimenez and Mosquera**

**SYNOPSIS**

Permits local governments to request civil service law enforcement examinations; increases training reimbursement for law enforcement positions; removes certain law enforcement appointees from civil service eligible list; allows county hiring preference for county police departments.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/24/2019)**

1   **AN ACT** concerning civil service law enforcement examinations and  
2       hiring practices, amending various parts of the statutory law, and  
3       supplementing chapter 4 of Title 11A of the New Jersey Statutes  
4       and chapter 14 of Title 40A of the New Jersey Statutes.

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

8  
9       1. (New section) A county or municipal police department  
10      may request an open competitive examination to fill a vacancy for  
11      an entrance level law enforcement title. The examination shall be  
12      held no later than ten business days from the date of receipt of the  
13      request for the examination by the commission, and shall be held in  
14      an appropriate location agreed to by the commission and the  
15      appointing authority. The names of the persons who receive a  
16      passing score shall be consolidated with the most recent eligible list  
17      for such title.

18  
19      2. (New section) a. The appointing authority for a county  
20      police department and force may classify all the duly qualified  
21      applicants for members of the department into the following  
22      classes:

- 23          I. Residents of the county.  
24          II. Other residents of the State.  
25          III. All other qualified applicants.

26      Within each classification, duly qualified applicants who are  
27      veterans shall be accorded all veterans' preferences as are provided  
28      by law. Any person who has served in the armed services of the  
29      United States and been discharged or released from the service  
30      under conditions other than dishonorable within six months prior to  
31      making application for appointment as a member of the county  
32      police department and force and who, at the time of making the  
33      application, signs a notice of intention and agreement to become a  
34      resident of the State within six months from the date of  
35      appointment, shall be placed in Class II.

36      Preference in appointment second to that accorded to veterans as  
37      provided by law, but superseding that accorded non-veterans, shall  
38      be accorded all duly qualified applicants whose natural or adoptive  
39      parent was killed in the lawful discharge of official duties while  
40      serving as a law enforcement officer in any law enforcement agency  
41      in the State at any time prior to the closing date for the filing of an  
42      application, provided that required documentation is submitted with  
43      the application by the closing date, except that this preference shall  
44      not apply if the county has entered into a consent decree with the

**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 United States Department of Justice concerning the hiring practices  
2 of the county.

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

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

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

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

38 d. This section shall apply only to initial appointments and not  
39 to promotional appointments of persons already members of the  
40 county police department and force.

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

45

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

47 11A:4-5. Use of eligible list. a. Once the examination process  
48 has been initiated due to the appointment of a provisional or an

1 appointing authority's request for a list to fill a vacancy, the affected  
2 appointing authority shall be required to make appointments from  
3 the list if there is a complete certification, unless otherwise  
4 permitted by the commission for valid reason such as fiscal  
5 constraints. If the commission permits an appointing authority to  
6 leave a position vacant in the face of a complete list, the  
7 commission may order the appointing authority to reimburse the  
8 commission for the costs of the selection process.

9 b. If an appointing authority makes an appointment from an  
10 entry-level law enforcement eligible list certified by the  
11 commission, the commission shall remove the name of the  
12 appointee from all eligible lists for any entry-level law enforcement  
13 position.

14 (cf: P.L.2008, c.29, s.34)

15  
16 4. Section 2 of P.L.1989, c.40 (C.18A:6-4.12) is amended to  
17 read as follows:

18 2. a. If a person who was appointed as a police officer of an  
19 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et  
20 seq.) resigns and is subsequently appointed as a police officer for  
21 another educational institution or for a county or municipal law  
22 enforcement agency, a State law enforcement agency or the New  
23 Jersey Transit Police Department pursuant to section 2 of P.L.1989,  
24 c.291 (C.27:25-15.1) within 120 days of resignation, and if that  
25 person held a probationary appointment at the time of resignation or  
26 held a permanent appointment for **【30 days】** two years or less prior  
27 to resignation, the educational institution, county or municipal law  
28 enforcement agency, or State law enforcement agency appointing  
29 the person, or the New Jersey Transit Corporation, shall be liable to  
30 the former educational institution for **【the total】** 150 percent of the  
31 certified costs incurred by that former educational institution in the  
32 examination, hiring, and training of the person.

33 b. **【If a person who was appointed as a police officer of an**  
34 **educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et**  
35 **seq.) resigns and is subsequently appointed as a police officer for**  
36 **another educational institution or for a county or municipal law**  
37 **enforcement agency, State law enforcement agency or the New**  
38 **Jersey Transit Police Department pursuant to section 2 of P.L.1989,**  
39 **c.291 (C.27:25-15.1) within 120 days of resignation, and if that**  
40 **person held a permanent appointment for more than 30 days but less**  
41 **than two years at the time of resignation, the educational institution,**  
42 **county or municipal law enforcement agency or State law**  
43 **enforcement agency appointing the person, or the New Jersey**  
44 **Transit Corporation, shall be liable to the former educational**  
45 **institution for one-half of the total certified costs incurred by that**  
46 **former institution in the examination, hiring, and training of the**  
47 **person.】** (Deleted by amendment, P.L. , c. ) (pending before the  
48 Legislature as this bill)

1 c. Upon the appointment of a former police officer of an  
2 educational institution, the appointing educational institution,  
3 county or municipal law enforcement agency, State law  
4 enforcement agency or the New Jersey Transit Corporation shall  
5 notify the former educational institution immediately upon the  
6 appointment of a police officer formerly with that institution and  
7 shall reimburse the institution within 120 days of the receipt of the  
8 certified costs.

9 d. As used in this section:

10 "County or municipal law enforcement agency" means and  
11 includes, but is not limited to, a county or municipal police  
12 department or force, a county corrections department and a county  
13 sheriff's office;

14 "Examination costs" means and includes, but is not limited to,  
15 the costs of all qualifying examinations and public advertisements  
16 for these examinations.

17 "State law enforcement agency" means and includes, but is not  
18 limited to, the police department of a State agency and the State  
19 Department of Corrections, but does not include the State Police.

20 "Training costs" means the police training course fees and the  
21 base salary received while attending the police training course as  
22 required by section 3 of P.L.1970, c.211 (C.18A:6-4.4).

23 (cf: P.L.2000, c.106, s.2)

24  
25 5. Section 3 of P.L.2000, c.106 (C.27:25-15.1b) is amended to  
26 read as follows:

27 3. a. If a person who was appointed as a police officer of the  
28 New Jersey Transit Police Department pursuant to section 2 of  
29 P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently  
30 appointed to a county or municipal law enforcement agency, a  
31 police department of an educational institution pursuant to  
32 P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement  
33 agency within 120 days of resignation, and if that person held a  
34 probationary appointment at the time of resignation or held a  
35 permanent appointment for **[30 days]** two years or less prior to  
36 resignation, the appointing county or municipal law enforcement  
37 agency, educational institution or State law enforcement agency  
38 shall be liable to the New Jersey Transit Corporation for **[the total]**  
39 150 percent of the certified costs incurred by the corporation in the  
40 examination, hiring, and training of the person.

41 b. **[If** a person who was appointed as a police officer of the  
42 New Jersey Transit Police Department pursuant to section 2 of  
43 P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently  
44 appointed to a county or municipal law enforcement agency, the  
45 police department of an educational institution pursuant to  
46 P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement  
47 agency within 120 days of resignation, and if that person held a  
48 permanent appointment for more than 30 days but less than two

1 years at the time of resignation, the appointing county or municipal  
2 law enforcement agency, educational institution or State law  
3 enforcement agency shall be liable to the New Jersey Transit  
4 Corporation for one-half of the total certified costs incurred by the  
5 corporation in the examination, hiring, and training of the person. **】**  
6 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
7 Legislature as this bill)

8 c. The appointing county or municipal law enforcement  
9 agency, educational institution or State law enforcement agency  
10 shall notify the New Jersey Transit Corporation immediately upon  
11 the appointment of a police officer formerly employed by the  
12 corporation and shall reimburse the corporation within 120 days of  
13 the receipt of the certified costs.

14 d. As used in this section:

15 "County or municipal law enforcement agency" means and  
16 includes, but is not limited to, a county or municipal police  
17 department or force, a county corrections department and a county  
18 sheriff's office.

19 "Examination costs" means and includes, but is not limited to,  
20 the costs of all qualifying examinations and public advertisements  
21 for these examinations.

22 "State law enforcement agency" means and includes, but is not  
23 limited to, the police department of a State agency and the State  
24 Department of Corrections, but does not include the State Police.

25 "Training costs" means the police training course fees and the  
26 base salary received while attending the police training course as  
27 required by section 2 of P.L.1989, c.291 (C.27:25-15.1).  
28 (cf: P.L.2000, c.106, s.3)  
29

30 6. Section 1 of P.L.1987, c.47 (C.40A:14-178) is amended to  
31 read as follows:

32 1. a. Whenever a person who resigned as a member of a county  
33 or municipal law enforcement agency is appointed to another  
34 county or municipal law enforcement agency, the police department  
35 of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-  
36 4.2 et seq.), a State law enforcement agency, or the New Jersey  
37 Transit Police Department pursuant to section 2 of P.L.1989, c.291  
38 (C.27:25-15.1) within 120 days of resignation, and that person held  
39 a probationary appointment at the time of resignation or held a  
40 permanent appointment for **【30 days】** two years or less prior to  
41 resignation, the county or municipal law enforcement agency,  
42 educational institution, or State law enforcement agency appointing  
43 the person, or the New Jersey Transit Corporation, is liable to the  
44 former county or municipal employer, as appropriate, for **【the total】**  
45 150 percent of the total certified costs incurred by the former  
46 employer in the examination, hiring, and training of the person.

47 b. **【**Whenever a person who resigned as a member of a county  
48 or municipal law enforcement agency is appointed to another

1 county or municipal law enforcement agency, the police department  
2 of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-  
3 4.2 et seq.), State law enforcement agency or the New Jersey  
4 Transit Police Department pursuant to section 2 of P.L.1989, c.291  
5 (C.27:25-15.1) within 120 days of resignation, and that person, at  
6 the time of resignation held a permanent appointment for more than  
7 30 days but less than two years, the county or municipal law  
8 enforcement agency, educational institution, or State law  
9 enforcement agency appointing the person, or the New Jersey  
10 Transit Corporation, is liable to the former county or municipal  
11 employer, as appropriate, for one-half of the total certified costs  
12 incurred by the former employer in the examination, hiring, and  
13 training of that person.】 (Deleted by amendment, P.L. , c. )  
14 (pending before the Legislature as this bill)

15 c. Upon the appointment of a former member of a county or  
16 municipal law enforcement agency, the appointing county or  
17 municipal law enforcement agency, educational institution, State  
18 law enforcement agency, or the New Jersey Transit Corporation  
19 shall notify the former employer immediately upon the appointment  
20 of a former employee and shall reimburse the former employer  
21 within 120 days of the receipt of the certified costs.

22 d. For the purposes of this act:

23 "County or municipal law enforcement agency" means and  
24 includes, but is not limited to, a county or municipal police  
25 department or force, a county corrections department, and a county  
26 sheriff's office;

27 "Examination costs" means and includes, but is not limited to,  
28 the costs of all qualifying examinations and the public  
29 advertisements for these examinations;

30 "State law enforcement agency" means and includes, but is not  
31 limited to, the police department of a State agency and the State  
32 Department of Corrections, but does not include the State Police;  
33 and

34 "Training costs" means the police training course fees and the  
35 base salary received while attending the police training course, as  
36 required by P.L.1961, c.56 (C.52:17B-66 et seq.).

37 (cf: P.L.2000, c.106, s.1)  
38

39 7. Section 1 of P.L.2005, c.75 (C.40A:14-178.1) is amended to  
40 read as follows:

41 1. a. If a person appointed as a Class Two special resigns or  
42 refuses reappointment after serving less than **【30 days】** two years  
43 with the municipality that incurred the costs of examining, training,  
44 and initially hiring him and, within 120 days of that resignation,  
45 accepts an appointment as a Class Two special with another  
46 municipal law enforcement agency, that appointing municipality  
47 shall be liable to the officer's former municipal employer for **【the**

1 total **150 percent of the** certified costs incurred by the former  
2 employer in the examination, hiring, and training of the officer.

3 b. **【If a person appointed as a Class Two special resigns or**  
4 **refuses reappointment after serving less than two years with the**  
5 **municipality that incurred the costs of examining, training and**  
6 **initially hiring him and, within 120 days of that resignation or**  
7 **refusal of reappointment, accepts an appointment as a Class Two**  
8 **special with another municipal law enforcement agency, that**  
9 **appointing municipality shall be liable to the officer's former**  
10 **municipal employer for one-half of the total certified costs incurred**  
11 **by the former employer in the examination, hiring, and training of**  
12 **the officer.】** (Deleted by amendment, P.L. , c. ) (pending before  
13 the Legislature as this bill)

14 c. Upon the appointment of a Class Two special subject to the  
15 provisions of **【this act】** P.L.2005, c.75, the appointing municipal  
16 law enforcement agency shall notify the officer's former employer  
17 immediately upon appointment and shall reimburse the former  
18 employer within 120 days of the receipt of the certified costs.

19 d. As used in **【this act】** P.L.2005, c.75:

20 "Class Two special" means a special law enforcement officer,  
21 appointed pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.),  
22 who is authorized to exercise full powers and duties similar to those  
23 of a permanent, regularly appointed full-time law enforcement  
24 officer.

25 "Examination costs" means and includes, but is not limited to,  
26 the costs of all qualifying examinations and the public  
27 advertisements for these examinations; and

28 "Training costs" means the police training course fees and the  
29 base salary, if any, received while attending the police training  
30 course, as required by P.L.1961, c.56 (C.52:17B-66 et seq.) and  
31 P.L.1985, c.439 (C.40A:14-146.8 et seq.).  
32 (cf: P.L.2005, c.75, s.1)  
33

34 8. Section 4 of P.L.2000, c.106 (C.52:17B-77.6) is amended to  
35 read as follows:

36 4. a. If a person who was appointed to a State law enforcement  
37 agency resigns and is subsequently appointed to a county or  
38 municipal law enforcement agency, a police department of an  
39 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et  
40 seq.), another State law enforcement agency or the New Jersey  
41 Transit Police Department pursuant to section 2 of P.L.1989, c.291  
42 (C.27:25-15.1) within 120 days of resignation, and if that person  
43 held a probationary appointment at the time of resignation or held a  
44 permanent appointment for **【30 days】** two years or less prior to  
45 resignation, the appointing county or municipal law enforcement  
46 agency, educational institution, State law enforcement agency or the  
47 New Jersey Transit Corporation shall be liable to the State law



1 enforcement agency for **【the total】** 150 percent of the certified costs  
2 incurred by the corporation in the examination, hiring, and training  
3 of the person.

4 b. **【If a person who was appointed to a State law enforcement**  
5 **agency resigns and is subsequently appointed to a county or**  
6 **municipal law enforcement agency, a police department of an**  
7 **educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et**  
8 **seq.), another State law enforcement agency or the New Jersey**  
9 **Transit Police Department pursuant to section 2 of P.L.1989, c.291**  
10 **(C.27:25-15.1) within 120 days of resignation, and if that person**  
11 **held a permanent appointment for more than 30 days but less than**  
12 **two years at the time of resignation, the appointing county or**  
13 **municipal law enforcement agency, educational institution or State**  
14 **law enforcement agency, or the New Jersey Transit Corporation,**  
15 **shall be liable to the State law enforcement agency for one-half of**  
16 **the total certified costs incurred by the agency in the examination,**  
17 **hiring, and training of the person.】** (Deleted by amendment, P.L. ,  
18 c. ) (pending before the Legislature as this bill)

19 c. The appointing county or municipal law enforcement  
20 agency, educational institution, State law enforcement agency or the  
21 New Jersey Transit Corporation shall notify the former employer  
22 immediately upon the appointment of an employee formerly  
23 employed by the State law enforcement agency and shall reimburse  
24 the agency within 120 days of the receipt of the certified costs.

25 d. As used in this section:

26 "County or municipal law enforcement agency" means and  
27 includes, but is not limited to, a county or municipal police  
28 department or force, a county corrections department and a county  
29 sheriff's office.

30 "Examination costs" means and includes, but is not limited to,  
31 the costs of all qualifying examinations and public advertisements  
32 for these examinations.

33 "State law enforcement agency" means and includes, but is not  
34 limited to, the police department of a State agency and the State  
35 Department of Corrections, but does not include the State Police

36 "Training costs" means the police training course fees and the  
37 base salary received while attending the police training course as  
38 required by section 2 of P.L.1989, c.291 (C.27:25-15.1).

39 (cf: P.L.2000, c.106, s.4)

40  
41 9. This act shall take effect immediately.  
42  
43

#### 44 STATEMENT

45  
46 Current law does not address when an entry level law  
47 enforcement examination will be held, but the Civil Service  
48 Commission has maintained a practice of administering such

1 examinations once every three years. This bill permits a county or  
2 municipal police department to request an entrance level law  
3 enforcement examination in order to fill a vacancy.

4 The examination will be held no later than ten business days  
5 from receipt of the request for the examination. In addition, the  
6 names of persons who receive a passing score will be consolidated  
7 with the most recent eligible list for such title.

8 This bill would allow a county to establish a hiring preference  
9 for county residents for county police officer positions. Current law  
10 allows municipal police departments to have a hiring preference for  
11 municipal residents, but does not authorize the same with respect to  
12 county police departments. This bill would enable county police  
13 departments to prioritize county residents when hiring new officers,  
14 which would allow county police forces to be more reflective of the  
15 communities they serve.

16 As is provided with respect to municipal police departments, this  
17 bill maintains veterans' preferences that are provided by law and  
18 provides a secondary preference for the children of law enforcement  
19 officers killed in the line of duty. These preferences would apply  
20 within each residence classification.

21 Under this bill, if an appointing authority makes an appointment  
22 from an entry-level law enforcement eligible list certified by the  
23 Civil Service Commission, the commission will remove the name of  
24 the person appointed from the eligible list for all entry-level law  
25 enforcement positions.

26 Under current law, once an individual is hired to an entry-level  
27 law enforcement position, the individual's name is not removed  
28 from any eligible list for other law enforcement positions.  
29 Although now employed and trained by a department, the  
30 individual's name remains on the eligible list for other departments.  
31 This bill will prevent an individual from accepting a position with  
32 the first available department, receiving training at the expense of  
33 that department, and then accepting a position with another  
34 department that individual deems more favorable for geographic or  
35 financial reasons. The bill will help prevent a department from  
36 losing the benefit of a trained individual and the added expense of  
37 training another individual.

38 This bill would expand the training reimbursement amount and  
39 time period that applies to certain law enforcement agencies that  
40 hire new law enforcement officers. This bill would help further  
41 discourage the practice of hiring away new law enforcement  
42 officers from other agencies that have invested the time and  
43 resources into recruiting and training them.

44 Under current law, whenever a county or municipal law  
45 enforcement officer is hired by a different county or municipal law  
46 enforcement agency, an educational institution's police department,  
47 a State law enforcement agency, or the New Jersey Transit Police  
48 Department within 30 days of holding a permanent appointment, the

1 hiring agency is required to reimburse the former employer 100  
2 percent of the examination, hiring, and training costs it bore. If one  
3 of those agencies hires a county or municipal law enforcement  
4 officer within two years, but more than 30 days, of holding a  
5 permanent appointment, the appointing agency is required to  
6 reimburse the former employer 50 percent of the examination,  
7 hiring, and training costs. These same reimbursement timeframes  
8 and amounts apply when a municipality hires a Class Two special  
9 law enforcement officer from another municipality.

10 For these law enforcement hires, the bill would increase the time  
11 period during which a reimbursement is required to two years, and  
12 would increase the amount of the reimbursement to 150 percent of  
13 the examination, hiring, and training costs.