

SENATE, No. 4002

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 24, 2019

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

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.



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
45 United States Department of Justice concerning the hiring practices
46 of the county.

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

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

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

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

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

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

45 11A:4-5. Use of eligible list. a. Once the examination process
46 has been initiated due to the appointment of a provisional or an
47 appointing authority's request for a list to fill a vacancy, the affected
48 appointing authority shall be required to make appointments from

1 the list if there is a complete certification, unless otherwise
2 permitted by the commission for valid reason such as fiscal
3 constraints. If the commission permits an appointing authority to
4 leave a position vacant in the face of a complete list, the
5 commission may order the appointing authority to reimburse the
6 commission for the costs of the selection process.

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

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

13
14 4. Section 2 of P.L.1989, c.40 (C.18A:6-4.12) is amended to
15 read as follows:

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

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

47 c. Upon the appointment of a former police officer of an
48 educational institution, the appointing educational institution,

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

7 d. As used in this section:

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

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

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

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

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

22

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

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

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

1 enforcement agency shall be liable to the New Jersey Transit
2 Corporation for one-half of the total certified costs incurred by the
3 corporation in the examination, hiring, and training of the person.】

4 (Deleted by amendment, P.L. , c.) (pending before the
5 Legislature as this bill)

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

12 d. As used in this section:

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

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

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

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

26 (cf: P.L.2000, c.106, s.3)

27
28 6. Section 1 of P.L.1987, c.47 (C.40A:14-178) is amended to
29 read as follows:

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

45 b. **【**Whenever a person who resigned as a member of a county
46 or municipal law enforcement agency is appointed to another
47 county or municipal law enforcement agency, the police department
48 of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-

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

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

20 d. For the purposes of this act:

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

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;

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

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

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

36
37 7. Section 1 of P.L.2005, c.75 (C.40A:14-178.1) is amended to
38 read as follows:

39 1. a. If a person appointed as a Class Two special resigns or
40 refuses reappointment after serving less than **【30 days】** two years
41 with the municipality that incurred the costs of examining, training,
42 and initially hiring him and, within 120 days of that resignation,
43 accepts an appointment as a Class Two special with another
44 municipal law enforcement agency, that appointing municipality
45 shall be liable to the officer's former municipal employer for **【the**
46 **total】** 150 percent of the certified costs incurred by the former
47 employer in the examination, hiring, and training of the officer.

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

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

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

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

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

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

30 (cf: P.L.2005, c.75, s.1)

31

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

34 4. a. If a person who was appointed to a State law enforcement
35 agency resigns and is subsequently appointed to a county or
36 municipal law enforcement agency, a police department of an
37 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
38 seq.), another State law enforcement agency or the New Jersey
39 Transit Police Department pursuant to section 2 of P.L.1989, c.291
40 (C.27:25-15.1) within 120 days of resignation, and if that person
41 held a probationary appointment at the time of resignation or held a
42 permanent appointment for **【30 days】** two years or less prior to
43 resignation, the appointing county or municipal law enforcement
44 agency, educational institution, State law enforcement agency or the
45 New Jersey Transit Corporation shall be liable to the State law
46 enforcement agency for **【the total】** 150 percent of the certified costs

1 incurred by the corporation in the examination, hiring, and training
2 of the person.

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

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

24 d. As used in this section:

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

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

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

35 "Training costs" means the police training course fees and the
36 base salary received while attending the police training course as
37 required by section 2 of P.L.1989, c.291 (C.27:25-15.1).
38 (cf: P.L.2000, c.106, s.4)

39

40 9. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 Current law does not address when an entry level law
46 enforcement examination will be held, but the Civil Service
47 Commission has maintained a practice of administering such
48 examinations once every three years. This bill permits a county or

1 municipal police department to request an entrance level law
2 enforcement examination in order to fill a vacancy.

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

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

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

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

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

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

43 Under current law, whenever a county or municipal law
44 enforcement officer is hired by a different county or municipal law
45 enforcement agency, an educational institution's police department,
46 a State law enforcement agency, or the New Jersey Transit Police
47 Department within 30 days of holding a permanent appointment, the
48 hiring agency is required to reimburse the former employer 100

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

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