

SENATE, No. 2477

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 11, 2020

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Co-Sponsored by:

Senators Testa, Addiego, Bateman, Brown, Cardinale, Holzapfel and Oroho

SYNOPSIS

Permits State and local government employees in civil service to be transferred in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2020)

1 AN ACT concerning transfers of State and local government
2 employees in civil service and supplementing Title 11A of the
3 New Jersey Statutes.

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

7
8 1. An employee of the State, or of a political subdivision of the
9 State that has adopted the provisions of Title 11A of the New Jersey
10 Statutes, who is in the classified service or unclassified service of the
11 civil service may be transferred or reassigned by the appointing
12 authority during the period of a state of emergency or public health
13 emergency declared by the Governor to another job assignment that
14 is within or outside of the employee's job title and that is within the
15 employee's organizational unit or department or that is in another
16 organizational unit or department.

17 If the appointing authority decides to transfer or reassign an
18 employee, the appointing authority shall order the transfer or
19 reassignment only when the workforce needs of the organizational
20 unit or department within which or to which the employee is
21 transferred or reassigned have been adversely impacted by the events
22 that caused the state of emergency or public health emergency to be
23 declared by the Governor. The transfer or reassignment shall be for
24 the sole purpose of responding to, mitigating, or recovering from the
25 adverse impact, including but not limited to the processing of
26 applications from members of the public for benefits which has been
27 adversely impacted. The appointing authority shall state in writing
28 the reasons for the transfer or reassignment order.

29 The transfer or reassignment shall be for a temporary period of no
30 more than 30 consecutive or intermittent days.

31 The transfer or reassignment shall commence within the period of
32 the state of emergency or public health emergency but may extend
33 beyond the termination date of the emergency.

34 The seniority rights, the accumulated leave balances, salary steps,
35 promotional rights, and other substantive rights, within the job title,
36 job classification, and job assignment from which the employee was
37 transferred or reassignment shall not be adversely affected by the
38 transfer or reassignment. The employee shall retain all rights within
39 the title, job classification, and job assignment from which the
40 employee was transferred or reassigned. The employee shall accrue
41 seniority rights for the job title, job classification, and for the job
42 assignment from which the employee was transferred or reassigned
43 for the period of the transfer or reassignment.

44 The consent of the employee shall not be required for the transfer
45 or reassignment to occur.

46 The Civil Service Commission shall provide such guidance for the
47 purposes of this section as the commission shall deem appropriate for
48 its implementation. The provisions of this section shall not apply to

1 an employee holding a public safety title and job assignment, as
2 determined pursuant to guidance issued by the commission.

3 No provision of a collective negotiation agreement entered into
4 after the effective date of this act, P.L. , c. (pending before the
5 Legislature as this bill), shall contravene the provisions of this
6 section.

7 The provisions of this section providing authority for the transfer
8 or reassignment of an employee shall be in addition to any other
9 authority provided by law, regulation, or otherwise that permits the
10 transfer or reassignment of employees by an appointing authority.

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12 2. This act shall take effect immediately.

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STATEMENT

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17 This bill permits an employee of the State, or of a political
18 subdivision of the State that has adopted the provisions of Title 11A
19 of the New Jersey Statutes, who is in the classified service or
20 unclassified service of the civil service to be transferred or reassigned
21 by the appointing authority during the period of a state of emergency
22 or public health emergency declared by the Governor to another job
23 assignment that is within or outside of the employee's job title and
24 that is within the employee's organizational unit or department or
25 that is in another organizational unit or department.

26 If the appointing authority decides to transfer or reassign an
27 employee, the appointing authority can order the transfer or
28 reassignment only when the workforce needs of the organizational
29 unit or department within which or to which the employee is
30 transferred or reassigned have been adversely impacted by the events
31 that caused the state of emergency or public health emergency to be
32 declared by the Governor. The transfer or reassignment must be for
33 the sole purpose of responding to, mitigating, or recovering from the
34 adverse impact, including but not limited to the processing of
35 applications from members of the public for benefits which has been
36 adversely impacted.

37 The transfer or reassignment will be for a temporary period of no
38 more than 30 consecutive or intermittent days.

39 The seniority rights, the accumulated leave balances, salary steps,
40 promotional rights, and other substantive rights, within the job title,
41 job classification, and job assignment from which the employee was
42 transferred or reassignment will not be adversely affected by the
43 transfer or reassignment.

44 The consent of the employee will not be required for the transfer
45 or reassignment to occur.

46 The provisions of this bill will not apply to an employee holding
47 a public safety title and job assignment.