

SENATE, No. 229

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator SACCO

1 AN ACT concerning certain eligibles on Civil Service lists and  
2 amending N.J.S.11A:4-11.

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

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7 1. N.J.S.11A:4-11 is amended to read as follows:  
8 11A:4-11. Removal on criminal record. Upon the request of an  
9 appointing authority, the commissioner may remove an eligible with a  
10 criminal record from a list when the criminal record includes a  
11 conviction for a crime which adversely relates to the employment  
12 sought. The following factors may be considered in such  
13 determination:

- 14 a. Nature and seriousness of the crime;  
15 b. Circumstances under which the crime occurred;  
16 c. Date of the crime and age of the eligible when the crime was  
17 committed;  
18 d. Whether the crime was an isolated event; and  
19 e. Evidence of rehabilitation.

20 The presentation to an appointing authority of a pardon or  
21 expungement shall prohibit an appointing authority from rejecting an  
22 eligible based on such criminal conviction, except for law enforcement,  
23 fire fighter or correction officer and other titles as determined by the  
24 commissioner.

25 Upon the written request of an appointing authority, the  
26 commissioner shall remove an eligible with a criminal record from a  
27 list if the criminal record includes a conviction for a crime involving  
28 fraud, dishonesty or deception.

29 (cf: N.J.S.11A:4-11)

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31 2. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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STATEMENT

This bill provides that whenever an appointing authority determines that an eligible from a Civil Service employment list has a criminal record that includes a conviction for a crime involving fraud, dishonesty or deception, it may make a written request to the Commissioner of Personnel to remove the eligible's name from the employment list. Upon the receipt of such written request the commissioner would be required to remove the eligible's name from the employment list. It is the intent of the sponsor that the entity having the responsibility for employing an individual should be empowered with adequate discretion to determine whether an individual who has committed a crime that demonstrates the traits of dishonesty and moral turpitude merits employment in government work.

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Provides discretion in hiring of certain eligibles on Civil Service lists.