

SENATE, No. 1691

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 18, 1996

By Senator LaROSSA

1 **AN ACT** establishing a displaced workers pool program for laid-off
2 State employees and amending N.J.S.11A:8-3 and P.L.1992, c.197.
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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6 1. N.J.S.11A:8-3 is amended to read as follows:

7 11A:8-3. Alternatives to layoff. a. The commissioner, in
8 consultation with the advisory committee established pursuant to
9 subsection m. of N.J.S. 11A:2-11, may recommend rules to the board
10 on voluntary reduced work time or other alternatives to layoffs.
11 Employee participation in the program shall not affect special
12 reemployment or retention rights.

13 b. The commissioner is authorized and directed to establish a
14 displaced workers pool program for all permanent State employees in
15 any title who are scheduled to be laid off for economy, efficiency or
16 other related reason. Any permanent State employee in any title who
17 is scheduled to be laid off for economy, efficiency or other related
18 reason may enroll in the program. An individual in the program shall
19 be deemed an employee of the State and shall be allowed to participate
20 in the program for a period not to exceed six months in anticipation of
21 the opportunity of being rehired in the same or a similar title from
22 which the individual was terminated. Individuals in the program shall
23 be assigned to work in positions related to the type of work performed
24 prior to the layoff. If suitable work is not available, an individual in
25 the program shall be assigned to outplacement services counseling.
26 Failure of an individual to report for work or outplacement services
27 counseling shall be grounds for removal from the program. At the
28 discretion of the commissioner, an individual in the program shall
29 receive either the salary in effect at the time of the layoff or the salary
30 that the individual would have received had a demotional opportunity
31 been available at the time of the layoff. Seniority for the purpose of
32 continuous State service and credit for pension purposes shall continue
33 to be earned while an individual is in the program. Health benefits and

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.

1 vacation, sick and administrative leave in place at the time of the layoff
2 shall continue to be maintained and accrue while an individual is in the
3 program.

4 (cf: N.J.S.11A:8-3)

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6 2. (New section) Any former permanent State employee who was
7 laid off for economy, efficiency or other related reason on or after July
8 1, 1996 and prior to the effective date of this act, P.L. , c.
9 (C.) (now pending before the Legislature as this bill), shall be
10 permitted to enroll in the displaced workers pool program for a period
11 not to exceed six months in anticipation of the opportunity of being
12 rehired in the same or a similar title from which the individual was
13 terminated.

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15 3. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read
16 as follows:

17 1. a. The Commissioner of the Department of Personnel shall
18 establish a \$5 fee for each application for an open competitive or
19 promotional examination. Persons receiving public assistance benefits
20 pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1959, c.86
21 (C.44:10-1 et seq.), or P.L.1973, c.256 (C.44:7-85 et seq.) shall not
22 be required to pay this fee if they apply for an open competitive
23 examination. Receipts derived from application fees established by
24 this subsection shall be appropriated to the department.

25 b. In addition to the fee established in subsection a. of this section,
26 the commissioner shall establish a \$5 fee for each application for an
27 open competitive or promotional examination for a position in State
28 service. Persons receiving public assistance benefits pursuant to
29 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1959, c.86 (C.44:10-1 et
30 seq.), or P.L.1973, c.256 (C.44:7-85 et seq.) shall not be required to
31 pay this fee if they apply for an open competitive examination.
32 Receipts derived from the application fee established pursuant to this
33 subsection shall be appropriated annually to the department for the
34 costs of the displaced workers pool program. [This fee shall not be
35 assessed and collected unless the commissioner implements a
36 displaced workers pool program. If the displaced workers pool
37 program is terminated at any time by the commissioner, the assessment
38 and collection of this additional fee shall also be terminated.] In
39 addition, the Director of the Division of Budget and Accounting in the
40 Department of the Treasury is authorized and directed to transfer or
41 credit to the department all or part of any appropriation made to any
42 principal department in the Executive branch of State government to
43 fund the State's unemployment insurance liability for the purpose of
44 funding the displaced workers pool program.

45 (cf: P.L.1996, c.46, s.1)

1 4. This act shall take effect immediately.

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STATEMENT

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6 Language in the FY 1997 Appropriations Act called for the creation
7 of a displaced workers pool program for State employees scheduled
8 to be laid off. However, that provision will terminate with the
9 expiration of the FY 1997 Appropriations Act. Moreover, the
10 program which the Department of Personnel has established applies
11 only to a small number of laid-off State workers in certain select titles.

This bill makes permanent the establishment of the displaced workers pool program. It directs the Commissioner of Personnel to establish such a program for all permanent State employees in any title who are scheduled to be laid off for economy, efficiency or other related reason. Any permanent State employee in any title who is scheduled to be laid off for economy, efficiency or other related reason may enroll in the program. An individual in the program shall be deemed an employee of the State and shall be allowed to participate in the program for a period not to exceed six months in anticipation of the opportunity of being rehired in the same or a similar title from which the individual was terminated. Individuals in the program shall be assigned to work in positions related to the type of work performed prior to the layoff. If suitable work is not available, an individual in the program shall be assigned to outplacement services counseling. Failure of an individual to report for work or outplacement services counseling shall be grounds for removal from the program. At the discretion of the commissioner, an individual in the program shall receive either the salary in effect at the time of the layoff or the salary that the individual would have received had a demotional opportunity been available at the time of the layoff. Seniority for the purpose of continuous State service and credit for pension purposes shall continue to be earned while an individual is in the program. Health benefits and vacation, sick and administrative leave in place at the time of the layoff shall continue to be maintained and accrue while an individual is in the program.

37 Any former permanent State employee who was laid off for
38 economy, efficiency or other related reason on or after July 1, 1996
39 and prior to the effective date of this act shall be permitted to enroll
40 in the displaced workers pool program for a period not to exceed six
41 months in anticipation of the opportunity of being rehired in the same
42 or a similar title from which the individual was terminated.

43 The Director of the Division of Budget and Accounting in the
44 Department of the Treasury is authorized and directed to transfer or
45 credit to the Department of Personnel all or part of any appropriation
46 made to any department to fund the State's unemployment insurance

1 liability for the purpose of funding the displaced workers pool
2 program. Existing law already provides that receipts derived from the
3 additional \$5 for an application fee to take an open competitive or
4 promotional examination for a position in State service shall be
5 appropriated annually to the department for the costs of the displaced
6 workers pool program.

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11 Establishes a displaced workers pool program for laid-off State
12 employees.