

[Third Reprint]

ASSEMBLY, No. 1100

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Senator VIN GOPAL

District 11 (Monmouth)

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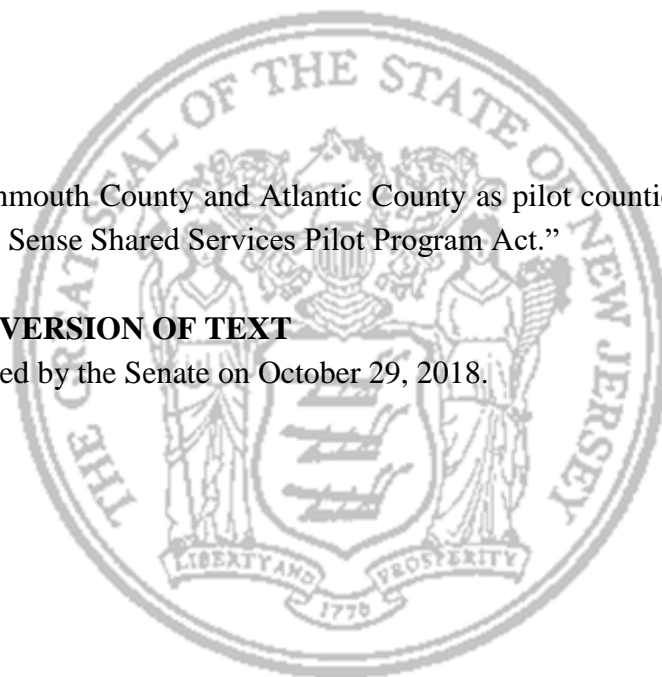
Assemblywoman DiMaso, Senators Brown and O'Scanlon

SYNOPSIS

Adds Monmouth County and Atlantic County as pilot counties for purposes of "Common Sense Shared Services Pilot Program Act."

CURRENT VERSION OF TEXT

As amended by the Senate on October 29, 2018.



(Sponsorship Updated As Of: 10/30/2018)

1 AN ACT concerning certain shared services and amending P.L.2013,
2 c.166 ³and P.L.2007, c.63³.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.2013, c.166 (C.40A:65-4.2) is amended to
8 read as follows:

9 3. a. As used in this section:

10 "Local employee" means a tenured municipal clerk, assessor,
11 collector, chief financial officer, municipal treasurer, or principal
12 public works manager who is a municipal superintendent of public
13 works;

14 "Pilot county" means ²Atlantic,² Camden, Monmouth, Morris,
15 Ocean, Sussex, and Warren, counties; and

16 "Pilot municipality" means a municipality located in a pilot
17 county that enters into a shared services agreement with another
18 pilot municipality pursuant to the provisions of P.L.2007, c.63
19 (C.40A:65-1 et seq.) for the services of a local employee.

20 b. There is established a pilot program to evaluate the
21 efficiency and functionality of the sharing of services of certain
22 local personnel having tenure rights in office. In pilot
23 municipalities, tenure rights shall not prohibit the sharing of
24 services for a municipal clerk, a chief financial officer, an assessor,
25 a tax collector, a municipal treasurer, or a municipal superintendent
26 of public works. Under the pilot program, municipalities located in
27 pilot counties may enter into shared services agreements, pursuant
28 to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.), for the
29 services of tenured local employees, and provide for the dismissal
30 of any tenured local employees who are not selected to be service
31 providers under the shared services agreement.

32 In a shared service agreement between pilot municipalities for
33 the services of a municipal clerk, a chief financial officer, an
34 assessor, a tax collector, a municipal treasurer, or a municipal
35 superintendent of public works, the agent-party, as that term is
36 defined in subsection d. of section 7 of P.L.2007, c.63 (C.40A:65-
37 7), shall select for employment under the agreement one of the
38 employees of the pilot municipalities that are party to the agreement
39 who was employed in that same capacity by one of the pilot
40 municipalities prior to the approval of the agreement. ³During the
41 time period of the shared service agreement, and thereafter if the
42 shared service agreement is terminated for any reason, all of the
43 conditions of the selected employee's employment, including any

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted February 1, 2018.

²Assembly floor amendments adopted March 26, 2018.

³Senate floor amendments adopted October 29, 2018.

1 term of office or tenure in office, ¹and the employee's work hours,
2 salary, and benefits,¹ shall remain in effect, and shall not be
3 unilaterally revised, revoked, or rescinded, by the municipalities
4 that are party to the shared service agreement. ¹Those conditions
5 shall be memorialized in a written "dissolution agreement," which
6 shall be made a part of the shared service agreement and shall be
7 adopted as a part of the shared service agreement.¹】 The shared
8 service agreement shall address the proportion of work hours that
9 the selected employee shall dedicate towards each pilot
10 municipality, and any additional compensation that the selected
11 employee may receive for assuming additional duties under the
12 agreement. If the selected employee receives additional
13 compensation for assuming additional duties under the agreement,
14 the additional compensation shall not be reduced during the term of
15 the agreement without good cause.³

16 c. A tenured municipal clerk, chief financial officer, assessor,
17 tax collector, municipal superintendent of public works, or
18 municipal treasurer may be dismissed to effectuate the sharing of a
19 service entered into pursuant to the provisions of P.L.2007, c.63
20 (C.40A:65-1 et seq.), and such dismissal shall be deemed to be in
21 the interest of the economy or efficiency of the participants in the
22 shared service agreement. A tenured municipal clerk, chief
23 financial officer, assessor, tax collector, municipal superintendent
24 of public works, or municipal treasurer who has been dismissed to
25 effectuate a shared service agreement entered into pursuant to the
26 provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) shall be
27 reappointed to his or her former position, and shall regain his or her
28 tenured status, if the shared service agreement is cancelled, or
29 expires, within the two-year period immediately following the
30 dismissal of that person. ³If the shared service agreement is
31 cancelled, or expires, within the two-year period immediately
32 following the dismissal, the reappointed employee shall be entitled
33 to the same level of salary or wages as the employee had received at
34 the time of the dismissal, augmented by any increases in salary
35 granted to all other tenured employees by ordinance while the
36 shared service agreement was in effect.³

37 (cf: P.L.2013, c.166, s.3)

38
39 2. Section 2 of P.L.2007, c.63 (C.40A:65-2) is amended to read
40 as follows:

41 2. The Legislature finds and declares:

42 a. Historically, many specialized statutes have been enacted to
43 permit shared services between local units for particular purposes.

44 b. Other laws, permitting a variety of shared services, including
45 interlocal services agreements, joint meetings, and consolidated and
46 regional services, exist but have not been very effective in

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- 1 promoting the broad use of shared services as a technique to reduce
2 local expenses funded by property taxpayers.
- 3 c. It is appropriate for the Legislature to enact a new shared
4 services statute that can be used to effectuate agreements between
5 local units for any service or circumstance intended to reduce
6 property taxes through the reduction of local expenses.
- 7 d. It is contrary to public policy that the tenure rights of certain
8 local personnel should effectively prohibit shared services
9 agreements for the services provided by those local personnel,
10 thereby depriving property taxpayers of property tax relief.
- 11 e. In order to evaluate the efficiencies related to the sharing of
12 services of certain local personnel having tenure rights in office, it
13 is appropriate to create a pilot program in ~~five~~ ²~~six~~ seven²
14 counties of the State which embody urban, suburban, and rural
15 characteristics to study the sharing of the services of these
16 personnel between municipalities by allowing for the dismissal of
17 such a tenured local official, as necessary, in order to promote and
18 effectuate the sharing of a service.
19 (cf: P.L.2013, c.166, s.2)
20
- 21 3. This act shall take effect immediately.