

ASSEMBLY, No. 259

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT concerning civil service preference for veterans with
2 campaign or expedition medals and amending N.J.S.11A:5-1.

3

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

6

7 1. N.J.S.11A:5-1 is amended to read as follows:

8 11A:5-1. As used in this chapter:

9 a. "Disabled veteran" means any veteran who is eligible to be
10 compensated for a service-connected disability from war service by
11 the United States Veterans Administration or who receives or is
12 entitled to receive equivalent compensation for a service-connected
13 disability which arises out of military or naval service as set forth in
14 this chapter and who has submitted sufficient evidence of the record
15 of disability incurred in the line of duty to the Adjutant General of
16 the Department of Military and Veterans' Affairs and received a
17 determination of status no later than eight days prior to the issuance
18 of an employment list, for which that individual received a passing
19 score on an examination;

20 b. "Veteran" means any honorably discharged soldier, sailor,
21 marine or nurse who served in any army or navy of the allies of the
22 United States in World War I, between July 14, 1914 and November
23 11, 1918, or who served in any army or navy of the allies of the
24 United States in World War II, between September 1, 1939 and
25 September 2, 1945 and who was inducted into that service through
26 voluntary enlistment, and was a citizen of the United States at the
27 time of the enlistment, and who did not renounce or lose his or her
28 United States citizenship; or any soldier, sailor, marine, airman,
29 nurse or army field clerk, who has served in the active military or
30 naval service of the United States and has been discharged or
31 released under other than dishonorable conditions from that service
32 in any of the following wars or conflicts and who has presented to
33 the Adjutant General of the Department of Military and Veterans'
34 Affairs sufficient evidence of the record of service and received a
35 determination of status no later than eight days prior to the issuance
36 of an employment list, for which that individual received a passing
37 score on an examination:

38 (1) World War I, between April 6, 1917 and November 11,
39 1918;

40 (2) World War II, on or after September 16, 1940, who shall
41 have served at least 90 days beginning on or before December 31,
42 1946 in such active service, exclusive of any period of assignment
43 for a course of education or training under the Army Specialized
44 Training Program or the Navy College Training Program, which
45 course was a continuation of a civilian course and was pursued to

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 completion, or as a cadet or midshipman at one of the service
2 academies; except that any person receiving an actual service-
3 incurred injury or disability shall be classed a veteran whether or
4 not that person has completed the 90-day service;

5 (3) Korean conflict, on or after June 23, 1950, who shall have
6 served at least 90 days beginning on or before January 31, 1955, in
7 active service, exclusive of any period of assignment for a course of
8 education or training under the Army Specialized Training Program
9 or the Navy College Training Program, which course was a
10 continuation of a civilian course and was pursued to completion, or
11 as a cadet or midshipman at one of the service academies; except
12 that any person receiving an actual service-incurred injury or
13 disability shall be classed as a veteran, whether or not that person
14 has completed the 90-day service;

15 (4) Lebanon crisis, on or after July 1, 1958, who has served in
16 Lebanon or on board any ship actively engaged in patrolling the
17 territorial waters of that nation for a period, continuous or in the
18 aggregate, of at least 14 days commencing on or before November
19 1, 1958 or the date of termination of that conflict, as proclaimed by
20 the President of the United States or Congress, whichever date of
21 termination is the latest, in such active service; provided, that any
22 person receiving an actual service-incurred injury or disability shall
23 be classed as a veteran whether or not that person has completed the
24 14 days' service as herein provided;

25 (5) Vietnam conflict, on or after December 31, 1960, who shall
26 have served at least 90 days beginning on or before May 7, 1975, in
27 active service, exclusive of any period of assignment for a course of
28 education or training under the Army Specialized Training Program
29 or the Navy College Training Program, which course was a
30 continuation of a civilian course and was pursued to completion, or
31 as a cadet or midshipman at one of the service academies, and
32 exclusive of any service performed pursuant to the provisions of
33 section 511(d) of Title 10, United States Code, or exclusive of any
34 service performed pursuant to enlistment in the National Guard or
35 the Army Reserve, Naval Reserve, Air Force Reserve, Marine
36 Corps Reserve, or Coast Guard Reserve; except that any person
37 receiving an actual service-incurred injury or disability shall be
38 classed as a veteran, whether or not that person has completed the
39 90-day service as provided;

40 (6) Lebanon peacekeeping mission, on or after September 26,
41 1982, who has served in Lebanon or on board any ship actively
42 engaged in patrolling the territorial waters of that nation for a
43 period, continuous or in the aggregate, of at least 14 days
44 commencing on or before December 1, 1987 or the date of
45 termination of that mission, as proclaimed by the President of the
46 United States or Congress, whichever date of termination is the
47 latest, in such active service; provided, that any person receiving an

1 actual service-incurred injury or disability shall be classed as a
2 veteran whether or not that person has completed the 14 days'
3 service as herein provided;

4 (7) Grenada peacekeeping mission, on or after October 23,
5 1983, who has served in Grenada or on board any ship actively
6 engaged in patrolling the territorial waters of that nation for a
7 period, continuous or in the aggregate, of at least 14 days
8 commencing on or before November 21, 1983 or the date of
9 termination of that mission, as proclaimed by the President of the
10 United States or Congress, whichever date of termination is the
11 latest, in such active service; provided, that any person receiving an
12 actual service-incurred injury or disability shall be classed as a
13 veteran whether or not that person has completed the 14 days'
14 service as herein provided;

15 (8) Panama peacekeeping mission, on or after December 20,
16 1989 or the date of inception of that mission, as proclaimed by the
17 President of the United States or Congress, whichever date of
18 inception is earliest, who has served in Panama or on board any ship
19 actively engaged in patrolling the territorial waters of that nation for
20 a period, continuous or in the aggregate, of at least 14 days
21 commencing on or before January 31, 1990 or the date of
22 termination of that mission, as proclaimed by the President of the
23 United States or Congress, whichever date of termination is the
24 latest, in such active service; provided, that any person receiving an
25 actual service-incurred injury or disability shall be classed as a
26 veteran whether or not that person has completed the 14 days'
27 service as herein provided;

28 (9) Operation "Desert Shield/Desert Storm" mission in the
29 Arabian peninsula and the Persian Gulf, on or after August 2, 1990
30 or the date of inception of that operation, as proclaimed by the
31 President of the United States or Congress, whichever date of
32 inception is earliest, who has served in the Arabian peninsula or on
33 board any ship actively engaged in patrolling the Persian Gulf for a
34 period, continuous or in the aggregate, of at least 14 days
35 commencing on or before the date of termination of that mission, as
36 proclaimed by the President of the United States or Congress,
37 whichever date of termination is the latest, in such active service;
38 provided, that any person receiving an actual service-incurred injury
39 or disability shall be classed as a veteran whether or not that person
40 has completed the 14 days' service as herein provided;

41 (10) Operation Northern Watch and Operation Southern Watch,
42 on or after August 27, 1992, or the date of inception of that
43 operation, as proclaimed by the President of the United States,
44 Congress or United States Secretary of Defense, whichever date of
45 inception is earliest, who served in the theater of operation,
46 including in the Arabian peninsula and the Persian Gulf, and in
47 direct support of that operation for a period, continuously or in the

1 aggregate, of at least 14 days in such active service commencing on
2 or before the date of termination of that operation, as proclaimed by
3 the President of the United States, Congress or United States
4 Secretary of Defense, whichever date of termination is the latest;
5 provided, that any person receiving an actual service-incurred injury
6 or disability while engaged in such service shall be classed as a
7 veteran whether or not that person has completed the 14 days'
8 service as herein provided;

9 (11) Operation "Restore Hope" in Somalia, on or after December 5,
10 1992, or the date of inception of that operation as proclaimed by the
11 President of the United States or the Congress, whichever date is
12 earliest, who has served in Somalia or on board any ship actively
13 engaged in patrolling the territorial waters of that nation for a
14 period, continuously or in the aggregate, of at least 14 days in such
15 active service commencing on or before March 31, 1994; provided
16 that any person receiving an actual service-incurred injury or
17 disability shall be classed as a veteran whether or not that person
18 has completed the 14-day service as herein provided;

19 (12) Operations "Joint Endeavor" and "Joint Guard" in the
20 Republic of Bosnia and Herzegovina, on or after November 20,
21 1995, who served in such active service in direct support of one or
22 both of the operations for at least 14 days, continuously or in the
23 aggregate, commencing on or before June 20, 1998, and (1) was
24 deployed in that nation or in another area in the region, or (2) was
25 on board a United States naval vessel operating in the Adriatic Sea,
26 or (3) operated in airspace above the Republic of Bosnia and
27 Herzegovina; provided that any person receiving an actual service-
28 incurred injury or disability shall be classed as a veteran whether or
29 not that person completed the 14-day service requirement;

30 (13) Operation "Uphold Democracy" in Haiti, on or after
31 September 19, 1994, who served in Haiti or on board any ship
32 actively engaged in patrolling the territorial waters of that nation for
33 a period, continuously or in the aggregate, of at least 14 days in
34 such active service commencing on or before March 31, 1995, and
35 who received an Armed Forces Expeditionary Medal for such
36 service; provided, that any person receiving an actual service-
37 incurred injury or disability shall be classed as a veteran whether or
38 not that person has completed the 14 days' service as herein
39 provided or received an Armed Forces Expeditionary Medal;

40 (14) Operation "Enduring Freedom", on or after September 11,
41 2001, who served in a theater of operation and in direct support of
42 that operation for a period, continuously or in the aggregate, of at
43 least 14 days in such active service commencing on or before the
44 date the President of the United States or the United States
45 Secretary of Defense designates as the termination date of that
46 operation; provided, that any person receiving an actual service-
47 incurred injury or disability while engaged in such service shall be

1 classed as a veteran whether or not that person has completed the 14
2 days' service as herein provided; **【and】**

3 (15) Operation "Iraqi Freedom", on or after the date the
4 President of the United States or the United States Secretary of
5 Defense designates as the inception date of that operation, who
6 served in Iraq or in another area in the region in direct support of
7 that operation for a period, continuously or in the aggregate, of at
8 least 14 days in such active service commencing on or before the
9 date the President of the United States or the United States
10 Secretary of Defense designates as the termination date of that
11 operation; provided, that any person receiving an actual service-
12 incurred injury or disability while engaged in such service shall be
13 classed as a veteran whether or not that person has completed the 14
14 days' service as herein provided; and

15 (16) In a campaign or expedition for which a medal has been
16 authorized and recognized by the Veterans' Preference Act of 1944,
17 as amended and codified under Title 5, United States Code, for civil
18 service preference and which has been awarded to the veteran.

19 c. "War service" means service by a veteran in any war or
20 conflict described in this chapter during the periods specified.
21 (cf: P.L.2007, c.115, s.1)

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23 2. This act shall take effect thirty days after the date of
24 enactment and shall apply to open competitive examinations held
25 after the effective date.

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28 STATEMENT

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30 This bill provides civil service preference to military service
31 members who did not serve in a theater of operation but did serve
32 during a war or conflict for which the federal government
33 authorized a campaign or expedition medal. The Veterans'
34 Preference Act of 1944, codified in Title 5 of the United States
35 Code, governs civil service credit and preference in appointments to
36 federal employment. One such preference is provided to a veteran
37 who served "in a campaign or expedition for which a campaign
38 medal has been authorized." This includes campaign or
39 expeditionary medals for El Salvador, Lebanon, Grenada, Panama,
40 Southwest Asia, Somalia, and Haiti.

41 Under this bill, a veteran who received such a medal but did not
42 serve in a theater of operation, will be eligible for State civil service
43 preference.

44 A campaign medal is generally awarded for participation in a
45 military action involving, among other things, large-scale military
46 operations, active, opposing, and hostile forces, combat operations
47 that take place over a sustained period of time, specific and limited

- 1 periods of eligibility, and deployment involving extended family
- 2 separation and personal inconvenience.