

ASSEMBLY, No. 1356

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Wirths and Space

SYNOPSIS

Permits certain applicants to submit personal statement of veteran status, in lieu of determination of veteran status, prior to issuance of civil service eligible list; requires submission of determination of status prior to employment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning civil service veterans' preference and amending
2 N.J.S.11A:5-1 and P.L.2000, c.127.

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, or later as permitted in section 3 of
20 P.L.2000, c.127 (C.11A:5-1.1);

21 b. "Veteran" means any honorably discharged soldier, sailor,
22 marine or nurse who served in any army or navy of the allies of the
23 United States in World War I, between July 14, 1914 and November
24 11, 1918, or who served in any army or navy of the allies of the
25 United States in World War II, between September 1, 1939 and
26 September 2, 1945 and who was inducted into that service through
27 voluntary enlistment, and was a citizen of the United States at the
28 time of the enlistment, and who did not renounce or lose his or her
29 United States citizenship; or any soldier, sailor, marine, airman,
30 nurse or army field clerk, who has served in the active military or
31 naval service of the United States and has been discharged or
32 released under other than dishonorable conditions from that service
33 in any of the following wars or conflicts and who has presented to
34 the Adjutant General of the Department of Military and Veterans'
35 Affairs sufficient evidence of the record of service and received a
36 determination of status no later than eight days prior to the issuance
37 of an employment list, for which that individual received a passing
38 score on an examination, or later as permitted in section 3 of
39 P.L.2000, c.127 (C.11A:5-1.1);

40 (1) World War I, between April 6, 1917 and November 11,
41 1918;

42 (2) World War II, on or after September 16, 1940, who shall
43 have served at least 90 days beginning on or before December 31,
44 1946 in such active service, exclusive of any period of assignment
45 for a course of education or training under the Army Specialized

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 Training Program or the Navy College Training Program, which
2 course was a continuation of a civilian course and was pursued to
3 completion, or as a cadet or midshipman at one of the service
4 academies; except that any person receiving an actual service-
5 incurred injury or disability shall be classed a veteran whether or
6 not that person has completed the 90-day service;

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

17 (4) Lebanon crisis, on or after July 1, 1958, who has served in
18 Lebanon or on board any ship actively engaged in patrolling the
19 territorial waters of that nation for a period, continuous or in the
20 aggregate, of at least 14 days commencing on or before November
21 1, 1958 or the date of termination of that conflict, as proclaimed by
22 the President of the United States or Congress, whichever date of
23 termination is the latest, in such active service; provided, that any
24 person receiving an actual service-incurred injury or disability shall
25 be classed as a veteran whether or not that person has completed the
26 14 days' service as herein provided;

27 (5) Vietnam conflict, on or after December 31, 1960, who shall
28 have served at least 90 days beginning on or before May 7, 1975, in
29 active service, exclusive of any period of assignment for a course of
30 education or training under the Army Specialized Training Program
31 or the Navy College Training Program, which course was a
32 continuation of a civilian course and was pursued to completion, or
33 as a cadet or midshipman at one of the service academies, and
34 exclusive of any service performed pursuant to the provisions of
35 section 511(d) of Title 10, United States Code, or exclusive of any
36 service performed pursuant to enlistment in the National Guard or
37 the Army Reserve, Naval Reserve, Air Force Reserve, Marine
38 Corps Reserve, or Coast Guard Reserve; except that any person
39 receiving an actual service-incurred injury or disability shall be
40 classed as a veteran, whether or not that person has completed the
41 90-day service as provided;

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

1 latest, in such active service; provided, that any person receiving an
2 actual service-incurred injury or disability shall be classed as a
3 veteran whether or not that person has completed the 14 days'
4 service as herein provided;

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

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

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

42 (10) Operation Northern Watch and Operation Southern Watch,
43 on or after August 27, 1992, or the date of inception of that
44 operation, as proclaimed by the President of the United States,
45 Congress or United States Secretary of Defense, whichever date of
46 inception is earliest, who served in the theater of operation,
47 including in the Arabian peninsula and the Persian Gulf, and in
48 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
10 5, 1992, or the date of inception of that operation as proclaimed by
11 the President of the United States or the Congress, whichever date
12 is 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 President
4 of the United States or the United States Secretary of Defense
5 designates as the inception date of that operation, who served in
6 Iraq or in another area in the region in direct support of that
7 operation for a period, continuously or in the aggregate, of at least
8 14 days in such active service commencing on or before the date the
9 President of the United States or the United States Secretary of
10 Defense designates as the termination date of that operation;
11 provided, that any person receiving an actual service-incurred injury
12 or disability while engaged in such service shall be classed as a
13 veteran whether or not that person has completed the 14 days'
14 service as herein provided;

15 c. "War service" means service by a veteran in any war or
16 conflict described in this chapter during the periods specified.

17 (cf: P.L.2007, c.115, s.1)

18
19 2. Section 3 of P.L.2000, c.127 (C.11A:5-1.1) is amended to
20 read as follows:

21 3. a. The Adjutant General of the Department of Military and
22 Veterans' Affairs shall be responsible for determining whether any
23 person seeking to be considered a "veteran" or a "disabled veteran"
24 under N.J.S.11A:5-1, for the purpose of receiving civil service
25 preference, meets the criteria set forth therein and adjudicating an
26 appeal from any person disputing this determination. The
27 determination of the Adjutant General shall **【**apply only
28 prospectively from the date of initial determination or date of
29 determination from an appeal, as appropriate, and shall**】** be binding
30 upon the commission.

31 b. For the purpose of receiving preference under this title, a
32 person who is in federal active service with the Armed Forces of the
33 United States or a reserve component thereof on the eighth day
34 prior to the issuance of an open competitive eligible list, for which
35 that person received a passing score on an examination, may submit
36 no later than eight days prior to the issuance of that open
37 competitive eligible list a personal sworn statement, in lieu of the
38 Adjutant General's determination of status as a disabled veteran or
39 veteran, certifying that the person will meet the requirements for
40 veterans' preference and receive the determination of status no later
41 than three days prior to employment.

42 (cf: P.L.2008, c.29, s.43)

43
44 3. This act shall take effect immediately and shall apply to
45 open competitive examinations held after the effective date.

1 STATEMENT

2
3 This bill permits, for the purpose of receiving veterans'
4 preference in civil service hiring, a person who is in federal active
5 service with the Armed Forces of the United States or a reserve
6 component thereof on the eighth day prior to the issuance of an
7 open competitive eligible list, for which that person received a
8 passing score on an examination, to submit no later than eight days
9 prior to the issuance of that open competitive eligible list a personal
10 sworn statement, in lieu of the Adjutant General's determination of
11 status as a disabled veteran or veteran, certifying that the person
12 will meet the requirements for veterans' preference and receive the
13 determination of status no later than three days prior to
14 employment. Under current law, an applicant for a civil service
15 examination must submit sufficient evidence of veteran or disabled
16 veteran status to the Adjutant General of the Department of Military
17 and Veterans' Affairs and receive a determination of status no later
18 than eight days prior to the issuance of a civil service eligible list
19 for which that individual received a passing score on an
20 examination.