

ASSEMBLY, No. 2036

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

SYNOPSIS

Adjusts identification of first class cities and certain counties that may have certain unclassified positions in civil service to reflect 2010 federal census.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain positions in the unclassified service of
2 the civil service and amending N.J.S.11A:3-5.

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:3-5 is amended to read as follows:

8 N.J.S.11A:3-5. Political subdivision unclassified service. The
9 political subdivision unclassified service shall not be subject to the
10 provisions of this title unless otherwise specified and shall include
11 the following:

12 a. Elected officials;

13 b. One secretary and one confidential assistant to each mayor;

14 c. Members of boards and commissions authorized by law;

15 d. Heads of institutions;

16 e. Physicians, surgeons and dentists;

17 f. Attorneys of a county, municipality or school district
18 operating under this title;

19 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public
20 schools and county superintendents and members and business
21 managers of boards of education;

22 h. Principal executive officers;

23 i. One secretary, clerk or executive director to each
24 department, board and commission authorized by law to make the
25 appointment;

26 j. One secretary or clerk to each county constitutional officer,
27 principal executive officer, and judge;

28 k. One deputy or first assistant to a principal executive officer
29 who is authorized by statute to act for and in place of the principal
30 executive officer;

31 l. No more than 12 county department heads and the heads of
32 divisions within such departments; provided that the total number of
33 unclassified positions created by the county administrative code
34 pursuant to this subsection shall not exceed 20;

35 m. One secretary or confidential assistant to each unclassified
36 department or division head established in subsection l.;

37 n. Employees of county park commissions, appointed pursuant
38 to R.S.40:37-96 through R.S.40:37-174, in counties of the second
39 class;

40 o. Directors of free public libraries in cities of the first class
41 having a population of more than **【300,000】** 270,000 according to
42 the 2010 federal decennial census;

43 p. One secretary to the municipal council in cities of the first
44 class **【having a population of less than 300,000】** according to the
45 2010 federal decennial census;

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 q. One secretary and one confidential aide for each member of
2 the board of freeholders other than the director, and one secretary
3 and two confidential aides for the freeholder director, of any county
4 of the second class with a population of at least 470,000 according
5 to the 2010 federal decennial census which has not adopted the
6 provisions of the "Optional County Charter Law," P.L.1972, c.154
7 (C.40:41A-1 et seq.) and one secretary or confidential aide for each
8 member of the board of freeholders of any other county which has
9 not adopted the provisions of the "Optional County Charter Law";

10 r. In school districts organized pursuant to N.J.S.18A:17-1 et
11 seq., the executive controller, public information officer and the
12 executive directors of board affairs, personnel, budget, purchasing,
13 physical facilities, data processing, financial affairs, and internal
14 audit;

15 s. The executive director, assistant executive director, director
16 of staff operations, director of administration, director of
17 redevelopment and the urban initiatives coordinator of a local
18 housing authority;

19 t. The sheriff's investigators of any county appointed pursuant
20 to section 2 of P.L.1987, c.113 (C.40A:9-117a);

21 u. Any title as provided by statute or as the Civil Service
22 Commission may determine in accordance with criteria established
23 by rule;

24 v. One confidential aide for each county clerk, in addition to
25 the titles included under subsection j. of this section; and

26 w. Two deputy municipal clerks in cities of the first class
27 having a population of not less than 240,000 persons or more than
28 250,000 persons according to the **【2000】** 2010 federal decennial
29 census.

30 (cf: P.L.2008, c.29, s.24)

31
32 2. This act shall take effect immediately.
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35 STATEMENT 36

37 A provision of the civil service law, N.J.S.A.11A:3-5, allows a
38 city of the first class with a population of more than 300,000 to
39 have a director of its free public libraries who is in the unclassified
40 service of the civil service. Under the 1980 census, this provision
41 applied to Newark, which then had a population of 329,248. Under
42 the 1990, 2000, and 2010 censuses, however, this provision does
43 not apply to any municipality. In 1990, Newark's population was
44 275,221, and in 2000 it was 273,546. The population is 277,140
45 under the 2010 census. This bill amends the law so that it will
46 continue to apply to Newark.

47 The same law also allows a city of the first class with a
48 population of less than 300,000 to have one secretary to the

1 municipal council who is in the unclassified service of the civil
2 service. Under the 1980 census, this provision applied to Jersey
3 City, which then had a population of 223,532. Under the 1990,
4 2000, and 2010 censuses, however, this provision applies to both
5 Jersey City and Newark. In 1990, Jersey City's population was
6 228,537, and in 2000 it was 240,055. The population is 247,597
7 under the 2010 census. This bill amends the law so that it will
8 continue to apply to both Jersey City and Newark.

9 P.L.2002, c.59, approved on August 3, 2002, amended this
10 section of law to add two deputy municipal clerks in cities of the
11 first class having a population of not less than 240,000 persons or
12 more than 250,000 persons according to the 2000 federal decennial
13 census. This population range would have been limited to Jersey
14 City in 2000, and still only includes Jersey City in 2010. The bill
15 amends the law to change the reference to the federal decennial
16 census from 2000 to 2010.

17 Another provision of this same civil service law includes in the
18 unclassified service certain employees of members of the board of
19 freeholders and the freeholder director in any county of the second
20 class with a population of at least 470,000 which has not adopted
21 the provisions of the "Optional County Charter Law." Under the
22 1980 and 1990 censuses, Camden County and Middlesex County
23 were eligible to utilize these provisions. Under the 2000 census, in
24 addition to those two counties, Morris and Passaic counties were
25 also eligible. These four counties continue to be eligible under the
26 2010 census. The bill amends the law to add a reference to the
27 2010 federal decennial census.