

ASSEMBLY, No. 4052

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Replaces references to Civil Service Commission with chairperson of commission to clarify duties and responsibilities of chairperson.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/13/2020)

1 AN ACT concerning the duties and responsibilities of the
2 chairperson of the Civil Service Commission and amending
3 various parts of the statutory law.

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

7
8 1. N.J.S.11A:2-6 is amended to read as follows:

9 11A:2-6. Powers and duties. In addition to other powers and
10 duties vested in it by this title or by any other law, the commission
11 shall:

12 a. After a hearing, render the final administrative decision on
13 appeals concerning permanent career service employees or those in
14 their working test period in the following categories:

15 (1) Removal,

16 (2) Suspension or fine as prescribed in N.J.S.11A:2-14,

17 (3) Disciplinary demotion, and

18 (4) Termination at the end of the working test period for
19 unsatisfactory performance;

20 b. On a review of the written record, render the final
21 administrative decision on other appeals;

22 c. Provide for interim remedies or relief in a pending appeal
23 where warranted;

24 d. Adopt and enforce rules to carry out this title and to
25 effectively implement a comprehensive personnel management
26 system;

27 e. Interpret the application of this title to any public body or
28 entity; **[and]**

29 f. Authorize and conduct such studies, inquiries, investigations
30 or hearings in the operation of this title as it deems necessary ; and

31 g. Set standards and procedures for review and render the final
32 administrative decision on a written record or after recommendation
33 by an independent reviewer assigned by the commission from
34 classification, salary, layoff rights and in the State service
35 noncontractual grievances.

36 (cf: P.L.2008, c.29, s.6)

37
38 2. N.J.S.11A:2-7 is amended to read as follows:

39 11A:2-7. Subpenas; oaths. The commission or chairperson
40 may subpoena and require the attendance of witnesses in this State
41 and the production of evidence or documents relevant to any
42 proceeding under this title. Those persons may also administer
43 oaths and take testimony. Subpenas issued under this section shall
44 be enforceable by order of the Superior Court.

45 (cf: P.L.2008, c.29, s.7)

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 3. N.J.S.11A:2-11 is amended to read as follows:

2 11A:2-11. Powers and duties of the **【commission】** chairperson.

3 In addition to other powers and duties vested in the **【commission】**
4 chairperson by this title or any other law, the **【commission】**
5 chairperson:

6 a. (Deleted by amendment, P.L.2008, c.29); **【(Deleted by**
7 amendment, P.L.2008, c.29)**】** Shall be the principal executive and
8 request officer of the commission, allocating the functions and
9 activities of the commission among divisions as the chairperson
10 may establish;

11 b. May appoint one deputy administrator, who shall be in the
12 unclassified service, and other subordinate employees necessary to
13 enforce or implement the provisions of this title. All employees **【of**
14 the commission whose principal duties relate to the enforcement or
15 implementation of this title**】** shall be confidential employees for the
16 purposes of the "New Jersey Employer-Employee Relations Act,"
17 P.L.1941, c.100 (C.34:13A-1 et seq.);

18 c. Shall maintain a management information system necessary
19 to carry out the provisions of this title;

20 d. Shall have the authority to audit payrolls, reports or
21 transactions for conformity with the provisions of this title;

22 e. Shall plan, evaluate, administer and implement personnel
23 programs and policies in State government and political
24 subdivisions operating under this title;

25 f. Shall establish and supervise the selection process and
26 employee performance evaluation procedures;

27 g. (Deleted by amendment, P.L.2008, c.29);

28 h. **【Shall set standards and procedures for review and render**
29 the final administrative decision on a written record or after
30 recommendation by an independent reviewer assigned by the
31 commission from classification, salary, layoff rights and in the State
32 service noncontractual grievances**】** (Deleted by amendment,
33 P.L. , c. (pending before the Legislature as this bill);

34 i. May establish pilot programs and other projects for a
35 maximum of one year outside of the provisions of this title;

36 j. Shall provide for a public employee interchange program
37 pursuant to the "Government Employee Interchange Act of 1967,"
38 P.L.1967, c.77 (C.52:14-6.10 et seq.) and may provide for an
39 employee interchange program between public and private sector
40 employees;

41 k. (Deleted by amendment, P.L.2008, c.29) **【(Deleted by**
42 amendment, P.L.2008, c.29)**】** May establish an internship
43 program;

44 l. (Deleted by amendment, P.L.2008, c.29);

45 m. Shall establish and consult with advisory boards representing
46 political subdivisions, personnel officers, labor organizations and
47 other appropriate groups;

1 n. Shall make an annual report to the Governor and Legislature
2 and all other special or periodic reports as may be required. The
3 annual report shall indicate the number of persons, by title, who, on
4 March 31, June 30, September 30, and December 31 of each year,
5 held appointments to positions in the senior executive service and
6 the number of noncareer employees by title, who, on those same
7 dates, held appointments in positions in the senior executive
8 service; **and**

9 o. Shall have the authority to assess costs for special or other
10 services;

11 p. **[(Deleted by amendment, P.L.2008, c.29)]** and Shall
12 recommend rules to the commission for implementation of this title;
13 and

14 q. Shall act on petitions for stay, interim relief and
15 interlocutory review in emergent matters between meetings of the
16 commission.

17 Shall, pursuant to P.L.2019, c.346 (C.11A:3-4.1 et al.), promulgate
18 standardized recordkeeping and record retention requirements
19 concerning the recruitment, selection, hiring, and employment
20 records of persons in the State unclassified service.

21 (cf: P.L.2019, c.346, s.2)

22
23 4. N.J.S.11A:2-12 is amended to read as follows:

24 11A:2-12. Delegation. The **[commission]** chairperson may
25 delegate to an appointing authority the responsibility for classifying
26 positions, administering examinations and other technical personnel
27 functions according to prescribed standards, but the **[commission]**
28 chairperson may not delegate any appellate or rulemaking function
29 of the commission.

30 This delegation shall be written and shall conform to the
31 provisions of this title. The **[commission]** chairperson may assign
32 staff of the commission to an appointing authority to assist the
33 appointing authority in its delegated personnel duties. The
34 employees shall continue as employees of the commission. All
35 delegation shall be subject to supervision by the **[commission]**
36 chairperson and post-audit and may be cancelled, modified or
37 limited at any time by the **[commission]** chairperson. Such
38 delegation is to be performed in consultation with the advisory
39 board representing political subdivisions, and approved by an
40 affected appointing authority when the delegation requires
41 substantial costs. The commission **[, in consultation with the**
42 **advisory board representing political subdivisions,]** shall adopt
43 rules to define substantial costs, upon recommendation by the
44 chairperson. The chairperson shall consult with the advisory board
45 representing political subdivisions, prior to submitting such
46 recommendation.

47 (cf: P.L.2008, c.29, s.9)

1 5. Section 1 of P.L.2006, c.77 (C.11A:2-28) is amended to read
2 as follows:

3 1. a. The commission shall provide, by regulation, for
4 intergovernmental transfers by law enforcement officers, including
5 county sheriff and corrections officers, as part of the commission's
6 intergovernmental transfer program. These law enforcement
7 officers, county sheriff and corrections officers shall be granted all
8 privileges under the intergovernmental transfer program, including
9 the option to waive all accumulated sick leave and seniority rights.

10 b. The waiver of accumulated sick leave and seniority rights
11 shall require the consent in writing of the receiving jurisdiction, the
12 affected employee, and the **【commission】** chairperson.

13 c. The sending jurisdiction shall not pay supplemental
14 compensation for accumulated sick leave to any law enforcement
15 officer, county sheriff or corrections officer, approved for an
16 intergovernmental transfer and shall certify, to the receiving
17 jurisdiction and the **【commission】** chairperson, that no
18 supplemental compensation was paid.

19 (cf: P.L.2008, c.29, s.19)
20

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

22 11A:3-1. Classification. The Civil Service Commission shall
23 assign and reassign titles among the career service, senior executive
24 service and unclassified service. The **【commission】** chairperson
25 shall:

26 a. Establish, administer, amend and continuously review a
27 State classification plan governing all positions in State service and
28 similar plans for political subdivisions;

29 b. Establish, consolidate and abolish titles;

30 c. Ensure the grouping in a single title of positions with similar
31 qualifications, authority and responsibility;

32 d. Assign and reassign titles to appropriate positions; and

33 e. Provide a specification for each title.

34 (cf: P.L.2008, c.29, s.20)
35

36 7. N.J.S.11A:3-7 is amended to read as follows:

37 11A:3-7. Employee compensation. a. The **【commission】**
38 chairperson shall administer an equitable State employee
39 compensation plan which shall include pay schedules and standards
40 and procedures for salary adjustments other than as provided for in
41 the State compensation plan for the career, senior executive and
42 unclassified services.

43 b. Prior to adoption or implementation of an amendment,
44 change or modification to the compensation plan for State
45 employees which amendment, change or modification affects public
46 employees represented by a majority representative selected or
47 designated pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3),
48 the State shall negotiate with the majority representative for an

1 agreement on the amendment, change or modification to the
2 compensation plan. The State shall negotiate in good faith with the
3 majority representative. A State employee compensation plan shall
4 not be amended, changed or modified except pursuant to a written
5 agreement entered into between the State and the majority
6 representative following negotiations.

7 c. When an employee has erroneously received a salary
8 overpayment, the commission may waive repayment based on a
9 review of the case.

10 d. Employees of political subdivisions are to be paid in
11 reasonable relationship to titles and shall not be paid a base salary
12 below the minimum or above the maximum established salary for
13 an employee's title.

14 (cf: P.L.2008, c.29, s.26)

15

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

17 11A:3-8. Payroll audits. The **【commission】** chairperson may
18 audit State payrolls and the payrolls of political subdivisions to
19 determine compliance with this title. The **【commission】**
20 chairperson may order and enforce immediate compliance as
21 necessary.

22 (cf: P.L.2008, c.29, s.27)

23

24 9. N.J.S.11A:4-1 is amended to read as follows:

25 11A:4-1. Examinations. The **【commission】** chairperson shall
26 provide for:

27 a. The announcement and administration of examinations
28 which shall test fairly the knowledge, skills and abilities required to
29 satisfactorily perform the duties of a title or group of titles. The
30 examinations may include, but are not limited to, written, oral,
31 performance and evaluation of education and experience;

32 b. The rating of examinations;

33 c. The security of the examination process and appropriate
34 sanctions for a breach of security; and

35 d. The selection of special examiners to act as subject matter
36 specialists or to provide other assistance. Employees of the State or
37 political subdivisions may be so engaged as part of their official
38 duties during normal working hours with the approval of their
39 appointing authority. Extra compensation may be provided for such
40 service outside normal working hours**【; and】** .

41 **【e.】** The chairperson shall recommend rules to the commission
42 to implement the right to appeal adverse actions relating to the
43 examination and appointment process, which shall include but not
44 be limited to rejection of an application, failure of an examination
45 and removal from an eligible list.

46 (cf: P.L.2008, c.29, s.28)

1 10. N.J.S.11A:4-2 is amended to read as follows:

2 11A:4-2. Holding of examinations. A vacancy shall be filled
3 by a promotional examination when considered by the
4 **【commission】**
5 chairperson to be in the best interest of the career service.
6 (cf: P.L.2008, c.29, s.31)
7

8 11. N.J.S.11A:4-3 is amended to read as follows:

9 11A:4-3. Admission to examinations. If it appears that an
10 eligible list is not likely to provide full certification for existing or
11 anticipated vacancies from among qualified residents of this State,
12 or of political subdivisions where required by law, the
13 **【commission】** chairperson may admit other qualified nonresident
14 applicants. Where residency preference is provided pursuant to any
15 other statute, the **【commission】** chairperson may limit applicants to
16 such classes as are necessary to establish a sufficient pool of
17 eligibles.
18 (cf: P.L.2008, c.29, s.32)
19

20 12. N.J.S.11A:4-4 is amended to read as follows:

21 11A:4-4. Eligible lists and certifications. The **【commission】**
22 chairperson shall provide for:
23 a. The establishment and cancellation of eligible lists;
24 b. The certification of an eligible list to positions in other
25 appropriate titles; and
26 c. The consolidation of eligible lists which may include, but is
27 not limited to, the combining of names of eligibles by scores.
28 (cf: P.L.2008, c.29, s.33)
29

30 13. N.J.S.11A:4-6 is amended to read as follows:

31 11A:4-6. Duration of lists. The **【commission】** chairperson
32 shall set the duration of an eligible list, which shall not be more
33 than three years from the date of its establishment, except that it
34 may be extended by the **【commission】** chairperson for good cause
35 and a list shall not have a duration of more than four years.
36 Notwithstanding the duration of a list, the **【commission】**
37 chairperson may revive a list to implement a court order or decision
38 of the **【commission】** chairperson in the event of a successful appeal
39 instituted during the life of the list or to correct an administrative
40 error. The **【commission】** chairperson may revive a list to effect the
41 appointment of an eligible whose working test period was
42 terminated by a layoff.
43 (cf: P.L.2008, c.29, s.35)
44

45 14. N.S.J.11A:4-8 is amended to read as follows:

46 11A:4-8. Certification and appointment. The **【commission】**
47 chairperson shall certify the three eligibles who have received the

1 highest ranking on an open competitive or promotional list against
2 the first provisional or vacancy. For each additional provisional or
3 vacancy against whom a certification is issued at that time, the
4 **【commission】 chairperson** shall certify the next ranked eligible. If
5 more than one eligible has the same score, the tie shall not be
6 broken and they shall have the same rank. If three or more eligibles
7 can be certified as the result of the ranking without resorting to all
8 three highest scores, only those eligibles shall be so certified.

9 A certification that contains the names of at least three interested
10 eligibles shall be complete and a regular appointment shall be made
11 from among those eligibles. An eligible on an incomplete list shall
12 be entitled to a provisional appointment if a permanent appointment
13 is not made.

14 Eligibles on any type of reemployment list shall be certified and
15 appointed in the order of their ranking and the certification shall not
16 be considered incomplete.

17 (cf: P.L.2008, c.29, s.36)

18
19 15. N.J.S.11A:4-9 is amended to read as follows:

20 11A:4-9. The **【commission】 chairperson** may establish the
21 following types of eligible lists:

22 a. Open competitive, which shall include all qualified eligibles
23 without regard to whether they are currently employed by the State
24 or a political subdivision;

25 b. Promotional, which shall include qualified permanent
26 eligibles;

27 c. Regular reemployment, which shall include former
28 permanent employees who resigned in good standing and whose
29 reemployment is certified by the appointing authority as in the best
30 interest of the service. The name of any such employee shall not
31 remain on a reemployment list for more than three years from the
32 date of resignation, unless otherwise extended pursuant to
33 N.J.S.11A:4-6;

34 d. Police, sheriff's officer, or fire reemployment, which shall
35 include former permanent uniformed members of a police
36 department, sheriff's office, or fire department who have resigned in
37 good standing and whose reemployment is certified by the
38 appointing authority as in the best interest of the service; and

39 e. Special reemployment, which shall include permanent
40 employees laid off or demoted in lieu of layoff from permanent
41 titles.

42 (cf: P.L.2015, c.17.s.1)

43
44 16. N.J.S.11A:4-11 is amended to read as follows:

45 11A:4-11. Removal on criminal record. Upon the request of an
46 appointing authority, the **【commission】 chairperson** may remove an
47 eligible with a criminal record from a list when the criminal record
48 includes a conviction for a crime which adversely relates to the

1 employment sought. The following factors may be considered in
2 such determination:

- 3 a. Nature and seriousness of the crime;
- 4 b. Circumstances under which the crime occurred;
- 5 c. Date of the crime and age of the eligible when the crime was
6 committed;
- 7 d. Whether the crime was an isolated event; and
- 8 e. Evidence of rehabilitation.

9 The presentation to an appointing authority of a pardon or
10 expungement shall prohibit an appointing authority from rejecting
11 an eligible based on such criminal conviction, except for law
12 enforcement, fire fighter or correction officer and other titles as
13 determined by the **【commission】** chairperson.

14 (cf: P.L.2008, c.29, s.38)

15

16 17. N.J.S.11A:4-13 is amended to read as follows:

17 11A:4-13. Types of appointment. The **【commission】**
18 chairperson shall provide for the following types of appointment:

19 a. Regular appointments shall be to a title in the competitive
20 division of the career service upon examination and certification or
21 to a title in the noncompetitive division of the career service upon
22 appointment. The appointments shall be permanent after
23 satisfactory completion of a working test period;

24 b. Provisional appointments shall be made only in the
25 competitive division of the career service and only in the absence of
26 a complete certification, if the appointing authority certifies that in
27 each individual case the appointee meets the minimum
28 qualifications for the title at the time of appointment and that failure
29 to make a provisional appointment will seriously impair the work of
30 the appointing authority. In no case shall any provisional
31 appointment exceed a period of 12 months;

32 c. Temporary appointments may be made, without regard to the
33 provisions of this chapter, to temporary positions established for a
34 period aggregating not more than six months in a 12-month period
35 as approved by the commission. These positions include, but are not
36 limited to, seasonal positions. Positions established as a result of a
37 short-term grant may be established for a maximum of 12 months.
38 Appointees to temporary positions shall meet the minimum
39 qualifications of a title;

40 d. Emergency appointments shall not exceed 30 days and shall
41 only be permitted where nonappointment will result in harm to
42 persons or property;

43 e. Senior executive service appointments shall be made
44 pursuant to N.J.S.11A:3-3; and

45 f. Unclassified appointments shall be made pursuant to
46 N.J.S.11A:3-4 and N.J.S.11A:3-5.

47 (cf: P.L.2008, c.29, s.39)

1 18. N.J.S.11A:4-14 is amended to read as follows:

2 11A:4-14. Promotion. The **【commission】** chairperson shall
3 establish the minimum qualifications for promotion and shall
4 provide for the granting of credit for performance and seniority
5 where appropriate.

6 (cf: P.L.2008, c.29, s.40)

7

8 19. N.J.S.11A:4-15 is amended to read as follows:

9 11A:4-15. Working test period. The purpose of the working test
10 period is to permit an appointing authority to determine whether an
11 employee satisfactorily performs the duties of a title. A working
12 test period is part of the examination process which shall be served
13 in the title to which the certification was issued and appointment
14 made. The **【commission】** chairperson shall provide for:

15 a. A working test period following regular appointment of four
16 months, which may be extended to six months at the discretion of
17 the **【commission】** chairperson, except that the working test period
18 **【for political subdivision employees shall be three months and the**
19 **working test period】** for entry level law enforcement, correction
20 officer, and firefighter titles shall be 12 months;

21 b. Progress reports to be made by the appointing authority and
22 provided to the employee at such times during the working test
23 period as provided by rules of the commission and a final progress
24 report at the end of the entire working test period shall be provided
25 to the employee and the **【commission】** chairperson;

26 c. Termination of an employee at the end of the working test
27 period and termination of an employee for cause during the working
28 test period; and

29 d. The retention of permanent status in the lower title by a
30 promoted employee during the working test period in the higher
31 title and the right to return to such permanent title if the employee
32 does not satisfactorily complete the working test period, but
33 employees removed for cause during a working test period shall not
34 be so returned.

35 cf: P.L.2008, c.29, s.41)

36

37 20. N.J.S.11A:4-16 is amended to read as follows:

38 11A:4-16. Transfer, reassignment and lateral title change. The
39 rules of the Civil Service Commission shall define and establish the
40 procedures for transfer, reassignment and lateral title change.
41 Employees shall be granted no less than 30 days' notice of transfer,
42 except with employee consent or under emergent circumstances as
43 established by rules of the Civil Service Commission. The
44 **【commission】** chairperson shall provide for relocation assistance
45 for State employees who are transferred or reassigned to a new
46 work location due to a phasedown or closing of a State operation,

1 subject to available appropriations. Transfers, reassignments, or
2 lateral title changes shall not be utilized as part of a disciplinary
3 action, except following an opportunity for hearing. Nothing herein
4 shall prohibit transfers, reassignments, or lateral title changes made
5 in good faith. The burden of proof demonstrating lack of good faith
6 shall be on the employee.
7 (cf: P.L.2008, c.29, s.42)

8

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

10 11A:6-1. Leaves. The Civil Service Commission shall
11 designate the types of leaves and adopt rules for State employees in
12 the career and senior executive services regarding procedures for
13 sick leave, vacation leave and other designated leaves with or
14 without pay as the Civil Service Commission may designate. Any
15 political subdivision subject to the provisions of this title shall
16 prepare procedures regarding these items.

17 In all cases, a leave of absence with or without pay shall not
18 exceed a period of one year at any one time unless renewal or
19 extension is granted upon written approval of the **[commission]**
20 chairperson.

21 (cf: P.L.2008, c.29, s.50)

22

23 22. Section 1 of P.L.1993, c.297 (C.11A:6-1.1) is amended to
24 read as follows:

25 1. The **[commission]** chairperson shall establish, subject to
26 rules adopted by the commission, a voluntary furlough program for
27 State employees under which days of leave without pay, singly or
28 consecutively, may be taken. The seniority rights and health
29 benefits coverage of an employee who participates in this furlough
30 program shall continue and shall not be adversely affected by
31 participation.

32 (cf: P.L.2008, c.29, s.51)

33

34 23. N.J.S.11A:6-2 is amended to read as follows:

35 11A:6-2. Vacation leave; full-time State employees. Vacation
36 leave for full-time State employees in the career and senior
37 executive service shall be at least:

38 a. Up to one year of service, one working day for each month
39 of service;

40 b. After one year and up to five years of continuous service, 12
41 working days;

42 c. After five years and up to 12 years of continuous service, 15
43 working days;

44 d. After 12 years and up to 20 years of continuous service, 20
45 working days;

46 e. Over 20 years of continuous service, 25 working days;

47 f. Vacation not taken in a given year because of business
48 demands shall accumulate and be granted during the next

1 succeeding year only; except that vacation leave not taken by an
2 employee in the career and senior executive service in a given year
3 because of duties directly related to a state of emergency declared
4 by the Governor shall accumulate until, pursuant to a plan
5 established by the employee's appointing authority and approved by
6 the **【commission】** chairperson, the leave is used or the employee is
7 compensated for that leave, which shall not be subject to collective
8 negotiation or collective bargaining; and

9 g. Vacation not taken in a given year because of business
10 demands shall accumulate and be granted during the next
11 succeeding year only; except that vacation leave not taken by an
12 employee in the unclassified service in a given year because of
13 duties directly related to a state of emergency declared by the
14 Governor shall accumulate until, pursuant to a plan established by
15 the employee's appointing authority and approved by the
16 **【commission】** chairperson, the leave is used or the employee is
17 compensated for that leave, which shall not be subject to collective
18 negotiation or collective bargaining. Nothing in this subsection
19 shall affect any rights to vacation leave which is subject to
20 collective negotiation or collective bargaining.

21 (cf: P.L.2008, c.29, s.52)

22
23 24. N.J.S.11A:6-3 is amended to read as follows:

24 11A:6-3. Vacation leave; full-time political subdivision
25 employees. Vacation leave for full-time political subdivision
26 employees shall be at least:

27 a. Up to one year of service, one working day for each month
28 of service;

29 b. After one year and up to 10 years of continuous service, 12
30 working days;

31 c. After 10 years and up to 20 years of continuous service, 15
32 working days;

33 d. After 20 years of continuous service, 20 working days; and

34 e. Vacation not taken in a given year because of business
35 demands shall accumulate and be granted during the next
36 succeeding year only; except that vacation leave not taken in a
37 given year because of duties directly related to a state of emergency
38 declared by the Governor may accumulate at the discretion of the
39 appointing authority until, pursuant to a plan established by the
40 employee's appointing authority and approved by the **【commission】**
41 chairperson, the leave is used or the employee is compensated for
42 that leave, which shall not be subject to collective negotiation or
43 collective bargaining

44 (cf: P.L.2008, c.29, s.53)

45
46 25. N.J.S.11A:6-24 is amended to read as follows:

47 11A:6-24. State employees in the career, senior executive and

1 unclassified services in titles or circumstances designated by the
2 Civil Service Commission shall be eligible for overtime
3 compensation and holiday pay. Overtime compensation and
4 holiday pay shall be either cash compensation at a rate representing
5 1 1/2 times the employee's hourly rate of base salary or
6 compensatory time off at a rate of 1 1/2 hours for each hour worked
7 beyond the regular workweek, at the discretion of the department
8 head, with the approval of the **【commission】** chairperson.

9 The commission shall adopt rules for the implementation of
10 hours of work, overtime compensation and holiday pay programs,
11 which shall include but need not be limited to application and
12 eligibility procedures.

13 (cf: P.L.2008, c.29, s.56)

14

15 26. N.J.S.11A:6-26 is amended to read as follows:

16 11A:6-26. Employee career development. The State Treasurer
17 shall develop and stimulate employee career development and
18 improve management and efficiency in State government through
19 programs, for which an assessment to State departments may be
20 imposed, that include but are not limited to:

- 21 a. Career mobility and transferability;
- 22 b. Employee advisory services for counseling and
- 23 rehabilitation; and
- 24 c. Retirement planning**【; and】**
- 25 **【d. Interchange and internship programs】**.

26 (cf: P.L.2008, c.29, s.58)

27

28 27. N.J.S.11A:6-27 is amended to read as follows:

29 11A:6-27. Political subdivisions. The **【commission】**
30 chairperson may, at the request of any political subdivision, initiate
31 programs similar to those authorized in this chapter and provide
32 technical assistance to political subdivisions to improve the
33 efficiency and effectiveness of their personnel management
34 programs. The **【commission】** chairperson may require reasonable
35 reimbursement from a participating political subdivision.

36 (cf: P.L.2008, c.29, s.59)

37

38 28. N.J.S.11A:6-28 is amended to read as follows:

39 11A:6-28. Employee performance evaluations. The
40 **【commission】** chairperson shall establish an employee performance
41 evaluation system for State employees in the career and senior
42 executive services. The system shall utilize standards and criteria
43 related to job content and program goals.

44 Political subdivisions may adopt employee performance
45 evaluation systems for their employees.

1 The Civil Service Commission shall adopt and enforce rules with
2 respect to the utilization of performance ratings in promotion, layoff
3 or other matters.

4 (cf: P.L.2008, c.29, s.60)

5
6 29. N.J.S.11A:6-29 is amended to read as follows:

7 11A:6-29. Awards committee. The New Jersey Employee
8 Awards Committee shall be established within the **【Civil Service**
9 **Commission】** Department of the Treasury. The committee shall be
10 composed of seven persons, each of whom shall be employed in a
11 different department within the Executive Branch. Appointments to
12 the committee shall be made by the Governor, from nominations by
13 the **【commission】** State Treasurer, for staggered terms of three
14 years or until a successor is appointed. No member shall serve
15 more than two consecutive full terms. Members shall serve without
16 compensation but shall be entitled to sums incurred for necessary
17 expenses. The **【commission】** State Treasurer shall designate an
18 employee as executive secretary to the committee.

19 (cf: P.L.2008, c.29, s.61)

20
21 30. N.J.S.11A:6-31 is amended to read as follows:

22 11A:6-31. Powers and duties of the committee. The committee
23 shall:

24 a. Adopt rules for the implementation of the awards programs,
25 subject to the approval of the **【commission】** State Treasurer;

26 b. Request and receive assistance from any department in State
27 government;

28 c. Prepare an annual report to the Governor from the
29 **【commission】** State Treasurer concerning the operation of the
30 awards program; and

31 d. Establish and supervise the awards committees in the
32 departments in State government.

33 (cf: P.L.2008, c.29, s.62)

34
35 31. N.J.S.11A:7-13 is amended to read as follows:

36 11A:7-13. The **【commission】** chairperson may establish
37 procedures for the reasonable accommodation of persons with
38 disabilities in the employee selection process for the State and the
39 political subdivisions covered by this title. Pursuant to rules
40 adopted by the Civil Service Commission, the **【commission】**
41 chairperson may waive an examination for an applicant who has a
42 physical, mental, or emotional injury, impairment, or disability
43 which:

44 a. Makes it physically or psychologically not practicable for
45 that person to undergo the testing procedure for the title for which
46 applied, but

1 b. Does not prevent that person from satisfactorily performing
2 the responsibilities of the title under conditions of actual service;
3 and

4 c. In making such determination, the **【commission】**
5 chairperson may require the submission of sufficient and
6 appropriate medical documentation.

7 (cf: P.L.2017, c.131, s.14)
8

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

10 11A:8-3. Alternatives to layoff. The **【commission】**
11 chairperson, in consultation with the advisory committee
12 established pursuant to subsection m. of N.J.S.11A:2-11, may
13 **【adopt】** recommend rules to the commission on voluntary reduced
14 work time or other alternatives to layoffs. Employee participation
15 in the program shall not affect special reemployment or retention
16 rights.

17 (cf: P.L.2008, c.29, s.70)
18

19 33. N.J.S.11A:10-1 is amended to read as follows:

20 11A:10-1. Disapproval of salary. The Civil Service
21 Commission or chairperson may disapprove and order the payment
22 stopped of the salary of any person employed in violation of this
23 title or an order of the Civil Service Commission or chairperson and
24 recover all disapproved salary from such person. Any person or
25 persons who authorize the payment of a disapproved salary or have
26 employment authority over the person whose salary has been
27 disapproved may be subject to penalties, including, but not limited
28 to, the disapproval of their salaries and payment from their personal
29 funds of improper expenditures of the moneys as may be provided
30 by the rules of the Civil Service Commission. This section shall not
31 be limited by the amounts set forth in N.J.S.11A:10-3.

32 (cf: P.L.2008, c.29, s.73)
33

34 34. N.J.S.11A:10-2 is amended to read as follows:

35 11A:10-2. Criminal violation of title or order. Any person who
36 purposely or knowingly violates or conspires to violate any
37 provision of this title or Civil Service Commission or chairperson
38 order shall be guilty of a crime of the fourth degree.

39 (cf: P.L.2008, c.29, s.74)
40

41 35. N.J.S.11A:10-3 is amended to read as follows:

42 11A:10-3. Noncompliance. The Civil Service Commission or
43 chairperson may assess all administrative costs incurred under
44 N.J.S.11A:4-5. Other costs, charges and fines of not more than
45 \$10,000.00 may be assessed for noncompliance or violation of this
46 title or any order of the Civil Service Commission or chairperson.

47 (cf: P.L.2008, c.29, s.75)

1 36. N.J.S.11A:10-4 is amended to read as follows:

2 11A:10-4. Action for enforcement. The Civil Service
3 Commission, chairperson or other party in interest may bring an
4 action in the Superior Court for the enforcement of this title or an
5 order of the Civil Service Commission or chairperson.
6 (cf: P.L.2008, c.29, s.76)

7

8 37. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
9 read as follows:

10 19. a. The President of Thomas Edison State College or the
11 designee thereof shall, with the advice of the State Librarian,
12 appoint all professional staff in the library, and fix the
13 compensation of all such persons thus appointed. The President of
14 Thomas Edison State College or the designee thereof shall appoint
15 such other personnel as that person may consider necessary for the
16 efficient performance of the work of the library and fix their
17 compensation. All persons thus appointed shall be subject to the
18 provisions of Title 11A, Civil Service, of the New Jersey Statutes.

19 b. For all purposes, the employees of the State Library shall be
20 considered employees of Thomas Edison State College.

21 c. Thomas Edison State College shall maintain, in a manner
22 acceptable to the chairperson of the Civil Service Commission, the
23 personnel records of all employees and positions currently on staff
24 and funded. All such records shall be subject to audit by the [Civil
25 Service Commission] chairperson.

26 d. The State shall be responsible for paying the entire employer
27 contribution of the pension and benefits costs for the State Library
28 employees whose salaries are funded from the direct State services
29 portion of the annual appropriation for the State Library.

30 (cf: P.L.2008, c.29, s.86)

31

32 38. Section 1 of P.L.1974, c.44 (C.30:1-8.1) is amended to read
33 as follows:

34 1. The commissioner shall be assisted in the performance of his
35 duties by three deputy commissioners. Each deputy commissioner
36 shall be appointed by and shall serve at the pleasure of the
37 commissioner, and until his successor has been appointed and
38 qualified.

39 Each deputy commissioner shall exercise such powers and
40 perform such duties as the commissioner shall prescribe.

41 Unless otherwise provided by law, each deputy commissioner
42 shall receive such salary as may be established by the commissioner
43 with the approval of the chairperson of the Civil Service
44 Commission and the Director of the Division of Budget and
45 Accounting.

46 The commissioner may designate one of the deputy
47 commissioners to exercise the powers and perform the duties of the

1 commissioner during his disability or absence.

2 (cf: P.L.2008, c.29, s.88)

3
4 39. Section 36 of P.L.1987, c.444 (C.38A:3-2h) is amended to
5 read as follows:

6 36. Each director shall receive such salary as may be established
7 by the Adjutant General with the approval of the chairperson of the
8 Civil Service Commission and the Director of the Division of
9 Budget and Accounting.

10 (cf: P.L.2008, c.29, s.92)

11
12 40. Section 5 of P.L.2003, c.13 (C.39:2A-5) is amended to read
13 as follows:

14 5. a. Upon the abolishment of the division, all career service
15 employees serving in the division on that date shall be employees of
16 the commission and shall be transferred to the commission pursuant
17 to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
18 seq.) and shall retain their present career service employment status
19 and their collective bargaining status, including all rights of tenure,
20 retirement, pension, disability, leave of absence, or similar benefits.
21 Future employees of the commission shall be hired consistent with
22 the provisions of Title 11A of the New Jersey Statutes and the rules
23 promulgated thereunder.

24 b. Upon action of the commission, all agency employees shall
25 become employees of the commission. Such employees shall be
26 assigned to appropriate titles by the chairperson of the Civil Service
27 Commission. Those private motor vehicle agency employees who
28 were employed by the agency on or before January 1, 2003 and who
29 are assigned to career service titles upon employment with the
30 commission shall, upon completion of the special probationary
31 period described in section 7 of P.L.2003, c.13 (C.39:2A-7), attain
32 permanent, regular appointments in their respective titles. No
33 special probationary period shall be required for those who have
34 previously completed a probationary period during their previous
35 State service employment. Except for managerial and confidential
36 employees as defined by the "New Jersey Employer - Employee
37 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), such
38 employees shall be covered under the State of New Jersey's
39 collective bargaining agreements and shall obtain all employment
40 and collective bargaining rights consistent therewith.

41 c. Officers and employees of the commission shall be enrolled
42 in the Public Employees' Retirement System and shall be eligible to
43 participate in the State Health Benefits Program established
44 pursuant to the "New Jersey State Health Benefits Program Act,"
45 P.L.1961, c.49 (C.52:14-17.25 et seq.).

46 (cf: P.L.2008, c.29, s.93)

1 41. Section 1 of P.L.1976, c.132 (C.40A:14-10.1a) is amended
2 to read as follows:

3 1. a. In any municipality of this State, before any person shall
4 be appointed as a member of the paid fire department or paid
5 member of a part-paid fire department, the appointing authority may
6 classify all the duly qualified applicants for the position or positions
7 to be filled in the following classes:

8 I. Residents of the municipality.

9 II. Other residents of the county in which the municipality is
10 situate.

11 III. Other residents of the State.

12 IV. All other qualified applicants.

13 Within each such classification duly qualified applicants who are
14 veterans shall be accorded all such veterans' preferences as are
15 provided by law. Persons discharged from the service within 6
16 months prior to making application to such municipality, who fulfill
17 the requirements of N.J.S.40A:14-10.1, and who, thereby, are
18 entitled to appointment notwithstanding their failure to meet the
19 New Jersey residency requirement at the time of their initial
20 application, shall be placed in Class III.

21 Preference in appointment second to that accorded to veterans
22 pursuant to current law but superseding that accorded non-veterans
23 shall be accorded all duly qualified applicants whose natural or
24 adoptive parent was killed in the lawful discharge of official duties
25 while serving as a member of any paid fire department or paid
26 member of any part-paid fire department in the State at any time
27 prior to the closing date for the filing of an application, provided
28 that required documentation is submitted with the application by the
29 closing date.

30 When a veteran and a non-veteran whose parent was killed in the
31 lawful discharge of official duties while serving as a member of any
32 paid fire department, or paid member of any part-paid fire
33 department are duly qualified applicants for a position, first
34 preference shall be given to the veteran.

35 b. In any municipality which classifies qualified applicants
36 pursuant to subsection a. of this section, the appointing authority
37 shall first appoint all those in Class I and then those in each
38 succeeding class in the order above listed, and shall appoint a
39 person or persons in any such class only to a vacancy or vacancies
40 remaining after all qualified applicants in the preceding class or
41 classes have been appointed or have declined an offer of
42 appointment.

43 c. In any such municipality operating under the provisions of
44 Title 11A of the New Jersey Statutes, the classes of qualified
45 applicants defined in subsection a. of this section shall be
46 considered as separate and successive lists of eligibles, and the
47 chairperson of the Civil Service Commission shall, when requested
48 to certify eligibles for positions specified in this section, make such

1 certifications from said classes separately and successively, and
2 shall certify no persons from any such class until all persons in the
3 preceding class or classes have been appointed or have declined
4 offers of appointment.

5 d. This section shall apply only to initial appointments and not
6 to promotional appointments of persons already members of the fire
7 department.

8 e. In making temporary appointments such appointing
9 authority shall utilize the classifications set forth in subsection a. of
10 this section, and shall classify accordingly all duly qualified
11 applicants for the position or positions to be temporarily filled.

12 (cf: P.L.2008, c.29, s.97)

13
14 42. Section 2 of P.L.1976, c.132 (C.40A:14-123.1a) is amended
15 to read as follows:

16 2. a. In any municipality of this State, before any person shall
17 be appointed as a member of the police department and force, the
18 appointing authority may classify all the duly qualified applicants
19 for the position or positions to be filled in the following classes:

20 I. Residents of the municipality.

21 II. Other residents of the county in which the municipality is
22 situate.

23 III. Other residents of the State.

24 IV. All other qualified applicants.

25 Within each such classification duly qualified applicants who are
26 veterans shall be accorded all such veterans' preferences as are
27 provided by law. Persons discharged from the service within 6
28 months prior to making application to such municipality who fulfill
29 the requirements of N.J.S.40A:14-123.1, and who, thereby, are
30 entitled to appointment notwithstanding their failure to meet the
31 New Jersey residency requirement at the time of their initial
32 application, shall be placed in Class III.

33 Preference in appointment second to that accorded to veterans
34 pursuant to current law but superseding that accorded non-veterans
35 shall be accorded all duly qualified applicants whose natural or
36 adoptive parent was killed in the lawful discharge of official duties
37 while serving as a law enforcement officer in any law enforcement
38 agency in the State at any time prior to the closing date for the
39 filing of an application, provided that required documentation is
40 submitted with the application by the closing date. This paragraph
41 shall not, however, be applicable if the municipality has entered
42 into a consent decree with the United States Department of Justice
43 concerning the hiring practices of the municipality.

44 When a veteran and a non-veteran whose parent was killed in the
45 lawful discharge of official duties while serving as a law
46 enforcement officer in any law enforcement agency in the State are
47 duly qualified applicants for a position, first preference shall be
48 given to the veteran.

1 As used in this section, "law enforcement officer" means any
2 person who is employed as a permanent full-time member of an
3 enforcement agency, who is statutorily empowered to act for the
4 detection, investigation, arrest and conviction of persons violating
5 the criminal laws of this State and statutorily required to
6 successfully complete a training course approved, or certified as
7 being substantially equivalent to such an approved course, by the
8 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
9 66 et seq.); and "law enforcement agency" means a department,
10 division, bureau, commission, board or other authority of the State
11 or of any political subdivision thereof which has by statute or
12 ordinance the responsibility of detecting and enforcing the general
13 criminal laws of this State.

14 b. In any municipality which classifies qualified applicants
15 pursuant to subsection a. of this section, the appointing authority
16 shall first appoint all those in Class I and then those in each
17 succeeding class in the order above listed, and shall appoint a
18 person or persons in any such class only to a vacancy or vacancies
19 remaining after all qualified applicants in the preceding class or
20 classes have been appointed or have declined an offer of
21 appointment.

22 c. In any such municipality operating under the provisions of
23 Title 11A of the New Jersey Statutes, the classes of qualified
24 applicants defined in subsection a. of this section shall be
25 considered as separate and successive lists of eligibles, and the
26 chairperson of the Civil Service Commission shall, when requested
27 to certify eligibles for positions specified in this section, make such
28 certifications from said classes separately and successively, and
29 shall certify no persons from any such class until all persons in the
30 preceding class or classes have been appointed or have declined
31 offers of appointment.

32 d. This section shall apply only to initial appointments and not
33 to promotional appointments of persons already members of the
34 police department.

35 e. In making temporary appointments the appointing authority
36 may utilize the classifications set forth in subsection a. of this
37 section, and shall classify accordingly all duly qualified applicants
38 for the positions to be temporarily filled.

39 (cf: P.L.2008, c.29, s.98)

40

41 43. Section 1 of P.L.1996 c.140 (C.40A:14-182) is amended to
42 read as follows:

43 1. a. The provisions of any other law to the contrary
44 notwithstanding, the appointing authority of a municipality which,
45 pursuant to N.J.S.40A:14-7, has established and maintains a paid or
46 part-paid fire department and force or the board of fire
47 commissioners in the case of a fire district established pursuant to

1 the provisions of N.J.S.40A:14-70 et seq., may appoint as a member
2 or officer of that fire department or force any person who:

3 (1) was serving as a civilian federal firefighter in good standing
4 at any U.S. military installation in the State in a career or
5 conditional career status;

6 (2) satisfactorily completed such firefighter training as is
7 required for employment as a civilian federal firefighter; and

8 (3) was, as a consequence of the closure of, or a reduction in
9 force or elimination of his position at, a federal military installation
10 in this State, terminated as a civilian federal firefighter within 60
11 months prior to the appointment.

12 b. A municipality may employ such a person notwithstanding
13 that:

14 (1) Title 11A, Civil Service, of the New Jersey Statutes is
15 operative in that municipality;

16 (2) the municipality has available to it an eligible or regular
17 reemployment list of persons eligible for such appointments; and

18 (3) the appointed person is not on any eligible list. A
19 municipality which has adopted Title 11A, Civil Service, may not
20 employ such a person if a special reemployment list is in existence
21 for the firefighter title to be filled.

22 c. If a municipality determines to appoint a person pursuant to
23 the provisions of this act, it shall give first priority in making such
24 appointments to residents of the municipality and second priority to
25 residents of the county not residing in the municipality.

26 d. The seniority, seniority-related privileges and rank a civilian
27 federal firefighter possessed while employed at a federal military
28 installation shall not be transferable to a position in a municipal fire
29 department and force obtained pursuant to the provisions of this
30 section.

31 e. To effectuate the purposes of this section, the Civil Service
32 Commission shall prepare and circulate, to those municipalities
33 which have established and maintain fire departments and forces
34 pursuant to N.J.S.40A:14-7, and to boards of fire commissioners in
35 the case of fire districts established pursuant to the provisions of
36 N.J.S.40A:14-70 et seq., a list of civilian federal firefighters eligible
37 for appointment under the provisions of this section. The
38 chairperson of the Civil Service Commission shall also circulate the
39 list to municipalities and fire districts that have not adopted Title
40 11A, Civil Service, of the New Jersey Statutes.

41 Placement on the list compiled by the commission shall be
42 governed by length of service as a federal firefighter. A federal
43 firefighter may apply for placement on the list at the time he or she
44 receives a notice of termination of position or a priority placement
45 program notice, and shall remain on the list for a period of four
46 years.

47 (cf: P.L.2012 c.33 s.2)

1 44. Section 27 of P.L.2007, c.63 (C.40A:65-27) is amended to
2 read as follows:

3 27. a. Once a consolidation has been approved by the affected
4 municipal governing bodies or voters, the division shall create a
5 task force of State departments, offices and agencies, as it deems
6 appropriate, and representatives of affected negotiations units, to
7 facilitate the consolidation and provide technical assistance.

8 b. When a consolidation plan provides that the consolidated
9 municipality will be subject to the provisions of Title 11A, Civil
10 Service, of the New Jersey Statutes the chairperson of the Civil
11 Service Commission is specifically authorized to create a
12 consolidation implementation plan to vest non-civil service
13 employees, based on the education and experience of the
14 individuals, in appropriate titles and tenure.

15 c. Whenever a referendum question to decide if a consolidated
16 municipality shall be subject to the provisions of Title 11A, Civil
17 Service, of the New Jersey Statutes fails, the employees of a
18 municipality already subject to that Title shall be given non-civil
19 service titles in the new entity and previously held tenure shall be
20 vacated.

21 d. The Public Employment Relations Commission is authorized
22 to provide technical advice, pursuant to section 12 of
23 P.L.1968, c.303 (C.34:13A-8.3), to assist a new municipality and
24 existing labor unions to integrate separate labor agreements into
25 consolidated agreements and to adjust the structure of collective
26 negotiations units, as the commission determines appropriate for the
27 consolidated municipality.

28 (cf: P.L.2008, c.29, s.103)

29

30 45. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
31 read as follows:

32 2. The salary ranges for the following positions shall be as
33 established by the chairperson of the Civil Service Commission
34 with the approval of the Director, Division of Budget and
35 Accounting. The salary rate for any such position shall be the
36 salary step in such range next above the salary currently being paid;
37 provided, however, that any sums appropriated for salaries may be
38 made available for salary adjustments therein arising from various
39 exigencies of the State service and for normal merit salary
40 increments as the chairperson of the Civil Service Commission, the
41 State Treasurer and the Director of the Division of Budget and
42 Accounting shall determine; and provided, further, that nothing in
43 this act shall reduce the salary rate for any such position below that
44 which is being paid on the effective date of this act:

45 Community Affairs Department

46 Assistant Commissioner of Community Affairs

47 Director, Division of State and Regional Planning

48 Director, Division of Local Government Services

1 Director, Division of Housing and Urban Renewal
2 Director, Office of Aging Programs
3 Director, Office on Women
4 Environmental Protection Department
5 Director, Division of Water Resources
6 Director, Division of Parks and Forestry
7 Director of Fish, Game and Shell Fisheries
8 Director, Division of Marine Services
9 Director, Division of Environmental Quality
10 Health and Senior Services Department
11 Director, Division of Narcotic and Drug Abuse Control
12 Chief State Medical Examiner
13 Corrections Department
14 Chairman, State Parole Board
15 Associate Member, State Parole Board
16 Public Defender
17 Labor and Workforce Development Department
18 Director, Workplace Standards
19 Law and Public Safety Department
20 Colonel and Superintendent, State Police
21 Director, Division of Alcoholic Beverage Control
22 State Superintendent of Weights and Measures
23 Public Utilities Department
24 Director, Office of Cable Television
25 Executive Director, Public Broadcasting
26 State Department
27 Transportation Department
28 Assistant Commissioner for Highways
29 Assistant Commissioner for Public Transportation
30 Chief Administrator, New Jersey Motor Vehicle
31 Commission
32 Treasury Department
33 Director, Division of Budget and Accounting
34 Director, Division of Taxation
35 Director, Division of Purchase and Property
36 Director, Division of Pensions and Benefits
37 Director, Division of State Lottery.

38 (cf: P.L. 2018, c.62, s.48)
39

40 46. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
41 read as follows:

42 6. a. The Juvenile Justice Commission shall employ, within
43 the limits of available funds, juvenile corrections officers to staff
44 each State secure juvenile facility and to provide security for other
45 State juvenile facilities and programs including parole programs as
46 deemed appropriate and to perform all other duties related to
47 enforcement of confinement and conditions of release including
48 execution of warrants and legal process. Juvenile corrections

1 officers shall be in the competitive division of the career service
2 established pursuant to N.J.S.11A:3-2, "policemen" within the
3 meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members
4 of the Police and Firemen's Retirement System of New Jersey
5 established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2),
6 and shall be "employees" within the meaning of section 3 of
7 P.L.1941, c.100 (C.34:13A-3).

8 b. Except as provided in subsection c. of this section, no person
9 shall be appointed as a juvenile corrections officer unless that
10 person:

11 (1) Is a citizen of the United States;

12 (2) Is able to read, write and speak the English language well
13 and intelligently;

14 (3) Has a high school diploma or its equivalent;

15 (4) Is sound in body and of good health;

16 (5) Is of good moral character;

17 (6) Has not been convicted of any offense which would make
18 the person unfit to perform the duties of a juvenile corrections
19 officer;

20 (7) Has successfully completed the training course approved by
21 the Police Training Commission and required by section 5 of
22 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
23 provisions of that section; and

24 (8) Meets such other qualifications, including education and
25 training, as may be specified by the commission in consultation
26 with the chairperson of the Civil Service Commission.

27 c. (1) Pending appointment of a full complement of juvenile
28 corrections officers who meet the requirements of subsection b. of
29 this section, the commission and the Commissioner of Corrections
30 shall arrange through agreement for the assignment of corrections
31 officers necessary to fill the positions transferred pursuant to
32 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
33 assigned to the commission pursuant to such an agreement shall be
34 under the supervision of the commission during the period of
35 assignment as provided by the agreement between the commission
36 and the Commissioner of Corrections. The primary concerns of all
37 agreements governing assignment and supervision shall be public
38 safety and safety within the facilities and programs. No officer
39 assigned pursuant to such an agreement shall, by virtue of such
40 assignment, be considered an employee of the commission or lose
41 or suffer any diminution of any right, power, privilege or benefit to
42 which the employee would otherwise be entitled pursuant to the
43 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
44 Revised Statutes, or Title 43 of the Revised Statutes, including any
45 rights, powers, privileges or benefits as to salary, seniority,
46 promotion, re-employment, retirement, pension or representation
47 for purposes of collective bargaining;

1 (2) Notwithstanding the provisions of subsection b. of this
2 section, a corrections officer assigned to the commission pursuant
3 to this section shall not be considered ineligible for the position of
4 juvenile corrections officer solely because the officer does not meet
5 any educational or training requirement the commission may
6 establish and may be appointed as a juvenile corrections officer if
7 the officer applies for such position within 18 months of the
8 effective date of this act. A juvenile corrections officer appointed
9 pursuant to this subsection shall not be deprived of any right or
10 protection provided by Title 11A of the New Jersey Statutes or any
11 pension or retirement system and, notwithstanding any law or
12 regulation to the contrary, shall be eligible to compete for vacant
13 positions within the Department of Corrections with full credit for
14 experience, service and rank earned as an employee of the
15 Department of Corrections and such credit for experience, service
16 and rank earned as an employee of the commission as the
17 Commissioner of Corrections, after consultation with the
18 chairperson of the Civil Service Commission, deems appropriate.

19 d. Each juvenile corrections officer shall by virtue of such
20 employment and in addition to any other power or authority, be
21 empowered to act as an officer for the detection, apprehension,
22 arrest and adjudication of offenders against the law and, subject to
23 regulations promulgated by the commission and conditions set forth
24 in N.J.S.2C:39-6, shall have the authority to possess and carry a
25 firearm.

26 (cf: P.L.2008, c.29, s.111)

27
28 47. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
29 read as follows:

30 24. a. (1) a. (1) There is established in the Department of
31 Environmental Protection the Office of Green Acres. The
32 commissioner may appoint an administrator or director who shall
33 supervise the office, and the department may employ such other
34 personnel and staff as may be required to carry out the duties and
35 responsibilities of the department and the office pursuant to
36 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43
37 et seq.), all without regard to the provisions of Title 11A, Civil
38 Service, of the New Jersey Statutes. Persons appointed or
39 employed as provided pursuant to this subsection shall be
40 compensated in a manner similar to other employees in the
41 Executive Branch, and their compensation shall be determined by
42 the chairperson of the Civil Service Commission.

43 (2) The Green Acres Program in the Department of
44 Environmental Protection, together with all of its functions, powers
45 and duties, are continued and transferred to and constituted as the
46 Office of Green Acres in the Department of Environmental
47 Protection. Whenever, in any law, rule, regulation, order, contract,
48 document, judicial or administrative proceeding or otherwise,

1 reference is made to the Green Acres Program, the same shall mean
2 and refer to the Office of Green Acres in the Department of
3 Environmental Protection. This transfer shall be subject to the
4 provisions of the "State Agency Transfer Act," P.L.1971, c.375
5 (C.52:14D-1 et seq.).

6 b. The duties and responsibilities of the office shall be as
7 follows:

8 (1) Administer all provisions of P.L.1999, c.152 (C.13:8C-1 et
9 al.) and P.L.2016, c.12 (C.13:8C-43 et seq.) pertaining to funding
10 the acquisition and development of lands for recreation and
11 conservation purposes as authorized pursuant to Article VIII,
12 Section II, paragraph 6 and paragraph 7 of the State Constitution;

13 (2) Continue to administer all grant and loan programs for the
14 acquisition and development of lands for recreation and
15 conservation purposes, including the Green Trust, established or
16 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1
17 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155
18 (C.13:8A-35 et seq.); or any Green Acres bond act;

19 (3) Adopt, with the approval of the commissioner and pursuant
20 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
21 1 et seq.), rules and regulations:

22 (a) establishing application procedures for grants and loans for
23 the acquisition and development of lands for recreation and
24 conservation purposes, criteria and policies for the evaluation and
25 priority ranking of projects for eligibility to receive funding for
26 recreation and conservation purposes using constitutionally
27 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
28 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
29 (C.13:8C-43 et seq.), any conditions that may be placed on the
30 award of a grant or loan for recreation and conservation purposes
31 pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12
32 (C.13:8C-43 et al.), and any restrictions that may be placed on the
33 use of lands acquired or developed with a grant or loan for
34 recreation and conservation purposes pursuant to P.L.1999, c.152
35 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43 et seq.). The
36 criteria and policies established pursuant to this subparagraph for
37 the evaluation and priority ranking of projects for eligibility to
38 receive funding for recreation and conservation purposes using
39 constitutionally dedicated moneys pursuant to P.L.1999, c.152
40 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys
41 pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) may be based upon,
42 but need not be limited to, such factors as: protection of the
43 environment, natural resources, water resources, watersheds,
44 aquifers, wetlands, floodplains and flood-prone areas, stream
45 corridors, beaches and coastal resources, forests and grasslands,
46 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
47 endangered species, and plants; vernal habitat; degree of likelihood
48 of development; promotion of greenways; provision for recreational

1 access and use; protection of geologic, historic, archaeological, and
2 cultural resources; relative cost; parcel size; and degree of public
3 support;

4 (b) addressing any other matters deemed necessary to implement
5 and carry out the goals and objectives of Article VIII, Section II,
6 paragraph 6 and paragraph 7 of the State Constitution and
7 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43
8 et seq.) with respect to the acquisition and development of lands for
9 recreation and conservation purposes, including the acquisition of
10 lands for recreation and conservation purposes that have been
11 damaged by, or may be prone to incurring damage caused by,
12 storms or storm-related flooding, or that may buffer or protect other
13 lands from such damage; and

14 (c) establishing application requirements and a fee schedule for
15 the review by the department of applications to convey, dispose of,
16 or divert to a use other than recreation and conservation purposes
17 lands acquired or developed by a local government unit or a
18 qualifying tax exempt nonprofit organization for recreation and
19 conservation purposes using funds from any Green Acres bond act,
20 constitutionally dedicated moneys pursuant to P.L.1999, c.152
21 (C.13:8C-1 et al.), or constitutionally dedicated CBT moneys
22 pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), or lands held by
23 the local government unit for recreation and conservation purposes
24 at the time of receipt of such funds. The fees established pursuant
25 to this subparagraph shall reflect the costs of the Office of Green
26 Acres incurred in processing and reviewing applications to convey,
27 dispose of, or divert lands acquired, developed, or held for
28 recreation and conservation purposes to a use other than recreation
29 and conservation purposes. All fees collected pursuant to the fee
30 schedule adopted pursuant to this subparagraph shall be used to
31 offset the administrative costs of the Office of Green Acres
32 associated with such reviews pursuant to the provisions of section
33 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419
34 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections
35 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-
36 35), and section 11 of P.L.2016, c.12 (C.13:8C-53), as appropriate,
37 and any other applicable law; and

38 (4) Establishing criteria and policies for the evaluation and
39 priority ranking of State projects to acquire and develop lands for
40 recreation and conservation purposes using constitutionally
41 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
42 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
43 (C.13:8C-43 et seq.), which criteria and policies may be based
44 upon, but need not be limited to, such factors as: protection of the
45 environment, natural resources, water resources, watersheds,
46 aquifers, wetlands, floodplains and flood-prone areas, stream
47 corridors, beaches and coastal resources, forests and grasslands,
48 scenic views, biodiversity, habitat for wildlife, rare, threatened, or

1 endangered species, and plants; vernal habitat; degree of likelihood
2 of development; promotion of greenways; provision for recreational
3 access and use; protection of geologic, historic, archaeological, and
4 cultural resources; relative cost; parcel size; and degree of public
5 support.

6 (cf: P.L.2019, c.136, s.7)

7
8 48. N.J.S.11A:11-2 is amended to read as follows:

9 11A:11-2. a. The Department of Personnel is abolished as a
10 principal department in the Executive Branch of State government.
11 The offices and terms of the Commissioner of Personnel, the deputy
12 commissioner, assistant commissioners, and the directors of the
13 various divisions and offices of the Department of Personnel are
14 terminated, except as otherwise provided by P.L.2008, c.29.

15 b. The functions, powers, and duties of the Department of
16 Personnel, the Commissioner of Personnel, the deputy
17 commissioner, assistant commissioners, and directors of the various
18 divisions and offices of the Department of Personnel are continued
19 and transferred as provided by P.L.2008, c.29. The State Treasurer
20 may allocate the functions, powers, and duties transferred to the
21 Department of the Treasury or the State Treasurer by P.L.2008, c.29
22 among such divisions or subdivisions in the Department of the
23 Treasury as the State Treasurer deems appropriate or as the State
24 Treasurer may establish.

25 c. (1) The Division of Equal Employment Opportunity and
26 Affirmative Action as constituted in the Department of Personnel,
27 with its functions, powers, and duties, and those of the
28 Commissioner of Personnel and the Merit System Board with
29 regard to that division, is continued and transferred to the
30 Department of the Treasury, except with regard to the power to
31 adjudicate complaints of violations of the State policy against
32 discrimination which power shall remain with the Civil Service
33 Commission. The functions, powers, and duties of the Division of
34 Equal Employment Opportunity and Affirmative Action shall be
35 allocated within the department as the State Treasurer shall
36 determine.

37 The Equal Employment Opportunity Advisory Commission as
38 constituted in the Department of Personnel is continued and
39 transferred to the Department of the Treasury to be allocated within
40 that department as the State Treasurer shall determine. The
41 members of the Equal Employment Opportunity Advisory
42 Commission shall continue as members of the commission for the
43 duration of their current terms and any reappointments and until
44 their successors are appointed, unless removed for cause.

45 (2) The planning and research unit and function as constituted in
46 the Department of Personnel is continued and transferred to the
47 Department of the Treasury to be allocated within that department
48 as the State Treasurer shall determine.

- 1 d. The Working Well NJ State employee wellness program as
2 constituted in the Department of Personnel is continued and
3 transferred to the Department of Health to be allocated within that
4 department as the commissioner shall determine.
- 5 e. The toll-free information "Law Enforcement Officer Crisis
6 Intervention Services" telephone hotline as constituted in the
7 Department of Personnel is continued and transferred to the
8 Department of Human Services, pursuant to sections 115 to 116 of
9 P.L.2008, c.29 (C.26:2NN-1 to C.26:2NN-2), to be allocated within
10 that department as the commissioner shall determine.
- 11 f. The New Jersey Employee Awards Committee as constituted
12 in the **【Department of Personnel】** Civil Service Commission as of
13 the effective date of P.L. , c. (pending before the Legislature as
14 this bill) is continued and transferred to the **【Civil Service**
15 **Commission】** Department of Treasury. The members of the New
16 Jersey Employee Awards Committee shall continue as members of
17 the committee for the duration of their current terms and any
18 reappointments and until their successors are appointed, unless
19 removed for cause.
- 20 g. The commission shall develop a plan for the consolidation
21 and coordination of personnel and related functions, including, but
22 not limited to, classification, compensation, and workforce
23 planning, in the executive branch of State government and for
24 transfer to the commission of employees, positions, funding,
25 facilities, equipment, powers, and duties from throughout the
26 executive branch of State government as necessary and appropriate
27 to effectuate such consolidation and coordination.
- 28 h. The commission shall submit the plan prepared pursuant to
29 subsection g. of this section to the Governor for review and
30 approval. With the approval of the Governor and in accordance
31 with regulations adopted by the commission, the commission,
32 pursuant to the approved plan, shall direct the consolidation and
33 coordination of personnel and related functions, including, but not
34 limited to, classification, compensation, and workforce planning, in
35 the executive branch of State government and transfer to the
36 commission employees, positions, funding, facilities, equipment,
37 powers, duties, and functions from throughout the executive branch
38 of State government to effectuate the consolidation and
39 coordination. The commission shall organize these functions in the
40 units as the commission determines are necessary for the efficient
41 operation of the commission and in a manner as will provide the
42 appointing authorities and all State employees with proper support
43 in personnel matters. The consolidation shall not apply to those
44 functions which the commission has determined are unique to each
45 department or agency in its capacity as an appointing authority.
- 46 i. Each department, office, division, bureau, or agency in the
47 executive branch of State government shall cooperate with the
48 commission and make available to the commission such

1 information, personnel and assistance necessary to effectuate the
2 purposes of P.L.2008, c.29.

3 j. This section shall not be construed to permit or require
4 negotiations pursuant to the "New Jersey Employer-Employee
5 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or
6 regulation promulgated by the State Treasurer or Civil Service
7 Commission pursuant to this section or any other section of this
8 title.

9 (cf: P.L.2012, c.17, s.24)

10

11 49. This act shall take effect immediately.

12

13

14 STATEMENT

15

16 This bill replaces references to the Civil Service Commission in
17 various sections of Title 11A of the New Jersey Statutes (Civil
18 Service), and in various other statutes, with the chairperson of the
19 commission in order to clarify the duties and responsibilities of the
20 chairperson. The Civil Service Commission was created in 2008
21 when the Department of Personnel was abolished. This bill makes
22 corrective and clarifying adjustments to the statutes deemed
23 necessary following that reorganization.

24 In addition, the bill transfers the State Employee Awards
25 Committee from the Civil Service Commission to the Department
26 of the Treasury and the responsibility for internship programs from
27 the Department of the Treasury to the Civil Service Commission.
28 The bill permits the chairperson of the commission to appoint a
29 deputy administrator and changes the working test period for
30 regular appointments of political subdivision employees from three
31 to four months.