SENATE, No. 2666



STATE OF NEW JERSEY

219th LEGISLATURE



INTRODUCED JULY 6, 2020

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Permits local governments to request civil service law enforcement examinations; increases training reimbursement for law enforcement positions; removes certain law enforcement appointees from civil service eligible list; allows county hiring preference for county police departments.

CURRENT VERSION OF TEXT

As introduced.



An Act concerning civil service law enforcement examinations and hiring practices, amending various parts of the statutory law, and supplementing chapter 4 of Title 11A of the New Jersey Statutes and chapter 14 of Title 40A of the New Jersey Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. (New section) A county or municipal police department may request an open competitive examination to fill a vacancy for an entrance level law enforcement title. The examination shall be held no later than ten business days from the date of receipt of the request for the examination by the commission, and shall be held in an appropriate location agreed to by the commission and the appointing authority. The names of the persons who receive a passing score shall be consolidated with the most recent eligible list for such title.

2. (New section) a. The appointing authority for a county police department and force may classify all the duly qualified applicants for members of the department into the following classes:

I. Residents of the county.

II. Other residents of the State.

III. All other qualified applicants.

Within each classification, duly qualified applicants who are veterans shall be accorded all veterans' preferences as are provided by law. Any person who has served in the armed services of the United States and been discharged or released from the service under conditions other than dishonorable within six months prior to making application for appointment as a member of the county police department and force and who, at the time of making the application, signs a notice of intention and agreement to become a resident of the State within six months from the date of appointment, shall be placed in Class II.

Preference in appointment second to that accorded to veterans as provided by law, but superseding that accorded non-veterans, shall be accorded all duly qualified applicants whose natural or adoptive parent was killed in the lawful discharge of official duties while serving as a law enforcement officer in any law enforcement agency in the State at any time prior to the closing date for the filing of an application, provided that required documentation is submitted with the application by the closing date, except that this preference shall not apply if the county has entered into a consent decree with the United States Department of Justice concerning the hiring practices of the county.

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

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

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

c. In any county operating under the provisions of Title 11A of the New Jersey Statutes which classifies qualified applicants pursuant to subsection a. of this section, the classes of qualified applicants defined in that subsection shall be considered as separate and successive lists of eligibles, and the Civil Service Commission shall, when requested to certify eligibles for positions specified in this section, make the certifications from those classes separately and successively, and shall certify no persons from a class until all persons in the preceding class or classes have been appointed or have declined offers of appointment.

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

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

3. N.J.S.11A:4-5 is amended to read as follows:

11A:4-5. Use of eligible list. a. Once the examination process has been initiated due to the appointment of a provisional or an appointing authority's request for a list to fill a vacancy, the affected appointing authority shall be required to make appointments from the list if there is a complete certification, unless otherwise permitted by the commission for valid reason such as fiscal constraints. If the commission permits an appointing authority to leave a position vacant in the face of a complete list, the commission may order the appointing authority to reimburse the commission for the costs of the selection process.

b. If an appointing authority makes an appointment from an entry-level law enforcement eligible list certified by the commission, the commission shall remove the name of the appointee from all eligible lists for any entry-level law enforcement position.

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

4. Section 2 of P.L.1989, c.40 (C.18A:6-4.12) is amended to read as follows:

2. a. If a person who was appointed as a police officer of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another educational institution or for a county or municipal law enforcement agency, a State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and if that person held a probationary appointment at the time of resignation or held a permanent appointment for **[**30 days**]** two years or less prior to resignation, the educational institution, county or municipal law enforcement agency, or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, shall be liable to the former educational institution for **[**the total**]** 150 percent of the certified costs incurred by that former educational institution in the examination, hiring, and training of the person.

b. **[**If a person who was appointed as a police officer of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another educational institution or for a county or municipal law enforcement agency, State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the educational institution, county or municipal law enforcement agency or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, shall be liable to the former educational institution for one-half of the total certified costs incurred by that former institution in the examination, hiring, and training of the person.**]** (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)

c. Upon the appointment of a former police officer of an educational institution, the appointing educational institution, county or municipal law enforcement agency, State law enforcement agency or the New Jersey Transit Corporation shall notify the former educational institution immediately upon the appointment of a police officer formerly with that institution and shall reimburse the institution within 120 days of the receipt of the certified costs.

d. As used in this section:

"County or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff's office;

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.

"State law enforcement agency" means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police.

"Training costs" means the police training course fees and the base salary received while attending the police training course as required by section 3 of P.L.1970, c.211 (C.18A:6-4.4).

(cf: P.L.2000, c.106, s.2)

5. Section 3 of P.L.2000, c.106 (C.27:25-15.1b) is amended to read as follows:

3. a. If a person who was appointed as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently appointed to a county or municipal law enforcement agency, a police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement agency within 120 days of resignation, and if that person held a probationary appointment at the time of resignation or held a permanent appointment for **[**30 days**]** two years or less prior to resignation, the appointing county or municipal law enforcement agency, educational institution or State law enforcement agency shall be liable to the New Jersey Transit Corporation for **[**the total**]** 150 percent of the certified costs incurred by the corporation in the examination, hiring, and training of the person.

b. **[**If a person who was appointed as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently appointed to a county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement agency within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the appointing county or municipal law enforcement agency, educational institution or State law enforcement agency shall be liable to the New Jersey Transit Corporation for one-half of the total certified costs incurred by the corporation in the examination, hiring, and training of the person.**]** (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)

c. The appointing county or municipal law enforcement agency, educational institution or State law enforcement agency shall notify the New Jersey Transit Corporation immediately upon the appointment of a police officer formerly employed by the corporation and shall reimburse the corporation within 120 days of the receipt of the certified costs.

d. As used in this section:

"County or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff's office.

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.

"State law enforcement agency" means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police.

"Training costs" means the police training course fees and the base salary received while attending the police training course as required by section 2 of P.L.1989, c.291 (C.27:25-15.1).

(cf: P.L.2000, c.106, s.3)

6. Section 1 of P.L.1987, c.47 (C.40A:14-178) is amended to read as follows:

1. a. Whenever a person who resigned as a member of a county or municipal law enforcement agency is appointed to another county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), a State law enforcement agency, or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and that person held a probationary appointment at the time of resignation or held a permanent appointment for **[**30 days**]** two years or less prior to resignation, the county or municipal law enforcement agency, educational institution, or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, is liable to the former county or municipal employer, as appropriate, for **[**the total**]** 150 percent of the total certified costs incurred by the former employer in the examination, hiring, and training of the person.

b. **[**Whenever a person who resigned as a member of a county or municipal law enforcement agency is appointed to another county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and that person, at the time of resignation held a permanent appointment for more than 30 days but less than two years, the county or municipal law enforcement agency, educational institution, or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, is liable to the former county or municipal employer, as appropriate, for one-half of the total certified costs incurred by the former employer in the examination, hiring, and training of that person.**]** (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)

c. Upon the appointment of a former member of a county or municipal law enforcement agency, the appointing county or municipal law enforcement agency, educational institution, State law enforcement agency, or the New Jersey Transit Corporation shall notify the former employer immediately upon the appointment of a former employee and shall reimburse the former employer within 120 days of the receipt of the certified costs.

d. For the purposes of this act:

"County or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department, and a county sheriff's office;

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and the public advertisements for these examinations;

"State law enforcement agency" means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police; and

"Training costs" means the police training course fees and the base salary received while attending the police training course, as required by P.L.1961, c.56 (C.52:17B-66 et seq.).

(cf: P.L.2000, c.106, s.1)

7. Section 1 of P.L.2005, c.75 (C.40A:14-178.1) is amended to read as follows:

1. a. If a person appointed as a Class Two special resigns or refuses reappointment after serving less than **[**30 days**]** two years with the municipality that incurred the costs of examining, training, and initially hiring him and, within 120 days of that resignation, accepts an appointment as a Class Two special with another municipal law enforcement agency, that appointing municipality shall be liable to the officer's former municipal employer for **[**the total**]** 150 percent of the certified costs incurred by the former employer in the examination, hiring, and training of the officer.

b. **[**If a person appointed as a Class Two special resigns or refuses reappointment after serving less than two years with the municipality that incurred the costs of examining, training and initially hiring him and, within 120 days of that resignation or refusal of reappointment, accepts an appointment as a Class Two special with another municipal law enforcement agency, that appointing municipality shall be liable to the officer's former municipal employer for one-half of the total certified costs incurred by the former employer in the examination, hiring, and training of the officer.**]** (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)

c. Upon the appointment of a Class Two special subject to the provisions of **[**this act**]** P.L.2005, c.75, the appointing municipal law enforcement agency shall notify the officer's former employer immediately upon appointment and shall reimburse the former employer within 120 days of the receipt of the certified costs.

d. As used in **[**this act**]** P.L.2005, c.75:

"Class Two special" means a special law enforcement officer, appointed pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.), who is authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time law enforcement officer.

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and the public advertisements for these examinations; and

"Training costs" means the police training course fees and the base salary, if any, received while attending the police training course, as required by P.L.1961, c.56 (C.52:17B-66 et seq.) and P.L.1985, c.439 (C.40A:14-146.8 et seq.).

(cf: P.L.2005, c.75, s.1)

8. Section 4 of P.L.2000, c.106 (C.52:17B-77.6) is amended to read as follows:

4. a. If a person who was appointed to a State law enforcement agency resigns and is subsequently appointed to a county or municipal law enforcement agency, a police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), another State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and if that person held a probationary appointment at the time of resignation or held a permanent appointment for **[**30 days**]** two years or less prior to resignation, the appointing county or municipal law enforcement agency, educational institution, State law enforcement agency or the New Jersey Transit Corporation shall be liable to the State law enforcement agency for **[**the total**]** 150 percent of the certified costs incurred by the corporation in the examination, hiring, and training of the person.

b. **[**If a person who was appointed to a State law enforcement agency resigns and is subsequently appointed to a county or municipal law enforcement agency, a police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), another State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the appointing county or municipal law enforcement agency, educational institution or State law enforcement agency, or the New Jersey Transit Corporation, shall be liable to the State law enforcement agency for one-half of the total certified costs incurred by the agency in the examination, hiring, and training of the person.**]** (Deleted by amendment, P.L.    , c.    ) (pending before the Legislature as this bill)

c. The appointing county or municipal law enforcement agency, educational institution, State law enforcement agency or the New Jersey Transit Corporation shall notify the former employer immediately upon the appointment of an employee formerly employed by the State law enforcement agency and shall reimburse the agency within 120 days of the receipt of the certified costs.

d. As used in this section:

"County or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff's office.

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.

"State law enforcement agency" means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police

"Training costs" means the police training course fees and the base salary received while attending the police training course as required by section 2 of P.L.1989, c.291 (C.27:25-15.1).

(cf: P.L.2000, c.106, s.4)

9. This act shall take effect immediately.

STATEMENT

Current law does not address when an entry level law enforcement examination will be held, but the Civil Service Commission has maintained a practice of administering such examinations once every three years. This bill permits a county or municipal police department to request an entrance level law enforcement examination in order to fill a vacancy.

The examination will be held no later than ten business days from receipt of the request for the examination. In addition, the names of persons who receive a passing score will be consolidated with the most recent eligible list for such title.

This bill would allow a county to establish a hiring preference for county residents for county police officer positions. Current law allows municipal police departments to have a hiring preference for municipal residents, but does not authorize the same with respect to county police departments. This bill would enable county police departments to prioritize county residents when hiring new officers, which would allow county police forces to be more reflective of the communities they serve.

As is provided with respect to municipal police departments, this bill maintains veterans' preferences that are provided by law and provides a secondary preference for the children of law enforcement officers killed in the line of duty. These preferences would apply within each residence classification.

Under this bill, if an appointing authority makes an appointment from an entry-level law enforcement eligible list certified by the Civil Service Commission, the commission will remove the name of the person appointed from the eligible list for all entry-level law enforcement positions.

Under current law, once an individual is hired to an entry-level law enforcement positon, the individual’s name is not removed from any eligible list for other law enforcement positions. Although now employed and trained by a department, the individual’s name remains on the eligible list for other departments. This bill will prevent an individual from accepting a position with the first available department, receiving training at the expense of that department, and then accepting a position with another department that individual deems more favorable for geographic or financial reasons. The bill will help prevent a department from losing the benefit of a trained individual and the added expense of training another individual.

This bill would expand the training reimbursement amount and time period that applies to certain law enforcement agencies that hire new law enforcement officers. This bill would help further discourage the practice of hiring away new law enforcement officers from other agencies that have invested the time and resources into recruiting and training them.

Under current law, whenever a county or municipal law enforcement officer is hired by a different county or municipal law enforcement agency, an educational institution’s police department, a State law enforcement agency, or the New Jersey Transit Police Department within 30 days of holding a permanent appointment, the hiring agency is required to reimburse the former employer 100 percent of the examination, hiring, and training costs it bore. If one of those agencies hires a county or municipal law enforcement officer within two years, but more than 30 days, of holding a permanent appointment, the appointing agency is required to reimburse the former employer 50 percent of the examination, hiring, and training costs. These same reimbursement timeframes and amounts apply when a municipality hires a Class Two special law enforcement officer from another municipality.

For these law enforcement hires, the bill would increase the time period during which a reimbursement is required to two years, and would increase the amount of the reimbursement to 150 percent of the examination, hiring, and training costs.