

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.



1 **AN ACT** concerning civil service law enforcement examinations and
2 hiring practices, amending various parts of the statutory law, and
3 supplementing chapter 4 of Title 11A of the New Jersey Statutes
4 and chapter 14 of Title 40A of the New Jersey Statutes.

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

8
9 1. (New section) A county or municipal police department
10 may request an open competitive examination to fill a vacancy for
11 an entrance level law enforcement title. The examination shall be
12 held no later than ten business days from the date of receipt of the
13 request for the examination by the commission, and shall be held in
14 an appropriate location agreed to by the commission and the
15 appointing authority. The names of the persons who receive a
16 passing score shall be consolidated with the most recent eligible list
17 for such title.

18
19 2. (New section) a. The appointing authority for a county
20 police department and force may classify all the duly qualified
21 applicants for members of the department into the following
22 classes:

- 23 I. Residents of the county.
24 II. Other residents of the State.
25 III. All other qualified applicants.

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

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

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

6 As used in this section, "law enforcement officer" means any
7 person who is employed as a permanent full-time member of a law
8 enforcement agency, and who is statutorily empowered to act for
9 the detection, investigation, arrest, and conviction of persons
10 violating the criminal laws of this State and statutorily required to
11 successfully complete a training course approved, or certified as
12 being substantially equivalent to the approved course, by the Police
13 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
14 66 et seq.); and "law enforcement agency" means a department,
15 division, bureau, commission, board, or other authority of the State
16 or of any political subdivision thereof which has by statute or
17 ordinance the responsibility of detecting and enforcing the general
18 criminal laws of this State.

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

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

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

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

43

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

45 11A:4-5. Use of eligible list. a. Once the examination process
46 has been initiated due to the appointment of a provisional or an
47 appointing authority's request for a list to fill a vacancy, the affected

1 appointing authority shall be required to make appointments from
2 the list if there is a complete certification, unless otherwise
3 permitted by the commission for valid reason such as fiscal
4 constraints. If the commission permits an appointing authority to
5 leave a position vacant in the face of a complete list, the
6 commission may order the appointing authority to reimburse the
7 commission for the costs of the selection process.

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

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

14
15 4. Section 2 of P.L.1989, c.40 (C.18A:6-4.12) is amended to
16 read as follows:

17 2. a. If a person who was appointed as a police officer of an
18 educational institution pursuant to P.L.1970, c.211 (C.18A:6-
19 4.2 et seq.) resigns and is subsequently appointed as a police officer
20 for another educational institution or for a county or municipal law
21 enforcement agency, a State law enforcement agency or the New
22 Jersey Transit Police Department pursuant to section 2 of P.L.1989,
23 c.291 (C.27:25-15.1) within 120 days of resignation, and if that
24 person held a probationary appointment at the time of resignation or
25 held a permanent appointment for **【30 days】** two years or less prior
26 to resignation, the educational institution, county or municipal law
27 enforcement agency, or State law enforcement agency appointing
28 the person, or the New Jersey Transit Corporation, shall be liable to
29 the former educational institution for **【the total】** 150 percent of the
30 certified costs incurred by that former educational institution in the
31 examination, hiring, and training of the person.

32 b. **【If a person who was appointed as a police officer of an**
33 **educational institution pursuant to P.L.1970, c.211 (C.18A:6-**
34 **4.2 et seq.) resigns and is subsequently appointed as a police officer**
35 **for another educational institution or for a county or municipal law**
36 **enforcement agency, State law enforcement agency or the New**
37 **Jersey Transit Police Department pursuant to section 2 of P.L.1989,**
38 **c.291 (C.27:25-15.1) within 120 days of resignation, and if that**
39 **person held a permanent appointment for more than 30 days but less**
40 **than two years at the time of resignation, the educational institution,**
41 **county or municipal law enforcement agency or State law**
42 **enforcement agency appointing the person, or the New Jersey**
43 **Transit Corporation, shall be liable to the former educational**
44 **institution for one-half of the total certified costs incurred by that**
45 **former institution in the examination, hiring, and training of the**
46 **person.】** (Deleted by amendment, P.L. , c.) (pending before the
47 Legislature as this bill)

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

9 d. As used in this section:

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

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

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

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

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

24

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

27 3. a. If a person who was appointed as a police officer of the
28 New Jersey Transit Police Department pursuant to section 2 of
29 P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently
30 appointed to a county or municipal law enforcement agency, a
31 police department of an educational institution pursuant to
32 P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement
33 agency within 120 days of resignation, and if that person held a
34 probationary appointment at the time of resignation or held a
35 permanent appointment for **[30 days]** two years or less prior to
36 resignation, the appointing county or municipal law enforcement
37 agency, educational institution or State law enforcement agency
38 shall be liable to the New Jersey Transit Corporation for **[the total]**
39 150 percent of the certified costs incurred by the corporation in the
40 examination, hiring, and training of the person.

41 b. **[If** a person who was appointed as a police officer of the
42 New Jersey Transit Police Department pursuant to section 2 of
43 P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently
44 appointed to a county or municipal law enforcement agency, the
45 police department of an educational institution pursuant to
46 P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement
47 agency within 120 days of resignation, and if that person held a

1 permanent appointment for more than 30 days but less than two
2 years at the time of resignation, the appointing county or municipal
3 law enforcement agency, educational institution or State law
4 enforcement agency shall be liable to the New Jersey Transit
5 Corporation for one-half of the total certified costs incurred by the
6 corporation in the examination, hiring, and training of the person.】
7 (Deleted by amendment, P.L. _____, c. _____) (pending before the
8 Legislature as this bill)

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

15 d. As used in this section:

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

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

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

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

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

30
31 6. Section 1 of P.L.1987, c.47 (C.40A:14-178) is amended to
32 read as follows:

33 1. a. Whenever a person who resigned as a member of a
34 county or municipal law enforcement agency is appointed to
35 another county or municipal law enforcement agency, the police
36 department of an educational institution pursuant to P.L.1970, c.211
37 (C.18A:6-4.2 et seq.), a State law enforcement agency₂ or the New
38 Jersey Transit Police Department pursuant to section 2 of P.L.1989,
39 c.291 (C.27:25-15.1) within 120 days of resignation, and that
40 person held a probationary appointment at the time of resignation or
41 held a permanent appointment for **【30 days】** two years or less prior
42 to resignation, the county or municipal law enforcement agency,
43 educational institution₂ or State law enforcement agency appointing
44 the person, or the New Jersey Transit Corporation, is liable to the
45 former county or municipal employer, as appropriate, for **【the total】**
46 150 percent of the total certified costs incurred by the former
47 employer in the examination, hiring, and training of the person.

1 b. **【**Whenever a person who resigned as a member of a county
2 or municipal law enforcement agency is appointed to another
3 county or municipal law enforcement agency, the police department
4 of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-
5 4.2 et seq.), State law enforcement agency or the New Jersey
6 Transit Police Department pursuant to section 2 of P.L.1989, c.291
7 (C.27:25-15.1) within 120 days of resignation, and that person, at
8 the time of resignation held a permanent appointment for more than
9 30 days but less than two years, the county or municipal law
10 enforcement agency, educational institution, or State law
11 enforcement agency appointing the person, or the New Jersey
12 Transit Corporation, is liable to the former county or municipal
13 employer, as appropriate, for one-half of the total certified costs
14 incurred by the former employer in the examination, hiring, and
15 training of that person.**】** (Deleted by amendment, P.L. __, c. __)
16 (pending before the Legislature as this bill)

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

24 d. For the purposes of this act:

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

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

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

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

39 (cf: P.L.2000, c.106, s.1)
40

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

43 1. a. If a person appointed as a Class Two special resigns or
44 refuses reappointment after serving less than **【30 days】** two years
45 with the municipality that incurred the costs of examining, training,
46 and initially hiring him and, within 120 days of that resignation,
47 accepts an appointment as a Class Two special with another

1 municipal law enforcement agency, that appointing municipality
2 shall be liable to the officer's former municipal employer for **the**
3 **total** 150 percent of the certified costs incurred by the former
4 employer in the examination, hiring, and training of the officer.

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

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

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

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

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

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

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

35
36 8. Section 4 of P.L.2000, c.106 (C.52:17B-77.6) is amended to
37 read as follows:

38 4. a. If a person who was appointed to a State law enforcement
39 agency resigns and is subsequently appointed to a county or
40 municipal law enforcement agency, a police department of an
41 educational institution pursuant to P.L.1970, c.211 (C.18A:6-
42 4.2 et seq.), another State law enforcement agency or the New
43 Jersey Transit Police Department pursuant to section 2 of P.L.1989,
44 c.291 (C.27:25-15.1) within 120 days of resignation, and if that
45 person held a probationary appointment at the time of resignation or
46 held a permanent appointment for **30 days** two years or less prior

1 to resignation, the appointing county or municipal law enforcement
2 agency, educational institution, State law enforcement agency or the
3 New Jersey Transit Corporation shall be liable to the State law
4 enforcement agency for **the total** 150 percent of the certified costs
5 incurred by the corporation in the examination, hiring, and training
6 of the person.

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

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

28 d. As used in this section:

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

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

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

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

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

43
44 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 position, 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

1 officers from other agencies that have invested the time and
2 resources into recruiting and training them.

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

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