Chapter 29, P.L. 2008

(Approved June 30, 2008)

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 2803

STATE OF NEW JERSEY

213th LEGISLATURE

ADOPTED JUNE 19, 2008

Sponsored by:
Assemblyman GARY S. SCHAER
District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:
Assemblymen Wisniewski, Rudder, Assemblywomen Addiego, Lampitt, Senators Sweeney, O'Toole and Sarlo

SYNOPSIS

(Sponsorship Updated As Of: 6/24/2008)

Abolishes Department of Personnel; transfers functions, powers, and duties primarily to new Civil Service Commission in but not of Department of Labor and Workforce Development; creates Civil Service Reform Task Force.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Budget Committee.

AN ACT abolishing the Department of Personnel as a principal department in the Executive Branch of State government and transferring its functions, powers, and duties, creating a Civil Service Reform Task Force, and amending, supplementing, and repealing various parts of the statutory law.

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

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

11A:2-1. **[**Department of Personnel created.**]** There is established in, but not of, the Department of Labor and Workforce Development in the Executive Branch of State government **[**a principal department which shall be known as the Department of Personnel, which shall consist of a Merit System Board, a Commissioner of Personnel, subdivisions and officers and employees as specifically referred to in this title and as may be constituted or employed by virtue of the authority conferred by this title or any other law**]** the Civil Service Commission. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Civil Service Commission is allocated within the Department of Labor and Workforce Development, but, notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any officer or employee thereof. For the purpose of this title, **[**"board"**]** "commission" means **[**Merit System Board, "commissioner" means the Commissioner of Personnel and "department" means the Department of Personnel**]** the Civil Service Commission.
(cf: N.J.S.11A:2-1)

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

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.

11A:2-2. Implementation. The [department] Department of the Treasury and the Civil Service Commission, as appropriate, shall implement and enforce this title.
(cf: N.J.S.11A:2-2)

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

11A:2-3. Members; term; quorum; vacancies; chairperson. The [Merit System Board] Civil Service Commission shall consist of five members[, one of whom shall be the Commissioner of Personnel, who shall serve as the chairperson. The other members shall be] appointed by the Governor with the advice and consent of the Senate for staggered terms of four years and until the appointment and qualification of their successors. No more than three of the five members shall be of the same political party. Three members of the [board] commission shall constitute a quorum.

The holding over of an incumbent beyond the expiration of the term of office shall reduce, in commensurate length, the term of office of a successor. Vacancies shall be filled for the unexpired terms, in the same manner as original appointments. No member shall hold any other State or federal office or position.

The Governor shall designate one member to serve as the chairperson of the commission. The chairperson shall be the chief executive officer and administrator of the commission and shall devote full time to the duties of the position. The chairperson shall serve at the pleasure of the Governor.
(cf: N.J.S.11A:2-3)

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

11A:2-4. Removal of a [board] commission member other than [commissioner] chairperson of the commission. A [board] commission member other than the [commissioner] chairperson of the commission may be removed from office by the Governor for cause, upon notice and an opportunity to be heard. A [board]

commission member removed from office shall be entitled to receive compensation only up to the date of removal.
(cf: N.J.S.11A:2-4)

5. N.J.S.11A:2-5 is amended to read as follows:

11A:2-5. Compensation. A [board] commission member, other than the [commissioner] chairperson of the commission, shall receive a salary as fixed by law and shall also be entitled to sums incurred for necessary expenses. The salary of the chairperson shall be determined by the Governor.
(cf: N.J.S.11A:2-5)

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

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

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

(1) Removal,

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

(3) Disciplinary demotion, and

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

b. On a review of the written record, render the final administrative decision on other appeals [except for those matters listed or delegated to the commissioner pursuant to subsection h. of N.J.S. 11A:2-11];

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

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

e. Interpret the application of this title to any public body or entity; and

f. Authorize and conduct such studies, inquiries, investigations or hearings in the operation of this title as it deems necessary.
(cf: N.J.S.11A:2-6)

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

11A:2-7. Subpenas; oaths. The [commissioner or the board] commission may subpena and require the attendance of witnesses in this State and the production of evidence or documents relevant to any proceeding under this title. Those persons may also administer oaths and take testimony. Subpenas issued under this section shall be enforceable by order of the Superior Court.
(cf: N.J.S.11A:2-7)

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

11A:2-11. Powers and duties of the [commissioner] commission. In addition to other powers and duties vested in the [commissioner] commission by this title or any other law, the [commissioner] commission:

a. [Shall be the principal executive and request officer of the department, allocating the functions and activities of the department among departmental subdivisions as the commissioner may establish] Deleted by amendment, P.L. , c. (pending before the Legislature as this bill);

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

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

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

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

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

g. [Shall develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives] Deleted by amendment, P.L. , c. (pending before the Legislature as this bill);

h. Shall set standards and procedures for review and render the final administrative decision on a written record or after recommendation by an independent reviewer assigned by the [commissioner of appeals] commission from classification, salary, layoff rights and in the State service noncontractual grievances;

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

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

k. [May establish an internship program] Deleted by amendment, P.L. , c. (pending before the Legislature as this bill);

l. [Shall assist the Governor in general work force planning, personnel matters and labor relations] Deleted by amendment, P.L. , c. (pending before the Legislature as this bill);

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

n. Shall make an annual report to the Governor and Legislature and all other special or periodic reports as may be required. The annual report shall indicate the number of persons, by title, who, on March 31, June 30, September 30, and December 31 of each year,

held appointments to positions in the senior executive service and the number of noncareer employees by title, who, on those same dates, held appointments in positions in the senior executive service;

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

p. [Shall recommend rules to the board for the implementation of this title] Deleted by amendment, P.L. , c. (pending before the Legislature as this bill).

(cf: N.J.S.11A:2-11)

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

11A:2-12. Delegation. The [commissioner] commission may delegate to an appointing authority the responsibility for classifying positions, administering examinations and other technical personnel functions according to prescribed standards, but the [commissioner] commission may not delegate any function of the [board] commission.

This delegation shall be written and shall conform to the provisions of this title. The [commissioner] commission may assign staff of the [department] commission to an appointing authority to assist the appointing authority in its delegated personnel duties. The employees shall continue as employees of the [department] commission. All delegation shall be subject to supervision by the [commissioner] commission and post-audit and may be cancelled, modified or limited at any time by the [commissioner] commission. Such delegation is to be performed in consultation with the advisory board representing political subdivisions, and approved by an affected appointing authority when the delegation requires substantial costs. The [commissioner] commission, in consultation with the advisory board representing political subdivisions, shall [recommend] adopt rules [to the Merit System Board] to define substantial costs.

(cf: N.J.S.11A:2-12)

10. N.J.S.11A:2-13 is amended to read as follows:

11A:2-13. Opportunity for appointing authority hearing, alternative procedures.

Except as otherwise provided herein, before any disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6 is taken against a permanent employee in the career service or a person serving a working test period, the employee shall be notified in writing and shall have the opportunity for a hearing before the appointing authority or its designated representative. The hearing shall be held within 30 days of the notice of disciplinary action unless waived by the employee. Both parties may consent to an adjournment to a later date.

When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a procedure for appointing authority review before disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A: 2-6, which would be otherwise appealable to the 【board】 <u>Civil Service Commission</u> under N.J.S.11A:2-14, is taken against a permanent employee in the career service or a person serving a working test period, such procedure shall be the exclusive procedure for review before the appointing authority.

This section shall not prohibit the immediate suspension of an employee without a hearing if the appointing authority determines that the employee is unfit for duty or is a hazard to any person if allowed to remain on the job or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. In addition, where a suspension is based on a formal charge of a crime of the first, second or third degree, or a crime of the fourth degree if committed on the job or directly related to the job, the suspension may be immediate and continue until a disposition of the charge. The 【board】 <u>Civil Service Commission</u> shall establish, by rule, procedures for hearings and suspensions with or without pay.

(cf: P.L.2004, c.104, s.1)

11. N.J.S.11A:2-14 is amended to read as follows:

11A:2-14. Notice to employee of right to appeal, alternative procedures.

Except as otherwise provided herein, within 20 days of the hearing provided in N.J.S. 11A:2-13, the appointing authority shall make a final disposition of the charges against the employee and shall furnish the employee with written notice. If the appointing authority determines that the employee is to be removed, demoted or receive a suspension or a fine greater than five days, the employee shall have a right to appeal to the [board] Civil Service Commission. The suspension or fine of an employee for five days or less shall be appealable if an employee's aggregate number of days suspended or fined in any one calendar year is 15 days or more. Where an employee receives more than three suspensions or fines of five or less days in a calendar year, the last suspension or fine is appealable.

When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, section 7 of P.L.1968, c.303 (C.34:13A-5.3), to a disciplinary review procedure that provides for binding arbitration of disputes involving disciplinary action in subsection a. (1), (2) and (3) of N.J.S. 11A:2-6, which would be otherwise appealable to the [board] Civil Service Commission under N.J.S.11A:2-14, being taken against a permanent employee in the career service or a person serving a working test period, such procedure shall be the exclusive procedure for any appeal of such disciplinary action.

(cf: P.L.2004, c.104, s.2)

12. N.J.S.11A:2-15 is amended to read as follows:

11A:2-15. Appeal procedure. Any appeal from adverse actions specified in N.J.S. 11A:2-13 and subsection a.(4) of N.J.S. 11A:2-6 shall be made in writing to the [board] Civil Service Commission no later than 20 days from receipt of the final written determination

of the appointing authority. If the appointing authority fails to provide a written determination, an appeal may be made directly to the [board] Civil Service Commission within reasonable time.
(cf: N.J.S.11A:2-15)

13. N.J.S.11A:2-16 is amended to read as follows:

11A:2-16. Appeal procedure for suspension or fine of five days or less. If a State employee receives a suspension or fine of five days or less, the employee may request review by the [board] Civil Service Commission under standards and procedures established by the [board] Civil Service Commission or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision. If an employee of a political subdivision receives a suspension or fine of five days or less, the employee may request review under standards and procedures established by the political subdivision or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision.
(cf: N.J.S.11A:2-16)

14. N.J.S.11A:2-18 is amended to read as follows:

11A:2-18. Representation. An employee may be represented at any hearing before an appointing authority or the [board] Civil Service Commission by an attorney or authorized union representative.
(cf: N.J.S.11A:2-18)

15. N.J.S.11A:2-19 is amended to read as follows:

11A:2-19. Authority to increase or decrease penalty imposed. The [board] Civil Service Commission may increase or decrease the penalty imposed by the appointing authority, but removal shall not be substituted for a lesser penalty.
(cf: N.J.S.11A:2-19)

16. N.J.S.11A:2-20 is amended to read as follows:

11A:2-20. Forms of disciplinary action. The [board] Civil Service Commission shall establish by rule the general causes which constitute grounds for disciplinary action and the kinds of disciplinary action which may be taken by appointing authorities against permanent career service employees or those serving in their working test periods. Unless offered by the appointing authority and selected by an employee as a disciplinary option, a fine may only be imposed by an appointing authority as a form of restitution or in lieu of a suspension when a suspension would be detrimental to the public health, safety or welfare. When a fine is assessed, it may either be paid in a lump sum or deducted from the employee's salary over time as provided by [board] Civil Service Commission rule. Except as provided for in N.J.S. 11A:2-13, an appointing authority may not impose a suspension or fine greater than six months.
(cf: N.J.S.11A:2-20)

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

11A:2-22. Back pay, benefits, seniority and reasonable attorney fees. The [board] Civil Service Commission may award back pay, benefits, seniority and reasonable attorney fees to an employee as provided by rule.
(cf: N.J.S.11A:2-22)

18. N.J.S.11A:2-24 is amended to read as follows:

11A:2-24. Protection against reprisals. An appointing authority shall not take or threaten to take any action against an employee in the career, senior executive or unclassified service in retaliation for an employee's lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority. An employee who is the subject of a reprisal action by an appointing authority for the lawful disclosure of information may appeal such action to the [board] Civil Service Commission.
(cf: N.J.S.11A:2-24)

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

1. a. The [Commissioner of the Department of Personnel] commission shall provide, by regulation, for intergovernmental transfers by law enforcement officers, including county sheriff and corrections officers, as part of the department's intergovernmental transfer program. These law enforcement officers, county sheriff and corrections officers shall be granted all privileges under the intergovernmental transfer program, including the option to waive all accumulated sick leave and seniority rights.

b. The waiver of accumulated sick leave and seniority rights shall require the consent in writing of the receiving jurisdiction, the affected employee, and the [Department of Personnel] commission.

c. The sending jurisdiction shall not pay supplemental compensation for accumulated sick leave to any law enforcement officer, county sheriff or corrections officer, approved for an intergovernmental transfer and shall certify, to the receiving jurisdiction and the [Department of Personnel] commission, that no supplemental compensation was paid.

(cf: P.L.2006, c.77, s.1)

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

11A:3-1. Classification. The [board] Civil Service Commission shall assign and reassign titles among the career service, senior executive service and unclassified service. The [commissioner] commission shall:

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

b. Establish, consolidate and abolish titles;

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

d. Assign and reassign titles to appropriate positions; and

e. Provide a specification for each title.

(cf: N.J.S.11A:3-1)

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

11A:3-2. Career service. The career service shall have two divisions, the competitive division and the noncompetitive division. The ⟦commissioner⟧ commission shall assign and reassign such titles to each division and may provide for movement, including promotion, of employees from one division to the other.

(cf: N.J.S.11A:3-2)

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

11A:3-3. Senior executive service. A senior executive service shall be established in State government and include those positions having substantial managerial, policy influencing or policy executing responsibilities as determined by the ⟦board⟧ Civil Service Commission. Titles included in a collective negotiations unit shall not be included in the senior executive service. The total number of senior executive service employees shall not exceed 1,200. The ⟦board⟧ Civil Service Commission shall adopt rules providing for the selection, placement, transfer, development, compensation, separation and performance appraisal of senior executive service employees, and for the reinstatement of career service employees to the career service. The senior executive service shall not be subject to the provisions of this title unless otherwise specified. The senior executive service shall include noncareer and career service employees. The number of noncareer employees shall not exceed 15% of the entire senior executive service work force.

Where an employee holds permanent career service status in a position in a title that is assigned to the senior executive service, the employee, with appointing authority approval, shall be provided the option of joining the senior executive service. Permanent career service employees who opt not to join the senior executive service or who do not receive approval to join the senior executive service shall have the right to reinstatement to the career service to a level directly under the senior executive service. Permanent career

service employees who join the senior executive service and who are later separated from the senior executive service shall have a right of reinstatement to the career service to a level held prior to entry in the senior executive service, unless the employee has been separated, after opportunity for hearing, from the senior executive service for reasons which constitute cause for removal from the career service.
(cf: N.J.S.11A:3-3)

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

11A:3-4. State unclassified service. The State unclassified service shall not be subject to the provisions of this title unless otherwise specified and shall include the following:

a. Appointments of the Governor;

b. Department heads and members of boards and commissions authorized by law;

c. Employees in the legislative branch of State government;

d. Heads of institutions;

e. Superintendents, teachers and instructors in the public schools, the agricultural experiment station and State institutions, where certified teachers are employed under the supervision of and qualified by the State Department of Education, and other institutions maintained wholly or in part by the State;

f. Physicians, surgeons and dentists;

g. Assistant and Deputy Attorneys General and legal assistants appointed by the Attorney General;

h. One secretary and one confidential assistant to each department head, board, principal executive officer and commission. Each certification and appointment hereunder shall be recorded in the minutes of the [board] <u>Civil Service Commission</u>;

i. Employees in the military or naval service of the State;

j. Student assistants;

k. Domestic employees in the Governor's household; and

l. All other titles as provided by law or as the [board] <u>Civil Service Commission</u> may determine.

(cf: N.J.S.11A:3-4)

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

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

a. Elected officials;

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

c. Members of boards and commissions authorized by law;

d. Heads of institutions;

e. Physicians, surgeons and dentists;

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

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

h. Principal executive officers;

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

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

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

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

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

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

o. Directors of free public libraries in cities of the first class having a population of more than 300,000;

p. One secretary to the municipal council in cities of the first class having a population of less than 300,000;

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

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

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

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

u. Any title as provided by statute or as the 【board】 <u>Civil Service Commission</u> may determine in accordance with criteria established by rule;

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

w. Two deputy municipal clerks in cities of the first class having a population of not less than 240,000 persons or more than 250,000 persons according to the 2000 federal decennial census.

(cf: P.L.2002, c.59, s.1)

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

11A:3-6. Public hearing required when moving title from career to unclassified service. Whenever the [board] Civil Service Commission considers moving a title from the career service to the unclassified service, the [board] Civil Service Commission shall first hold a public hearing before reaching a determination.
(cf: N.J.S.11A:3-6)

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

11A:3-7. a. The [commissioner] commission shall administer an equitable State employee compensation plan which shall include pay schedules and standards and procedures for salary adjustments other than as provided for in the State compensation plan for the career, senior executive and unclassified services.

b. Prior to adoption or implementation of an amendment, change or modification to the compensation plan for State employees which amendment, change or modification affects public employees represented by a majority representative selected or designated pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3), the State shall negotiate with the majority representative for an agreement on the amendment, change or modification to the compensation plan. The State shall negotiate in good faith with the majority representative. A State employee compensation plan shall not be amended, changed or modified except pursuant to a written agreement entered into between the State and the majority representative following negotiations.

c. When an employee has erroneously received a salary overpayment, the [commissioner] commission may waive repayment based on a review of the case.

d. Employees of political subdivisions are to be paid in reasonable relationship to titles and shall not be paid a base salary below the minimum or above the maximum established salary for an employee's title.
(cf: P.L.2001, c.240, s.1)

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

11A:3-8. Payroll audits. The [commissioner] commission may audit State payrolls and the payrolls of political subdivisions to determine compliance with this title. The [commissioner] commission may order and enforce immediate compliance as necessary.
(cf: N.J.S.11A:3-8)

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

11A:4-1. Examinations. The [commissioner] commission shall provide for:

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

b. The rating of examinations;

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

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

e. The right to appeal adverse actions relating to the examination and appointment process, which shall include but not be limited to rejection of an application, failure of an examination and removal from an eligible list.
(cf: N.J.S.11A:4-1)

29. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read as follows:

1. a. Except as provided in subsection b. of this section concerning law enforcement officer and firefighter examinations, the [Commissioner of the Department of Personnel] commission

shall establish a $15 fee for each application for an open competitive or promotional examination. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the [department] commission.

b. The [commissioner] commission shall establish a fee for each application for an open competitive or promotional examination for a law enforcement officer or firefighter title. The fee shall not exceed the cost of developing, procuring and administering the examination, including the processing of any appeals or reviews associated with the examination. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the [department] commission for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of any appeals or reviews associated with those examinations.

c. In addition to the fees established in subsections a. and b. of this section, the [commissioner] commission shall establish a $15 fee for each application for an open competitive or promotional examination for a position in State service. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from the application fee established pursuant to this subsection shall be appropriated annually to the [department] commission for the costs of the displaced workers pool program. This fee shall not be assessed and collected unless the [commissioner] commission

implements a displaced workers pool program. If the displaced workers pool program is terminated at any time by the [commissioner] commission, the assessment and collection of this additional fee shall also be terminated.
(cf: P.L.2002, c.34, s.11)

30. Section 2 of P.L.1992, c.197 (C.11A:4-1.2) is amended to read as follows:

2. The [Commissioner of the Department of Personnel] commission shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.
(cf: P.L.1992, c.197, s.2)

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

11A:4-2. Holding of examinations. A vacancy shall be filled by a promotional examination when considered by the [commissioner] commission to be in the best interest of the career service.
(cf: N.J.S.11A:4-2)

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

11A:4-3. Admission to examinations. If it appears that an eligible list is not likely to provide full certification for existing or anticipated vacancies from among qualified residents of this State, or of political subdivisions where required by law, the [commissioner] commission may admit other qualified nonresident applicants. Where residency preference is provided pursuant to any other statute, the [commissioner] commission may limit applicants to such classes as are necessary to establish a sufficient pool of eligibles.
(cf: N.J.S.11A:4-3)

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

11A:4-4. Eligible lists and certifications. The [commissioner] commission shall provide for:

a. The establishment and cancellation of eligible lists;

b. The certification of an eligible list to positions in other appropriate titles; and

c. The consolidation of eligible lists which may include, but is not limited to, the combining of names of eligibles by scores.

(cf: N.J.S.11A:4-4)

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

11A:4-5. Use of eligible list. 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 [commissioner] commission for valid reason such as fiscal constraints. If the [commissioner] commission permits an appointing authority to leave a position vacant in the face of a complete list, the [commissioner] commission may order the appointing authority to reimburse the [department] commission for the costs of the selection process.

(cf: N.J.S.11A:4-5)

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

11A:4-6. Duration of lists. The [commissioner] commission shall set the duration of an eligible list, which shall not be more than three years from the date of its establishment, except that it may be extended by the [commissioner] commission for good cause and a list shall not have a duration of more than four years. Notwithstanding the duration of a list, the [commissioner] commission may revive a list to implement a court order or decision of the [board or commissioner] commission in the event of a successful appeal instituted during the life of the list or to correct an administrative error. The [commissioner] commission may revive a list to effect the appointment of an eligible whose working test period was terminated by a layoff.

(cf: N.J.S.11A:4-6)

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

11A:4-8. Certification and appointment. The [commissioner] commission shall certify the three eligibles who have received the highest ranking on an open competitive or promotional list against the first provisional or vacancy. For each additional provisional or vacancy against whom a certification is issued at that time, the [commissioner] commission shall certify the next ranked eligible. If more than one eligible has the same score, the tie shall not be broken and they shall have the same rank. If three or more eligibles can be certified as the result of the ranking without resorting to all three highest scores, only those eligibles shall be so certified.

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

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

(cf: N.J.S.11A:4-8)

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

11A:4-9. Types of eligible lists. The [commissioner] commission may establish the following types of eligible lists:

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

b. Promotional, which shall include qualified permanent eligibles;

c. Regular reemployment, which shall include former permanent employees who resigned in good standing and whose reemployment is certified by the appointing authority as in the best interest of the service. The name of any such employee shall not remain on a

reemployment list for more than three years from the date of resignation, unless otherwise extended pursuant to N.J.S. 11A:4-6;

d. Police or fire reemployment, which shall include former permanent uniformed members of a police or fire department who have resigned in good standing and whose reemployment is certified by the appointing authority as in the best interest of the service; and

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

(cf: N.J.S.11A:4-9)

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

11A:4-11. Removal on criminal record. Upon the request of an appointing authority, the [commissioner] <u>commission</u> may remove an eligible with a criminal record from a list when the criminal record includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

a. Nature and seriousness of the crime;

b. Circumstances under which the crime occurred;

c. Date of the crime and age of the eligible when the crime was committed;

d. Whether the crime was an isolated event; and

e. Evidence of rehabilitation.

The presentation to an appointing authority of a pardon or expungement shall prohibit an appointing authority from rejecting an eligible based on such criminal conviction, except for law enforcement, fire fighter or correction officer and other titles as determined by the [commissioner] <u>commission</u>.

(cf: N.J.S.11A:4-11)

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

11A:4-13. Types of appointment. The [commissioner] <u>commission</u> shall provide for the following types of appointment:

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

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

c. Temporary appointments may be made, without regard to the provisions of this chapter, to temporary positions established for a period aggregating not more than six months in a 12-month period as approved by the [commissioner] <u>commission</u>. These positions include, but are not limited to, seasonal positions. Positions established as a result of a short-term grant may be established for a maximum of 12 months. Appointees to temporary positions shall meet the minimum qualifications of a title;

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

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

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

(cf: N.J.S.11A:4-13)

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

11A:4-14. Promotion. The [commissioner] <u>commission</u> shall establish the minimum qualifications for promotion and shall provide for the granting of credit for performance and seniority where appropriate.

(cf: N.J.S.11A:4-14)

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

11A:4-15. Working test period. The purpose of the working test period is to permit an appointing authority to determine whether an employee satisfactorily performs the duties of a title. A working test period is part of the examination process which shall be served in the title to which the certification was issued and appointment made. The [commissioner] commission shall provide for:

a. A working test period following regular appointment of four months, which may be extended to six months at the discretion of the [commissioner] commission, except that the working test period for political subdivision employees shall be three months and the working test period for entry level law enforcement, correction officer, and firefighter titles shall be 12 months;

b. Progress reports to be made by the appointing authority and provided to the employee at such times during the working test period as provided by rules of the [board] commission and a final progress report at the end of the entire working test period shall be provided to the employee and the [commissioner] commission;

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

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

(cf: N.J.S.11A:4-15)

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

11A:4-16. Transfer, reassignment and lateral title change. The rules of the [board] Civil Service Commission shall define and establish the procedures for transfer, reassignment and lateral title

change. Employees shall be granted no less than 30 days' notice of transfer, except with employee consent or under emergent circumstances as established by rules of the [board] Civil Service Commission. The [commissioner] commission shall provide for relocation assistance for State employees who are transferred or reassigned to a new work location due to a phasedown or closing of a State operation, subject to available appropriations. Transfers, reassignments, or lateral title changes shall not be utilized as part of a disciplinary action, except following an opportunity for hearing. Nothing herein shall prohibit transfers, reassignments, or lateral title changes made in good faith. The burden of proof demonstrating lack of good faith shall be on the employee.
(cf: N.J.S.11A:4-16)

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

3. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" or a "disabled veteran" under N.J.S.11A:5-1, for the purpose of receiving civil service preference, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall apply only prospectively from the date of initial determination or date of determination from an appeal, as appropriate, and shall be binding upon the [Department of Personnel] commission.
(cf: P.L.2000, c.127, s.3)

44. N.J.S.11A:5-8 is amended to read as follows:

11A:5-8. Preference in appointment in noncompetitive division. From among those eligible for appointment in the noncompetitive division, preference shall be given to a qualified veteran. Before an appointing authority shall select a nonveteran and not appoint a qualified veteran, the appointing authority shall show cause before the [board] Civil Service Commission why a veteran should not be

appointed. In all cases, a disabled veteran shall have preference over all others.
(cf: N.J.S.11A:5-8)

45. N.J.S.11A:5-10 is amended to read as follows:

11A:5-10. Hearing on dismissal of veteran. Before any department head shall dismiss any veteran, as provided in N.J.S. 11A:5-9, such department head shall show cause before the ⟦board⟧ Civil Service Commission why such veteran should not be retained, at which time such veteran or veterans may be privileged to attend. The ⟦board⟧ Civil Service Commission shall be the sole judge of the facts constituting such qualification.
(cf: N.J.S.11A:5-10)

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

11A:5-11. Veterans not to be discriminated against because of physical defects. Veterans suffering from any physical defect caused by wounds or injuries received in the line of duty in the military or naval forces of the United States during war service set forth in N.J.S. 11A:5-1 shall not be discriminated against in an examination, classification or appointment because of the defect, unless this defect, in the opinion of the ⟦board⟧ Civil Service Commission, would incapacitate the veteran from properly performing the duties of the office, position or employment for which applied.
(cf: N.J.S.11A:5-11)

47. N.J.S.11A:5-12 is amended to read as follows:

11A:5-12. Employment or promotion of persons awarded Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross. Any individual who has served in the Army, Air Force, Navy, or Marine Corps of the United States and who has been awarded the Medal of Honor, the Distinguished Service Cross, Air Force Cross or Navy Cross, while a resident of this State, and any individual who has served in the United States Coast Guard and

who has been awarded the Medal of Honor or the Navy Cross while a resident of this State, shall be appointed or promoted without complying with the rules of the [board] Civil Service Commission. The appointing authority to whom the individual applies for appointment or promotion shall, at its discretion, appoint or promote that person. Upon promotion or appointment, that person shall become subject to the rules of the [board] Civil Service Commission. A person who qualifies under this section shall not be limited to only one appointment or promotion.
(cf: N.J.S.11A:5-12)

48. N.J.S.11A:5-13 is amended to read as follows:

11A:5-13. World War soldiers in employment of a county, municipality or school district; promotion. A soldier who served in the Army of the United States during the war between the United States and Germany, who holds the French Medaille Militaire, the Croix de Guerre with Palm, Croix de Guerre with Silver Star, Croix de Guerre with Bronze Star and who was on March 26, 1926, employed by any county, municipality or school district operating under the provisions of this title shall be eligible for promotion without complying with any of the rules or regulations of the [board] Civil Service Commission. The head, or person in charge of the office in which the person is employed, may promote such employee for the good of the service as may in his judgment seem proper.
(cf: N.J.S.11A:5-13).

49. N.J.S.11A:5-15 is amended to read as follows:

11A:5-15. Enforcement. The [board] Civil Service Commission may promulgate rules for the proper administration and enforcement of this chapter.

Nothing herein contained shall be construed to amend, modify or supersede N.J.S. 40A:14-25, N.J.S. 40A:14-115 or N.J.S. 40A:14-143.
(cf: N.J.S.11A:5-15)

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

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

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

(cf: N.J.S.11A:6-1)

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

1. The [Commissioner of the Department of Personnel] commission shall establish a voluntary furlough program for State employees under which days of leave without pay, singly or consecutively, may be taken. The seniority rights and health benefits coverage of an employee who participates in this furlough program shall continue and shall not be adversely affected by participation.

(cf: P.L.1993, c.297, s.1)

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

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

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

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

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

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

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

f. Vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only; except that vacation leave not taken by an employee in the career and senior executive service in a given year because of duties directly related to a state of emergency declared by the Governor shall accumulate until, pursuant to a plan established by the employee's appointing authority and approved by the [Commissioner of Personnel] commission, the leave is used or the employee is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining; and

g. Vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only; except that vacation leave not taken by an employee in the unclassified service in a given year because of duties directly related to a state of emergency declared by the Governor shall accumulate until, pursuant to a plan established by the employee's appointing authority and approved by the [Commissioner of Personnel] commission, the leave is used or the employee is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining. Nothing in this subsection shall affect any rights to vacation leave which is subject to collective negotiation or collective bargaining.

(cf: P.L.2001, c.270, s.1)

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

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

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

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

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

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

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

(cf: P.L.2001, c.270, s.2)

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

11A:6-8. Sick leave injury in State service. Leaves of absence for career, senior executive and unclassified employees in State service due to injury or illness directly caused by and arising from State employment shall be governed by rules of the 【board】 Civil Service Commission. Leaves of absence for career and unclassified employees of a political subdivision directly caused by or arising from employment shall be governed by rules of the political subdivision. Any sick leave with pay shall be reduced by the amount of workers' compensation or disability benefits, if any, received for the same injury or illness.

(cf: N.J.S.11A:6-8)

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

11A:6-23. Supplemental compensation; rules. The 【board】 Civil Service Commission shall adopt rules for the implementation of supplemental compensation, which shall include but need not be limited to application and eligibility procedures.

(cf: N.J.S.11A:6-23)

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

11A:6-24. State employees in the career, senior executive and unclassified services in titles or circumstances designated by the [board] Civil Service Commission shall be eligible for overtime compensation and holiday pay. Overtime compensation and holiday pay shall be either cash compensation at a rate representing 1 1/2 times the employee's hourly rate of base salary or compensatory time off at a rate of 1 1/2 hours for each hour worked beyond the regular workweek, at the discretion of the department head, with the approval of the [commissioner] commission.

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

(cf: N.J.S.11A:6-24)

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

11A:6-25. State training programs. The [commissioner] State Treasurer may establish and shall review and approve training and education programs for State employees in the career, senior executive and unclassified services and shall supervise a State training center with appropriate courses and fee schedules. Particular training may be required by the [commissioner] State Treasurer for certain employees, for which an assessment to State departments may be imposed.

(cf: N.J.S.11A:6-25)

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

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

a. Career mobility and transferability;

b. Employee advisory services for counseling and rehabilitation;

c. Retirement planning; and

d. Interchange and internship programs.

(cf: N.J.S.11A:6-26)

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

11A:6-27. Political subdivisions. The [commissioner] commission may, at the request of any political subdivision, initiate programs similar to those authorized in this chapter and provide technical assistance to political subdivisions to improve the efficiency and effectiveness of their personnel management programs. The [commissioner] commission may require reasonable reimbursement from a participating political subdivision.

(cf: N.J.S.11A:6-27)

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

11A:6-28. Employee performance evaluations. The [commissioner] commission shall establish an employee performance evaluation system for State employees in the career and senior executive services. The system shall utilize standards and criteria related to job content and program goals.

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

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

(cf: N.J.S.11A:6-28)

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

11A:6-29. Awards committee. The New Jersey Employee Awards Committee shall be established [in] within the [department under the supervision of the commissioner] Civil Service Commission. The committee shall be composed of seven persons, each of whom shall be employed in a different department within the Executive Branch. Appointments to the committee shall be made by the Governor, from nominations by the [commissioner]

commission, for staggered terms of three years or until a successor is appointed. No member shall serve more than two consecutive full terms. Members shall serve without compensation but shall be entitled to sums incurred for necessary expenses. The [commissioner] commission shall designate an employee [of the department] as executive secretary to the committee.
(cf: N.J.S.11A:6-29)

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

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

a. Adopt rules for the implementation of the awards programs, subject to the approval of the [commissioner] commission;

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

c. Prepare an annual report to the Governor from the [commissioner] commission concerning the operation of the awards program; and

d. Establish and supervise the awards committees in the departments in State government.
(cf: N.J.S.11A:6-31)

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

11A:7-2 Division of Equal Employment Opportunity and Affirmative Action. A Division of Equal Employment Opportunity and Affirmative Action is established in the [department] Department of the Treasury. The division shall have all of the powers and shall exercise all of the functions and duties set forth in this chapter, subject to the supervision and control of the [commissioner] State Treasurer.
(cf: N.J.S.11A:7-2)

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

11A:7-3. Equal employment opportunity and affirmative action program. The division shall develop, implement and administer an

equal employment opportunity and affirmative action program for all State agencies. The program shall consider the particular personnel requirements that are reasonably related to job performance of each State agency. The director of the division shall ensure that the affirmative action and equal employment goals of each State agency for minorities, women and handicapped persons shall be reasonably related to their population in the relevant surrounding labor market areas. The director, in accordance with applicable federal and State guidelines, shall:

a. Ensure each State agency's compliance with all laws and rules relating to equal employment opportunity and seek correction of discriminatory practices, policies and procedures;

b. Recommend appropriate sanctions for noncompliance to the [commissioner] State Treasurer who, with the concurrence of the Governor, is authorized to implement sanctions;

c. Review State personnel practices, policies and procedures, inclusive of recruitment, selection, and promotion, in order to identify and eliminate artificial barriers to equal employment opportunity;

d. Act as liaison with federal, State, and local enforcement agencies;

e. Recommend appropriate legislation to the [commissioner] State Treasurer and perform other actions deemed necessary by the [commissioner] State Treasurer to implement this chapter; and

f. Provide, under rules adopted by the [board] Department of the Treasury, for review of equal employment complaints.

(cf: N.J.S.11A:7-3)

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

11A:7-6. Agency affirmative action officer. The head of each State agency shall appoint at least one person with the responsibility for equal employment opportunity as the affirmative action officer. Unless otherwise permitted by the director with the approval of the [commissioner] State Treasurer, such person shall serve on a full-

time basis and shall be responsible to the Division of Equal Employment Opportunity and Affirmative Action.
(cf: N.J.S.11A:7-6)

66. N.J.S.11A:7-9 is amended to read as follows:

11A:7-9. Agency failure to achieve affirmative action goals; penalties. If there is a failure by a State agency to achieve its affirmative action goals or to demonstrate good faith efforts, appropriate sanctions and penalties may be imposed by the department in accordance with federal and State regulations, subject to the concurrence of the Governor and the [commissioner] State Treasurer. These sanctions may include, but are not limited to, placing a moratorium on departmental personnel actions in the career, senior executive and unclassified services, and such other sanctions as may be allowed by law.
(cf: N.J.S.11A:7-9)

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

11A:7-11. Equal Employment Opportunity Advisory Commission; creation. There is established in the [department] Department of the Treasury an Equal Employment Opportunity Advisory Commission, which shall advise the Division of Equal Employment Opportunity and Affirmative Action and recommend improvements in the State's affirmative action efforts.
(cf: N.J.S.11A:7-11)

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

11A:7-13. Accommodation for the handicapped and examination waiver. The [commissioner] commission may establish procedures for the reasonable accommodation of handicapped persons in the employee selection process for the State and the political subdivisions covered by this title. Pursuant to rules adopted by the [board] Civil Service Commission, the [commissioner] commission may waive an examination for an

applicant who suffers from a physical, mental or emotional affliction, injury, dysfunction, impairment or disability which:

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

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

c. In making such determination, the [commissioner] commission may require the submission of sufficient and appropriate medical documentation.

(cf: N.J.S.11A:7-13)

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

11A:8-1. a. A permanent employee may be laid off for economy, efficiency or other related reason. A permanent employee shall receive 45 days' written notice, unless in State government a greater time period is ordered by the [commissioner] commission, which shall be served personally or by certified mail, of impending layoff or demotion and the reasons therefor. The notice shall expire 120 days after service unless extended by the [commissioner] commission for good cause. At the same time the notice is served, the appointing authority shall provide the [commissioner] commission with a list of the names and permanent titles of all employees receiving the notice. The [board] Civil Service Commission shall adopt rules to implement employee layoff rights consistent with the provisions of this section [, upon recommendation by the commissioner]. The [commissioner] commission shall consult with the advisory board representing labor organizations prior to such recommendations.

b. Permanent employees in the service of the State or a political subdivision shall be laid off in inverse order of seniority. As used in this subsection, "seniority" means the length of continuous permanent service in the jurisdiction, regardless of title held during the period of service, except that for police and firefighting titles,

"seniority" means the length of continuous permanent service only in the current permanent title and any other title that has lateral or demotional rights to the current permanent title. Seniority for all titles shall be based on the total length of calendar years, months and days in continuous permanent service regardless of the length of the employee's work week, work year or part-time status.

c. For purposes of State service, a "layoff unit" means a department or autonomous agency and includes all programs administered by that department or agency. For purposes of political subdivision service, the "layoff unit" means a department in a county or municipality, an entire autonomous agency, or an entire school district, except that the [commissioner] commission may establish broader layoff units.

d. For purposes of State service, "job location" means a county. The [commissioner] commission shall assign a job location to every facility and office within a State department or autonomous agency. For purposes of local service, "job location" means the entire political subdivision and includes any facility operated by the political subdivision outside its geographic borders.

e. For purposes of determining lateral title rights in State and political subdivision service, title comparability shall be determined by the department based upon whether the: (1) titles have substantially similar duties and responsibilities; (2) education and experience requirements for the titles are identical or similar; (3) employees in an affected title, with minimal training and orientation, could perform the duties of the designated title by virtue of having qualified for the affected title; and (4) special skills, licenses, certifications or registration requirements for the designated title are similar and do not exceed those which are mandatory for the affected title. Demotional title rights shall be determined by the [commissioner] commission based upon the same criteria, except that the demotional title shall have lower but substantially similar duties and responsibilities as the affected title.

f. In State service, a permanent employee in a position affected by a layoff action shall be provided with applicable lateral and

demotional title rights first, at the employee's option, within the municipality in which the facility or office is located and then to the job locations selected by the employee within the department or autonomous agency. The employee shall select individual job locations in preferential order from the list of all job locations and shall indicate job locations at which the employee will accept lateral and demotional title rights. In local service, a permanent employee in a position affected by a layoff action shall be provided lateral and demotional title rights within the layoff unit.

g. Following the employee's selection of job location preferences, lateral and demotional title rights shall be provided in the following order:

(1) a vacant position that the appointing authority has previously indicated it is willing to fill;

(2) a position held by a provisional employee who does not have permanent status in another title, and if there are multiple employees at a job location, the specific position shall be determined by the appointing authority;

(3) a position held by a provisional employee who has permanent status in another title, and if there are multiple provisional employees at a job location, the specific position shall be determined based on level of the permanent title held and seniority;

(4) the position held by the employee serving in a working test period with the least seniority;

(5) in State service, and in local jurisdictions having a performance evaluation program approved by the department, the position held by the permanent employee whose performance rating within the most recent 12 months in the employee's permanent title was significantly below standards or an equivalent rating;

(6) in State service, and in local jurisdictions having a performance evaluation program approved by the department, the position held by the permanent employee whose performance rating within the most recent 12 months in the employee's permanent title was marginally below standards or an equivalent rating; and

(7) the position held by the permanent employee with the least seniority.

h. A permanent employee shall be granted special reemployment rights based on the employee's permanent title at the time of the layoff action and the employee shall be certified for reappointment after the layoff action to the same, lateral and lower related titles. Special reemployment rights shall be determined by the [commissioner] commission in the same manner as lateral and demotional rights.

i. Notwithstanding the provisions above, at no time shall any person on a military leave of absence for active service in the Armed Forces of the United States in time of war or emergency be laid off.

(cf: P.L.2007, c.239, s.3)

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

11A:8-3. Alternatives to layoff. The [commissioner] commission, in consultation with the advisory committee established pursuant to subsection m. of N.J.S. 11A:2-11, may [recommend] adopt rules [to the board] on voluntary reduced work time or other alternatives to layoffs. Employee participation in the program shall not affect special reemployment or retention rights.

(cf: N.J.S.11A:8-3)

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

11A:8-4. Appeals. A permanent employee who is laid off or demoted in lieu of layoff shall have a right to appeal the good faith of such layoff or demotion to the [board] Civil Service Commission. Appeals must be filed within 20 days of final notice of such layoff or demotion. The burden of proof in such actions shall be on the employee and rules adopted pursuant to N.J.S. 11A:2-22 would also be applicable to these appeals.

(cf: N.J.S.11A:8-4)

72. N.J.S.11A:9-7 is amended to read as follows:

11A:9-7. Results certified. The result of the election shall be certified by the clerk of the political subdivision to the [commissioner] commission.

(cf: N.J.S.11A:9-7)

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

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

(cf: N.J.S.11A:10-1)

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

11A:10-2. Criminal violation of title or order. Any person who purposely or knowingly violates or conspires to violate any provision of this title or [board or commissioner] Civil Service Commission order shall be guilty of a crime of the fourth degree.
(cf: N.J.S.11A:10-2)

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

11A:10-3. Noncompliance. The [board or the commissioner] Civil Service Commission may assess all administrative costs incurred under N.J.S. 11A:4-5. Other costs, charges and fines of not more than $10,000.00 may be assessed for noncompliance or violation of this title or any order of the [board or commissioner] Civil Service Commission.
(cf: N.J.S.11A:10-3)

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

11A:10-4. Action for enforcement. The [board, the commissioner,] Civil Service Commission or other party in interest may bring an action in the Superior Court for the enforcement of this title or an order of the [board or commissioner] Civil Service Commission.
(c.f. N.J.S.11A:10-4)

77. N.J.S.11A:11-1 is amended to read as follows:

11A:11-1. [Commissioner of Personnel and] Merit System Board. The functions, powers, and duties of the Merit System Board as constituted in the Department of Personnel are continued and transferred to the Civil Service Commission which is created and allocated in, but not of, the Department of Labor and Workforce Development by N.J.S.11A:2-1 as amended by P.L. , c. (pending before the Legislature as this bill). The [President of the Civil Service Commission on the effective date of this act shall become the Commissioner of Personnel and the remaining]

members of the [Civil Service Commission] Merit System Board, other than the Commissioner of Personnel, on the effective date of this act, P.L. , c. (pending before the Legislature as this bill), shall continue as members of the [Merit System Board] Civil Service Commission for the duration of their current terms and any reappointments and until their successors are appointed, unless removed for cause.
(cf: N.J.S.11A:11-1)

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

11A:11-2. [Department of Personnel.] a. [The Department of Personnel shall replace the Department of Civil Service. Except as otherwise stated in this title, all employees of the Department of Civil Service shall become employees of the Department of Personnel.

b.] The Department of Personnel is abolished as a principal department in the Executive Branch of State government. The offices and terms of the Commissioner of Personnel, the deputy commissioner, assistant commissioners, and the directors of the various divisions and offices of the Department of Personnel are terminated, except as otherwise provided by P.L. , c. (pending before the Legislature as this bill).

b. The functions, powers, and duties of the Department of Personnel, the Commissioner of Personnel, the deputy commissioner, assistant commissioners, and directors of the various divisions and offices of the Department of Personnel are continued and transferred as provided by P.L. , c. (pending before the Legislature as this bill). The State Treasurer may allocate the functions, powers, and duties transferred to the Department of the Treasury or the State Treasurer by P.L. , c. (pending before the Legislature as this bill) among such divisions or subdivisions in the Department of the Treasury as the State Treasurer deems appropriate or as the State Treasurer may establish.

c. (1) The Division of Equal Employment Opportunity and Affirmative Action as constituted in the Department of Personnel,

with its functions, powers, and duties, and those of the Commissioner of Personnel and the Merit System Board with regard to that division, is continued and transferred to the Department of the Treasury, except with regard to the power to adjudicate complaints of violations of the State policy against discrimination which power shall remain with the Civil Service Commission. The functions, powers, and duties of the Division of Equal Employment Opportunity and Affirmative Action shall be allocated within the department as the State Treasurer shall determine.

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

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

d. The Working Well NJ State employee wellness program as constituted in the Department of Personnel is continued and transferred to the Department of Health and Senior Services to be allocated within that department as the commissioner shall determine.

e. The toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline as constituted in the Department of Personnel is continued and transferred to the Department of Health and Senior Services, pursuant to sections 115 to 116 of P.L. , c. (C.)(pending before the Legislature as this bill), to be allocated within that department as the commissioner shall determine.

f. The New Jersey Employee Awards Committee as constituted in the Department of Personnel is continued and transferred to the Civil Service Commission. The members of the New Jersey Employee Awards Committee shall continue as members of the committee for the duration of their current terms and any reappointments and until their successors are appointed, unless removed for cause.

g. The [commissioner] commission shall develop a plan for the consolidation and coordination of personnel[, training,] and related functions, including, but not limited to, classification, compensation, and workforce planning, in the executive branch of State government and for transfer to the [Department of Personnel] commission such employees, positions, funding, facilities, equipment, powers, and duties from throughout the executive branch of State government as necessary and appropriate to effectuate such consolidation and coordination.

[c.] h. The [commissioner] commission shall submit the plan prepared pursuant to subsection [b.] g. of this section to the Governor for review and approval. With the approval of the Governor and in accordance with regulations adopted by the [commissioner] commission, the [commissioner] commission, pursuant to the approved plan, shall direct the consolidation and coordination of personnel[, training] and related functions, including, but not limited to, classification, compensation and workforce planning, in the executive branch of State government and transfer to the [Department of Personnel] commission such employees, positions, funding, facilities, equipment, powers, duties and functions from throughout the executive branch of State government to effectuate such consolidation and coordination. The [commissioner] commission shall organize these functions in such units as the [commissioner] commission determines are necessary for the efficient operation of the [department] commission and in such a manner as will provide the appointing authorities and all State employees with proper support in personnel matters. The

consolidation shall not apply to those functions which the [commissioner] commission has determined are unique to each department or agency in its capacity as an appointing authority.

[d.] i. Each department, office, division, bureau or agency in the executive branch of State government shall cooperate with the [commissioner] commission and make available to the [commissioner] commission such information, personnel and assistance necessary to effectuate the purposes of [this amendatory act, P.L.1993, c.114] P.L. , c. (pending before the Legislature as this bill).

[e.] j. This section shall not be construed to permit or require negotiations pursuant to the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or regulation promulgated by the [Commissioner of Personnel or the Merit System Board] State Treasurer or Civil Service Commission pursuant to this section or any other section of this title.
(cf: P.L.1993, c.114, s.1)

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

11A:11-3. Names. Any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, appropriation or otherwise which refers to the Department of [Civil Service shall mean the Department of] Personnel[; Civil Service Commission], Commissioner of Personnel, or Merit System Board shall mean [Merit System Board; and President of the Civil Service Commission or Chief Examiner and Secretary, or both, shall mean Commissioner of Personnel] the Department of the Treasury, State Treasurer, Civil Service Commission, or Department of Health and Senior Services, as provided by P.L. , c. (pending before the Legislature as this bill).
(cf: N.J.S.11A:11-3)

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

11A:11-4. Rules. All rules of the [Civil Service Commission] Merit System Board or the Department of Personnel in effect on the effective date of P.L. , c. (pending before the Legislature as this bill) shall remain in effect except as changed or modified by this title or [board] action of the Civil Service Commission, State Treasurer, Commissioner of Health and Senior Services, or other authority, as appropriate.
(cf: N.J.S.11A:11-4)

81. N.J.S.11A:11-5 is amended to read as follows:
11A:11-5. Pending actions. Any action pending on the effective date of [this act] P.L. , c. (pending before the Legislature as this bill) shall continue under the prior law and rule.
(cf: N.J.S.11A:11-5)

82. N.J.S.11A:11-6 is amended to read as follows:
11A:11-6. Transfer. The transfers directed by [this title] P.L. , c. (pending before the Legislature as this bill), except as otherwise provided, shall be made in accordance with the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).
(cf: N.J.S.11A:11-6)

83. N.J.S.11A:12-1 is amended to read as follows:
11A:12-1. Inconsistent laws. Any law or statute which is inconsistent with any of the provisions of this title, as amended by P.L. , c. (pending before the Legislature as this bill), are to the extent of the inconsistency hereby superseded, except that the title is not to be construed either to expand or to diminish collective negotiation rights existing under the "New Jersey Employer-Employee Relations Act," P.L.1941, c. 100 (C. 34:13A-1 et seq.).
(cf: N.J.S.11A:12-1)

84. N.J.S.2A:12-6 is amended to read as follows:
2A:12-6. The Administrative Director of the Courts is authorized to distribute or cause to be distributed any bound

volumes of the New Jersey Reports and the New Jersey Superior Court Reports heretofore or hereafter published and delivered to him, as follows:

To each member of the Legislature, one copy of each volume of such reports.

To the following named, for official use, to remain the property of the State, the following number of copies of each volume of such reports:

a. To the Governor, four copies;

b. To the Department of Law and Public Safety, for the Division of Law, four copies; and the Division of Alcoholic Beverage Control, one copy;

c. To the Department of the Treasury, for the State Treasurer, one copy; the Division of Taxation, three copies; and the Division of Local Government Services in the Department of Community Affairs, one copy;

d. To the Department of State, one copy;

e. 【To the Department of Personnel, one copy】 (Deleted by amendment, P.L. , c. (pending before the Legislature as this bill);

f. To the Department of Banking and Insurance, two copies;

g. To the Board of Public Utilities in the Department of the Treasury, one copy;

h. To the Department of Labor and Workforce Development, for the commissioner, one copy; the Division of Workers' Compensation, five copies; the State Board of Mediation, one copy; and the Division of Employment Security, three copies;

i. To the Department of Education, for the commissioner, one copy;

j. To the Department of Transportation, one copy;

k. To the Department of Human Services, one copy; the Department of Corrections, one copy; and the Department of Children and Families, one copy;

l. To each judge of the federal courts in and for the district of New Jersey, one copy;

m. To each justice of the Supreme Court, one copy;
n. To each judge of the Superior Court, one copy;
o. To the Administrative Director of the Courts, one copy;
p. To each standing master of the Superior Court, one copy;
q. (Deleted by amendment, P.L.1983, c.36.)
r. To the clerk of the Supreme Court, one copy;
s. To the clerk of the Superior Court, one copy;
t. (Deleted by amendment, P.L.1983, c.36.)
u. (Deleted by amendment, P.L.1983, c.36.)
v. (Deleted by amendment, P.L.1991, c.91.)
w. (Deleted by amendment, P.L.1991, c.91.)
x. To each county prosecutor, one copy;
y. To the Central Management Unit in the Office of Legislative Services, one copy;
z. To each surrogate, one copy;
aa. To each county clerk, one copy;
ab. To each sheriff, one copy;
ac. To Rutgers, The State University, two copies; and the law schools, five copies each;
ad. To the law school of Seton Hall University, five copies;
ae. To Princeton University, two copies;
af. To the Library of Congress, four copies;
ag. To the New Jersey Historical Society, one copy;
ah. To every library provided by the board of chosen freeholders of any county at the courthouse in each county, one copy;
ai. To the library of every county bar association in this State, one copy;
aj. To each incorporated library association in this State, which has a law library at the county seat of the county in which it is located, one copy;
ak. To each judge of the tax court, one copy;
al. The State Library, 60 copies, five of which shall be deposited in the Law Library, and 55 of which shall be used by the State Librarian to send one copy to the state library of each state and territory of the United States, the same to be in exchange for the law

reports of such states and territories sent to the State Library, which reports shall be deposited in and become part of the collection of the Law Library.

The remaining copies of such reports shall be retained by the administrative director for the use of the State and for such further distribution as he may determine upon.

(cf: P.L.2006, c.47, s.21)

85. Section 14 of P.L.2006, c.47 (C.9:3A-14) is amended to read as follows:

14. The Department of Children and Families shall not employ any individual as a direct care staff member unless the Commissioner of Children and Families has first determined, consistent with the requirements and standards of this section, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being employed at the department. A criminal history record background check shall be conducted at least once every two years for an individual employed as a direct care staff member.

As used in this section, "direct care staff member" means an individual employed at the department in a position which involves unsupervised, regular contact with individuals receiving services from the department.

a. An individual shall be disqualified from employment as a direct care staff member if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, no individual shall be disqualified from employment under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this section if the individual has affirmatively demonstrated to the Commissioner of Children and Families clear and convincing evidence of his rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

(5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense; and

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

c. If a prospective direct care staff member refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall not consider the individual for employment as a direct care staff member. The

prospective staff member shall, however, retain any available right of review by the [Merit System Board in the Department of Personnel] Civil Service Commission.

d. If a current direct care staff member refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall immediately remove the individual from his position as a direct care staff member and terminate the individual 's employment. The staff member shall, however, retain any available right of review by the [Merit System Board in the Department of Personnel] Civil Service Commission.

e. Notwithstanding the provisions of subsection a. of this section to the contrary, the department may provisionally employ an individual as a direct care staff member for a period not to exceed six months if that individual's State Bureau of Identification criminal history record background check does not contain any information that would disqualify the individual from employment at the department and if the individual submits to the commissioner a sworn statement attesting that the individual has not been convicted of any crime or disorderly persons offense as described in this section, pending a determination that no criminal history record background information which would disqualify the individual exists on file in the Federal Bureau of Investigation, Identification Division. An individual who is provisionally employed pursuant to this subsection shall perform his duties under the direct supervision of a superior who acts in a supervisory capacity over that individual until the determination concerning the federal information is complete.

f. All applicants or current direct care staff members from whom criminal history record background checks are required shall submit their fingerprints in a manner acceptable to the commissioner. The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this section. No criminal history record background

check shall be performed pursuant to this section unless the applicant shall have furnished his written consent to the check.

g. (1) Upon receipt of an applicant or direct care staff member's criminal history record information from the Federal Bureau of Investigation or the Division of State Police, as applicable, the commissioner shall notify the applicant or staff member, in writing, of the applicant's or staff member's qualification or disqualification for employment under this act. If the applicant or staff member is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

(2) The applicant or staff member shall have 30 days from the date of written notice of disqualification to petition the commissioner for a hearing on the accuracy of the criminal history record information or to establish his rehabilitation under subsection b. of this section. The commissioner may refer any case arising hereunder to the Office of Administrative Law for administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1 et al.).

(3) The commissioner shall not maintain any individual's criminal history record information or evidence of rehabilitation submitted under this section for more than six months from the date of a final determination by the commissioner as to the individual's qualification or disqualification to be a direct care staff member pursuant to this section.

h. The commissioner shall initiate a criminal history record background check on all prospective direct care staff members. Current direct care staff members who have had a criminal history record background check conducted and stored in a manner approved by the commissioner shall have up to two years from the effective date of this act until the next criminal history background check is conducted.

i. The department shall assume the cost of all criminal history record background checks conducted on current and prospective direct care staff members.

(cf: P.L.2006, c.47, s.14)

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

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

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

c. Thomas Edison State College shall maintain, in a manner acceptable to the [Department of Personnel] <u>Civil Service Commission</u>, the personnel records of all employees and positions currently on staff and funded. All such records shall be subject to audit by the [Department of Personnel] <u>Civil Service Commission</u>.

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

(cf: P.L.2001, c.137, s.11)

87. Section 2 of P.L.1988, c.45 (C.30:4-3.5) is amended to read as follows:

2. a. A facility shall not employ any individual unless the Commissioner of the Department of Human Services has first determined, consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being employed at the

facility. A criminal history record background check shall be conducted at least once every two years for an individual employed at the facility. An individual shall be disqualified from employment under this act if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section, no individual shall be disqualified from employment under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this act if the individual has affirmatively demonstrated to the Commissioner of Human Services clear and convincing evidence of his rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

(5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense; and

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

c. If a prospective employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator not to consider the person for employment at the facility. The prospective employee shall, however, retain any available right of review by the [Merit System Board in the Department of Personnel] Civil Service Commission.

d. If a current employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator to immediately remove the person from his position at the facility and to terminate the person's employment at the facility. The employee shall, however, retain any available right of review by the [Merit System Board in the Department of Personnel] Civil Service Commission.

e. Notwithstanding the provisions of subsection a. of this section to the contrary, a facility may provisionally employ an individual for a period not to exceed six months if that individual's State Bureau of Identification criminal history record background check does not contain any information that would disqualify the individual from employment at the facility and if the individual submits to the commissioner a sworn statement attesting that the individual has not been convicted of any crime or disorderly persons offense as described in this act, pending a determination that no criminal history record background information which would disqualify the individual exists on file in the Federal Bureau of Investigation, Identification Division. An individual who is provisionally employed pursuant to this subsection shall perform his duties at the facility under the direct supervision of a superior

who acts in a supervisory capacity over that individual until the determination concerning the federal information is complete.

(cf: P.L.1997, c.71, s.1)

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

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

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

Unless otherwise provided by law, each deputy commissioner shall receive such salary as may be established by the commissioner with the approval of the [Commissioner of Personnel] Civil Service Commission and the Director of the Division of Budget and Accounting.

The commissioner may designate one of the deputy commissioners to exercise the powers and perform the duties of the commissioner during his disability or absence.

(cf: P.L.2004, c.130, s.44)

89. Section 6 of P.L.1990, c.73 (C.30:4-78.2) is amended to read as follows:

6. If the commissioner determines that the plan submitted pursuant to section 5 of this amendatory and supplementary act is appropriate, the commissioner shall enter into negotiations with the governing body of the county to provide for the State assumption of the management and operation of the psychiatric facility, in which case the State shall operate and maintain the psychiatric facility, provided that the funding ratios shall not change.

Any agreement for the assumption shall include, but not be limited to, such matters as personnel salaries, benefits, tenure or other rights; debt obligations of the facility; existing vendor contracts; lease, purchase or other arrangements for the State's operation of the facility; purchase of services from the county; capital improvements; staffing arrangements; and insurance payments and receivables, including Medicare and Medicaid

payments. When negotiating an agreement the Commissioner of Human Services shall consult with the State [Department of Personnel] Civil Service Commission concerning personnel salaries, benefits, tenure or other rights. If the commissioner and the governing body of the county agree to the State assumption of the management and operation of a county psychiatric facility, any changes in salaries, benefits, tenure or other rights of employees will recognize the rights and responsibilities under appropriate collective bargaining agreements.
(cf: P.L.1990, c.73, s.6)

90. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to read as follows:

4. a. All policies and determinations of the Parole Board shall be made by the majority vote of the members.

b. Except where otherwise noted, parole determinations on individual cases pursuant to this act shall be made by the majority vote of a quorum of the appropriate board panel established pursuant to this section.

c. The chairman of the board shall be the chief executive officer of the board and, after consulting with the board, shall be responsible for designating the time and place of all board meetings, for appointing the board's employees, for organizing, controlling and directing the work of the board and its employees, and for preparation and justification of the board's budget. Only the employees in those titles and positions as are designated by the [Commissioner of the Department of Personnel] Civil Service Commission shall serve at the pleasure of the chairman and shall not be subject to the provisions of Title 11A of the New Jersey Statutes. All other employees, including hearing officers, shall be in the career service and subject to the provisions of Title 11A of the New Jersey Statutes. All such career service employees who are employed by the State Parole Board on September 5, 2001, and in the case of hearing officers, those who have been employed by the State Parole Board for a period of at least one year prior to the

effective date of P.L.2005, c.344, shall have permanent career service status with seniority awarded from the date of their appointments. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer series shall be classified employees subject to the provisions of Title 11A of the New Jersey Statutes. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer job classification series shall be organizationally assigned to the State Parole Board with a sworn member of the Division of Parole appointed to act as director of parole supervision. The director of parole supervision shall report directly to the Chairman of the State Parole Board or to such person as the chairman may designate.

d. The board shall promulgate such reasonable rules and regulations, consistent with this act, as may be necessary for the proper discharge of its responsibilities. The chairman shall file such rules and regulations with the Secretary of State. The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and regulations concerning policy and administration, but not to other actions taken under this act, such as parole hearings, parole revocation hearings and review of parole cases. In determination of its rules and regulations concerning policy and administration, the board shall consult the Governor, the Commissioner of Corrections and the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

e. The board, in conjunction with the Department of Corrections and the Juvenile Justice Commission, shall develop a uniform information system in order to closely monitor the parole process. Such system shall include participation in the Uniform Parole Reports of the National Council on Crime and Delinquency.

f. The board shall transmit a report of its work for the preceding fiscal year, including information on the causes and extent of parole recidivism, to the Governor, the Legislature and the

Juvenile Justice Commission annually. The report also may include relevant information on compliance with established time frames in the processing of parole eligibility determinations, the effectiveness of any pertinent legislative or administrative measures, and any recommendations to enhance board operations or to effectuate the purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.).

g. The board shall give public notice prior to considering any adult inmate for release.

h. The board shall give notice to the appropriate prosecutor's office and to the committing court prior to the initial consideration of any juvenile inmate for release.

(cf: P.L.2005, c.344, s.1)

91. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to read as follows:

9. The commission shall:

a. Issue the New Jersey Unified Workforce Investment Plan pursuant to the provisions of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of P.L.1989, c.293 (C.34:15C-7);

b. Establish performance standards for workforce investment programs pursuant to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of P.L.1989, c.293 (C.34:15C-8);

c. Act to ensure the full participation of Workforce Investment Boards in the planning and supervision of local workforce investment systems. The commission shall be responsible to oversee and develop appropriate standards to ensure Workforce Investment Board compliance with State and federal law, the State plan, and other relevant requirements regarding membership, staffing, meetings, and functions;

d. Foster and coordinate initiatives of the Department of Education and Commission on Higher Education to enhance the

contributions of public schools and institutions of higher education to the implementation of the State workforce investment policy;

e. Examine federal and State laws and regulations to assess whether those laws and regulations present barriers to achieving any of the goals of this act. The commission shall, from time to time as it deems appropriate, issue to the Governor and the Legislature reports on its findings, including recommendations for changes in State or federal laws or regulations concerning workforce investment programs or services, including, when appropriate, recommendations to merge other State advisory structures and functions into the commission;

f. Perform the duties assigned to a State Workforce Investment Board pursuant to subsection (d) of section 111 of the Workforce Investment Act of 1998, Pub.L.105-220 (29U.S.C. s.2821);

g. Have the authority to enter into agreements with the head of each State department or commission which administers or funds education, employment or training programs, including, but not limited to, the Departments of Labor and Workforce Development, Community Affairs, Education, and Human Services and the Commission on Higher Education, the New Jersey Commerce Commission, and the Juvenile Justice Commission, which agreements are for the purpose of assigning planning, policy guidance and oversight functions to each Workforce Investment Board with respect to any workforce investment program funded or administered by the State department or commission within the Workforce Investment Board's respective labor market area or local area, as the case may be; and

h. Establish guidelines to be used by the Workforce Investment Boards in performing the planning, policy guidance, and oversight functions assigned to the boards under any agreement reached by the commission with a department or commission pursuant to subsection g. of this section. The commission shall approve all local Workforce Investment Board plans that meet the criteria established by the commission for the establishment of One-Stop systems. The Department of Labor and Workforce Development

shall approve the operational portion of the plans for programs administered by the department.

The commission shall have access to all files and records of other State agencies and may require any officer or employee therein to provide such information as it may deem necessary in the performance of its functions.

Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be construed as affecting the authority of the [Commissioner of Personnel] State Treasurer to review and approve training programs for State employees pursuant to N.J.S.11A:6-25.

(cf: P.L.2007, c.253, s.20)

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

36. Each director shall receive such salary as may be established by the Adjutant General with the approval of the [Commissioner of Personnel] Civil Service Commission and the Director of the Division of Budget and Accounting.

(cf: P.L.1987, c.444, s.36)

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

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

b. Upon action of the commission, all agency employees shall become employees of the commission. Such employees shall be assigned to appropriate titles by the [Department of Personnel]

Civil Service Commission. Those private motor vehicle agency employees who were employed by the agency on or before January 1, 2003 and who are assigned to career service titles upon employment with the commission shall, upon completion of the special probationary period described in section 7 of this act, attain permanent, regular appointments in their respective titles. No special probationary period shall be required for those who have previously completed a probationary period during their previous State service employment. Except for managerial and confidential employees as defined by the "New Jersey Employer - Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), such employees shall be covered under the State of New Jersey's collective bargaining agreements and shall obtain all employment and collective bargaining rights consistent therewith.

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

(cf: P.L.2003, c.13, s.5)

94. Section 7 of P.L.2003, c.13 (C.39:2A-7) is amended to read as follows:

7. Notwithstanding the provisions of Title 11A of the New Jersey Statutes and the rules promulgated thereunder to the contrary, all employees entering or returning to State service other than those on a Special Reemployment List as employees of the commission following employment with a private motor vehicle agency, who have been employed with the private motor vehicle agency on or before January 1, 2003, and assigned to the career service shall be subject to a special probationary period unless they have already completed a probationary period during their previous State service employment. The special probationary period shall have a duration of six months from the date that the employees enter or return to State service as employees of the commission.

Each employee's work performance shall be evaluated to determine whether the employee can satisfactorily perform the duties of the title to which the employee is appointed and progress reports shall be provided to the employee as provided by the rules of the [Merit System Board in the Department of Personnel] Civil Service Commission. An employee who is determined to have satisfactorily performed the duties of the employee's career service title shall attain permanent status in that title at the conclusion of the special probationary period. An employee who is determined not to have satisfactorily performed the duties of that title during or at the conclusion of the special probationary period shall be immediately separated from State service and shall not have any right of appeal regarding the separation to the [Merit System Board] Civil Service Commission.
(cf: P.L.2003, c.13, s.7)

95. R.S.39:5-41 is amended to read as follows:

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of a county, if the violation occurred within the jurisdiction of that county's central municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the municipality wherein the violation occurred, to be used by the county or municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complaining witness is the chief administrator, a member of his staff, a member of the State Police, a member of a county police department and force or a county park police system in a county that has established a central municipal court, an inspector of the Board of Public Utilities, or a

law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total amount collected to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a county police department and force or a county park police system in a county that has established a central municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, for all violations occurring within the jurisdiction of that court, to be used for general county use and to defray the cost of operating the central municipal court.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

c. (Deleted by amendment, P.L.1993, c.293.)

d. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. In addition, upon the forfeiture of bail, $1 of that forfeiture shall be forwarded to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Body Armor Replacement" fund established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year next following the effective date of this act, the State Treasurer annually shall allocate from those moneys so forwarded an amount not to exceed $400,000 to the Department of ⟦Personnel⟧ the Treasury to be expended exclusively for the purposes of funding the operation of the "Law Enforcement Officer Crisis Intervention Services" telephone hotline established and maintained under the provisions of ⟦P.L.1998, c.149 (C.11A:2-25 et al.)⟧ sections 115 and 116 of P.L. , c. (C.)(pending before the Legislature as this bill).

e. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Spinal Cord Research Fund" established pursuant to section 9 of P.L.1999, c.201 (C.52:9E-9). In order to comply with the provisions of Article VIII, Section II, paragraph 5 of the State Constitution, a municipal or county agency which forwards moneys to the State Treasurer pursuant to this subsection may retain an amount equal to 2% of the moneys which it collects pursuant to this subsection as

compensation for its administrative costs associated with implementing the provisions of this subsection.

f. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Autism Medical Research and Treatment Fund" established pursuant to section 1 of P.L.2003, c.144 (C.30:6D-62.2).

g. Notwithstanding the provisions of subsections a. and b. of this section, $2 shall be added to the amount of each fine and penalty imposed and collected by a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Forensic DNA Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to depositing the moneys into the fund, the State Treasurer shall forward to the Administrative Office of the Courts an amount not to exceed $475,000 from moneys initially collected pursuant to this subsection to be used exclusively to establish a collection mechanism and to provide funding to update the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection.

The authority to impose additional fines and penalties under this subsection shall take effect 90 days after the effective date of P.L.2003, c.183 and shall expire five years thereafter. Not later than the 180th day prior to such expiration, the Attorney General shall prepare and submit to the Governor and the Legislature a report on the collection and use of DNA samples under P.L.1994, c.136. The report shall cover the period beginning on that effective

date and ending four years thereafter. The report shall indicate separately, for each one-year period during those four years that begins on that effective date or an anniversary thereof, the number of each type of biological sample taken and the total cost of taking that type of sample, and also the number of identifications and exonerations achieved through the use of the samples. In addition, the report shall evaluate the effectiveness, including cost effectiveness, of having the samples available to further police investigations and other forensic purposes.

h. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Brain Injury Research Fund" established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9). The Administrative Office of the Courts may retain an amount equal to $475,000 from the moneys which it initially collects pursuant to this subsection, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection and serve other statutory purposes.

i. Notwithstanding the provisions of subsections a. and b. of this section, all fines and penalties imposed and collected under authority of law for any violation related to the unlawful operation or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-17.1) shall be forwarded by the judge to whom the same have been paid to the State Treasurer, if the complaining witness is the chief administrator, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer or other official of any other State agency; or, if the complaining witness is not one of the foregoing, one-half to the

chief financial officer of the county and one-half to the chief financial officer of the municipality wherein the violation occurred.
(cf: P.L.2007, c.178, s.2)

96. Section 4 of P.L.1997, c.265 (C.40A:12A-22.4) is amended to read as follows:

4. a. Upon receipt of an applicant's criminal history record information, an authority shall notify the applicant, in writing, as to whether he is qualified or disqualified for employment pursuant to this act. If the applicant is disqualified for employment, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

b. An applicant to a housing authority which is subject to the provisions of Title 11A of the New Jersey Statutes shall have 20 days from the date of written notice of disqualification to file an appeal with the [Department of Personnel] Civil Service Commission for a review on the accuracy of the criminal history record information or to establish his or her rehabilitation under subsection b. of section 2 of P.L.1997, c.265 (C.40A:12A-22.2) pursuant to regulations promulgated by the [Merit System Board] Civil Service Commission.

c. The [Department of Personnel] Civil Service Commission or an authority shall not maintain an applicant's criminal history record information or evidence of rehabilitation submitted under this section for more than six months from the date the applicant is hired or the date of the final disposition of the applicant's disqualification, as the case may be.

This section shall not prohibit the [Department of Personnel] Civil Service Commission from maintaining a copy of the decision on the applicant's appeal, or the entire record in the case of a judicial appeal.
(cf: P.L.1997,c.265, s.4)

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

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

I. Residents of the municipality.

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

III. Other residents of the State.

IV. All other qualified applicants.

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

Preference in appointment second to that accorded to veterans pursuant to current 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 member of any paid fire department or paid member of any part-paid fire department 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.

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

b. In any municipality 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 any such 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 such municipality operating under the provisions of Title 11A of the New Jersey Statutes, the classes of qualified applicants defined in subsection a. of this section shall be considered as separate and successive lists of eligibles, and the [Department of Personnel] Civil Service Commission shall, when requested to certify eligibles for positions specified in this section, make such certifications from said classes separately and successively, and shall certify no persons from any such 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 fire department.

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

(cf: P.L.2005, c.290, s.1)

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

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

I. Residents of the municipality.

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

III. Other residents of the State.

IV. All other qualified applicants.

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

Preference in appointment second to that accorded to veterans pursuant to current law but superceding 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. This paragraph shall not, however, be applicable if the municipality has entered into a consent decree with the United States Department of Justice concerning the hiring practices of the municipality.

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 an enforcement agency, 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 such an 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 municipality 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 any such 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 such municipality operating under the provisions of Title 11A of the New Jersey Statutes, the classes of qualified applicants defined in subsection a. of this section shall be considered as separate and successive lists of eligibles, and the 【Department of Personnel】 Civil Service Commission shall, when requested to certify eligibles for positions specified in this section, make such certifications from said classes separately and successively, and shall certify no persons from any such 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 police department.

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.

(cf: P.L.2005, c.290, s.2)

99. Section 1 of P.L.1979, c.461 (C.40A:14-127.1) is amended to read as follows:

1. a. Notwithstanding the provisions of any other law to the contrary, any former State trooper, sheriff's officer or deputy, or county or municipal police officer who has separated from service voluntarily or involuntarily other than by removal for cause on

charges of misconduct or delinquency, shall be deemed to meet the maximum age requirement for appointment established by N.J.S.40A:14-127, if his actual age, less the number of years of his previous service as a law enforcement officer, would meet the maximum age requirement established by said section, but no person may be appointed who is over the age of 45 as of the date of his reappointment; except that in the case of a State trooper, sheriff's officer or deputy, or county or municipal police officer whose separation from service was involuntary due to a lay-off or reduction in force, such person shall be deemed to meet the maximum age requirement for appointment by complying with the procedure established hereinbefore without regard to his actual age at the time of reappointment.

b. For the purposes of meeting the maximum age requirement for appointment established by N.J.S.40A:14-127 and for the purpose of taking any civil service examination for appointment as a municipal police officer, the ⟦Commissioner of Personnel⟧ Civil Service Commission, for good cause shown, may deem an individual a former State trooper, sheriff's officer or deputy, or county or municipal police officer in accordance with subsection a. of this section, even though that individual's separation from current service will not occur except upon a new appointment.

(cf: P.L.1993, c.319, s.1)

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

1. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a municipality which, pursuant to N.J.S.40A:14-7, has established and maintains a paid or part-paid fire department and force or the board of fire commissioners in the case of a fire district established pursuant to the provisions of N.J.S.40A:14-70 et seq., may appoint as a member or officer of that fire department or force any person who:

(1) was serving as a civilian federal firefighter in good standing at any U.S. military installation in the State;

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

(3) was, as a consequence of the closure of a federal military installation in this State, terminated as a civilian federal firefighter within 48 months prior to the appointment.

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

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

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

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

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

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

e. To effectuate the purposes of this section, the [Department of Personnel] <u>Civil Service Commission</u> shall prepare and circulate, to those municipalities which have established and maintain fire departments and forces pursuant to N.J.S.40A:14-7, and to boards of fire commissioners in the case of fire districts established pursuant to the provisions of N.J.S.40A:14-70 et seq., a list of civilian federal firefighters eligible for appointment under the provisions of this section. The [Department of Personnel] <u>Civil Service Commission</u> shall also circulate the list to municipalities and fire districts that have not adopted Title 11A, Civil Service, of the New Jersey Statutes.

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

(cf: P.L.1996, c.140, s.1)

101. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to read as follows:

11. a. When a local unit contracts, through a shared service or joint meeting, to have another local unit or a joint meeting provide a service it is currently providing using public employees and one or more of the local units have adopted Title 11A, Civil Service, then the agreement shall include an employment reconciliation plan in accordance with this section that and, if one or more of the local units have adopted Title 11A, Civil Service, shall specifically set forth the intended jurisdiction of the [Department of Personnel] <u>Civil Service Commission</u>. An employment reconciliation plan shall be subject to the following provisions:

(1) a determination of those employees, if any, that shall be transferred to the providing local unit, retained by the recipient local unit, or terminated from employment for reasons of economy or efficiency, subject to the provisions of any existing collective bargaining agreements within the local units.

(2) any employee terminated for reasons of economy or efficiency by the local unit providing the service under the shared service agreement shall be given a terminal leave payment of not less than a period of one month for each five-year period of past service as an employee with the local unit, or other enhanced benefits that may be provided or negotiated. For the purposes of this paragraph, "terminal leave payment" means a single, lump sum payment, paid at termination, calculated using the regular base salary at the time of termination. Unless otherwise negotiated or provided by the employer, a terminal leave benefit shall not include extended payment, or payment for retroactive salary increases,

bonuses, overtime, longevity, sick leave, accrued vacation or other time benefit, or any other benefit.

(3) the [Department of Personnel] Civil Service Commission shall place any employee that has permanent status pursuant to Title 11A, Civil Service, of the New Jersey Statutes that is terminated for reasons of economy or efficiency at any time by either local unit on a special reemployment list for any civil service employer within the county of the agreement or any political subdivision therein.

(4) when a proposed shared service agreement affects employees in local units subject to Title 11A, Civil Service, of the New Jersey Statutes, an employment reconciliation plan shall be filed with the [Department of Personnel] Civil Service Commission prior to the approval of the shared service agreement. The department shall review it for consistency with this section within 45 days of receipt and it shall be deemed approved, subject to approval of the shared service agreement by the end of that time, unless the department has responded with a denial or conditions that must be met in order for it to be approved.

(5) when an action is required of the [Department of Personnel] Civil Service Commission by this section, parties to a planned shared service agreement may consult with that department in advance of the action and the department shall provide such technical support as may be necessary to assist in the preparation of an employment reconciliation plan or any other action required of the department by this section.

b. If all the local units that are parties to the agreement are subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, the [Department of Personnel] Civil Service Commission shall create an implementation plan for the agreement that will: (1) transfer employees with current status in current title unless reclassified, or (2) reclassify employees into job titles that best reflect the work to be performed. The [Department of Personnel] Civil Service Commission shall review whether any existing hiring or promotional lists should be merged, inactivated, or re-announced. Non-transferred employees shall be removed or

suspended only for good cause and after the opportunity for a hearing before the [Merit System Board] Civil Service Commission; provided, however, that they may be laid-off in accordance with the provisions of N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder. The final decision of which employees shall transfer to the new employer is vested solely with the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.

c. If the local unit that will provide the service pursuant to a shared service agreement is subject to Title 11A, Civil Service, of the New Jersey Statutes, but the local unit to receive the service is not subject to that Title, and the contracting local units desire that some or all employees of the recipient local unit are to be transferred to the providing local unit, the [Department of Personnel] Civil Service Commission shall vest only those employees who have been employed for one year or more in permanent status pursuant to N.J.S.11A:9-9 in appropriate titles, seniority, and tenure with the providing local unit based on the duties of the position. The final decision of which employees shall transfer to the new employer is vested solely with the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.

d. If the local unit that will provide the service is not subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, but the local unit that will receive the service is subject to that Title and the parties desire that some or all employees of the recipient local unit are to be transferred to the providing local unit, the transferred employees shall be granted tenure in office and shall only be removed or suspended for good cause and after a hearing; provided, however, that they may be laid-off in accordance with the provisions of N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder. The transferred employees shall be subject to layoff procedures prior to the transfer to the new entity. Once transferred, they will be subject to any employment contracts

and provisions that exist for the new entity. The final decision of which employees shall transfer to the new employer is vested solely with the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.
(cf: P.L.2007, c.63, s.11)

102. Section 19 of P.L.2007, c.63 (C.40A:65-19) is amended to read as follows:

19. a. When a local unit agrees to participate in a joint meeting that will provide a service that the local unit is currently providing itself through public employees, the agreement shall include an employment reconciliation plan in accordance with this section. An employment reconciliation plan shall be subject to the following provisions:

(1) a determination of those employees, if any, that shall be transferred to the joint meeting, retained by the contracting local unit, or terminated from employment for reasons of economy or efficiency subject to the provisions of any collective bargaining agreements within the local units.

(2) any employee terminated for reasons of economy or efficiency by the contracting local unit providing the service or by the joint meeting shall be given a terminal leave payment of not less than a period of one month for each five-year period of past service as an employee with the local unit, or other enhanced benefits that may be provided or negotiated. Unless otherwise negotiated or provided by the employer, a terminal leave benefit shall not include extended payment, or payment for retroactive salary increases, bonuses, overtime, longevity, sick leave, accrued vacation or other time benefit, or any other benefit.

(3) the 【Department of Personnel】 <u>Civil Service Commission</u> shall place any employee that has permanent status pursuant to Title 11A, Civil Service, of the New Jersey Statutes that is terminated for reasons of economy or efficiency at any time by either local unit on

a special reemployment list for any civil service employer within the county of the agreement or any political subdivision therein.

(4) when a proposed joint contract affects employees in local units that operate under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, an employment reconciliation plan shall be filed with the ⟦Department of Personnel⟧ Civil Service Commission prior to the approval of the joint meeting agreement. That department shall review the plan for consistency with this section within 45 days of receipt and it shall be deemed approved, subject to approval of the joint meeting agreement by the end of that time, unless that department has responded with a denial or conditions that must be met in order for it to be approved.

(5) when an action is required of the ⟦Department of Personnel⟧ Civil Service Commission by this section, parties to a proposed joint contract may consult with the department in advance of the action and the department shall provide such technical support as may be necessary to assist in the preparation of an employment reconciliation plan or any other action required of the department by this section.

b. If both the local unit and joint meeting operate under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, the ⟦Department of Personnel⟧ Civil Service Commission shall create an implementation plan for employees to be hired by the joint meeting that will: (1) transfer employees with current status in current title unless reclassified or (2) reclassify employees, if necessary, into job titles that best reflect the work to be performed. The ⟦Department of Personnel⟧ Civil Service Commission shall review whether any existing hiring or promotional lists should be merged, inactivated, or re-announced. Non-transferred employees shall be removed or suspended only for good cause and after the opportunity for a hearing before the ⟦Merit System Board⟧ Civil Service Commission; provided, however, that they may be laid-off in accordance with the provisions of N.J.S.11A:8-1 et seq., and the regulations promulgated thereunder. The final decision of which employees shall transfer to the new employer is vested solely with

the local unit that will provide the service and subject to the provisions of any existing collective bargaining agreements within the local units.

c. If the joint meeting operates under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, and a local unit receiving the service is not subject to that Title, and the parties desire that some or all employees of the local unit be transferred to the joint meeting, the [Department of Personnel] Civil Service Commission shall vest only those employees who have been employed one year or more in permanent status pursuant to N.J.S.40A:9-9 in appropriate titles, seniority, and tenure with the providing local unit based on the duties of the position. The final decision of which employees shall transfer to the new employer is vested solely with the joint meeting and subject to the agreements affecting the parties, provided that those agreements do not conflict with the provisions of any existing collective bargaining agreements within the local units.

d. (1) If the joint meeting does not operate under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, and the local unit receiving the service is subject to that Title, and the parties desire that some or all employees of the recipient local unit are to be transferred to the joint meeting, then the transferred employees shall be granted tenure in office and shall be removed or suspended only for good cause and after a hearing. The transferred employees shall be subject to layoff procedures prior to the transfer to the new entity. Once transferred, they will be subject to any employment contracts and provisions that exist for the new entity. The final decision of which employees shall transfer to the joint meeting is vested solely with the joint meeting and subject to the provisions of any existing collective bargaining agreements within the local units.

(2) A joint meeting established after the effective date of sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.) that affects both employees in local units subject to Title 11A, Civil Service, of the New Jersey Statutes and employees in local units not subject to

that Title, shall determine whether the employees of the joint meeting shall be subject to the Title. If the joint meeting determines that the employees shall not be subject to Title 11A, Civil Service, of the New Jersey Statutes, then the employees from the local units in which the Title is in effect shall have the same rights as employees transferred pursuant to paragraph (1) of this subsection.
(cf: P.L.2007, c.63, s.19)

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

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

b. When a consolidation plan provides that the consolidated municipality will be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes the 【Department of Personnel】 <u>Civil Service Commission</u> is specifically authorized to create a consolidation implementation plan to vest non-civil service employees, based on the education and experience of the individuals, in appropriate titles and tenure.

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

d. The Public Employment Relations Commission is authorized to provide technical advice, pursuant to section 12 of P.L.1968, c.303 (C.34:13A-8.3), to assist a new municipality and existing labor unions to integrate separate labor agreements into consolidated agreements and to adjust the structure of collective

negotiations units, as the commission determines appropriate for the consolidated municipality.

(cf: P.L.2007, c.63, s.27)

104. Section 12 of P.L.1971, c.182 (C.52:13D-23) is amended to read as follows:

12. (a) (1) The head of each State agency, or the principal officer in charge of a division, board, bureau, commission or other instrumentality within a department of State Government designated by the head of such department for the purposes hereinafter set forth, shall within six months from the date of enactment, promulgate a code of ethics to govern and guide the conduct of the members of the Legislature, the State officers and employees or the special State officers and employees in the agency to which said code is applicable. Such code shall conform to the general standards hereinafter set forth in this section, but it shall be formulated with respect to the particular needs and problems of the agency to which said code is to apply and, when applicable, shall be a supplement to the uniform ethics code promulgated pursuant to paragraph (2) of this subsection. Notwithstanding any other provisions of this section, the New Jersey members to any interstate agency to which New Jersey is a party and the officers and employees of any State agency which fails to promulgate a code of ethics shall be deemed to be subject to a code of ethics the provisions of which shall be paragraphs (1) through (6) of subsection (e) of this section.

(2) Within 180 days following the effective date of this act, P.L.2005, c.382, the State Ethics Commission shall promulgate a uniform ethics code to govern and guide the conduct of State officers and employees and special State officers and employees in State agencies in the Executive Branch. Such code shall conform to the general standards hereinafter set forth in this section, shall be the primary code of ethics for State agencies once it is adopted and a code promulgated pursuant to paragraph (1) of this subsection shall be a supplement to the primary code. The head of each State agency, or the principal officer in charge of a division, board, bureau, commission or other instrumentality within a department of State Government designated by the head of such department shall

revise each code of ethics promulgated prior to the uniform code to recognize the uniform code as the primary code.

(b) A code of ethics formulated pursuant to subsection (a) of this section to govern and guide the conduct of the State officers and employees or the special State officers and employees in any State agency in the Executive Branch, or any portion of such a code, shall not be effective unless it has first been approved by the State Ethics Commission. When a proposed code is submitted to the said commission it shall be accompanied by an opinion of the Attorney General as to its compliance with the provisions of this act and any other applicable provision of law. Nothing contained herein shall prevent officers of State agencies in the Executive Branch from consulting with the Attorney General or with the State Ethics Commission at any time in connection with the preparation or revision of such codes of ethics.

(c) A code of ethics formulated pursuant to this section to govern and guide the conduct of the members of the Legislature, State officers and employees or special State officers and employees in any State agency in the Legislative Branch, or any portion of such code, shall not be effective unless it has first been approved by the Legislature by concurrent resolution. When a proposed code is submitted to the Legislature for approval it shall be accompanied by an opinion of the chief counsel as to its compliance with the provisions of this act and any other applicable provisions of law. Nothing contained herein shall prevent officers of State agencies in the Legislative Branch from consulting with the Chief Legislative Counsel or the Joint Legislative Committee on Ethical Standards at any time in connection with the preparation or revision of such codes of ethics.

(d) Violations of a code of ethics promulgated pursuant to this section shall be cause for removal, suspension, demotion or other disciplinary action by the State officer or agency having the power of removal or discipline. When a person who is in the classified civil service is charged with a violation of such a code of ethics, the procedure leading to such removal or discipline shall be governed

by any applicable provisions of the Civil Service Act, N.J.S. 11A:1-1 et seq., and the Rules of the [Department of Personnel] Civil Service Commission. No action for removal or discipline shall be taken under this subsection except upon the referral or with the approval of the State Ethics Commission or the Joint Legislative Committee on Ethical Standards, whichever is authorized to exercise jurisdiction with respect to the complaint upon which such action for removal or discipline is to be taken.

(e) A code of ethics for officers and employees of a State agency shall conform to the following general standards:

(1) No State officer or employee or special State officer or employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

(2) No State officer or employee or special State officer or employee should engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly filing notice of such activity with the State Ethics Commission, if he is an officer or employee in the Executive Branch, or with the Joint Legislative Committee on Ethical Standards, if he is an officer or employee in the Legislative Branch.

(3) No State officer or employee or special State officer or employee should use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

(4) No State officer or employee or special State officer or employee should act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.

(5) No State officer or employee or special State officer or employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair

his objectivity and independence of judgment in the exercise of his official duties.

(6) No State officer or employee or special State officer or employee should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties.

(7) No State officer or employee or special State officer or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as a State officer or employee or special State officer or employee.

(8) Rules of conduct adopted pursuant to these principles should recognize that under our democratic form of government public officials and employees should be drawn from all of our society, that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature; that standards of conduct should separate those conflicts of interest which are unavoidable in a free society from those conflicts of interest which are substantial and material, or which bring government into disrepute.

(f) The code of ethics for members of the Legislature shall conform to subsection (e) hereof as nearly as may be possible.

(cf: P.L.2005, c.382, s.10)

105. Section 13 of P.L.1971, c.182 (52:13D-24) is amended to read as follows:

13. a. No State officer or employee, special State officer or employee, or member of the Legislature shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift, honorarium, out-of-State travel or

subsistence expense or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance, appearance, speech or other matter related to the officer, employee, or member's official duties, except as authorized in this section.

b. A State officer or employee, special State officer or employee, or member of the Legislature may, in connection with any service, advice, assistance, appearance, speech or other matter related to the officer, employee, or member's official duties, solicit, receive or agree to receive, whether directly or indirectly, from sources other than the State, the following:

(1) reasonable fees for published books on matters within the officer, employee, or member's official duties;

(2) reimbursement or payment of actual and reasonable expenditures for travel or subsistence and allowable entertainment expenses associated with attending an event in New Jersey if expenditures for travel or subsistence and entertainment expenses are not paid for by the State of New Jersey;

(3) reimbursement or payment of actual and reasonable expenditures for travel or subsistence outside New Jersey, not to exceed $500.00 per trip, if expenditures for travel or subsistence and entertainment expenses are not paid for by the State of New Jersey. The $500 per trip limitation shall not apply if the reimbursement or payment is made by (a) a nonprofit organization of which the officer, employee, or member is, at the time of reimbursement or payment, an active member as a result of the payment of a fee or charge for membership to the organization by the State or the Legislature in the case of a member of the Legislature; (b) a nonprofit organization that does not contract with the State to provide goods, materials, equipment, or services; or (c) any agency of the federal government, any agency of another state or of two or more states, or any political subdivision of another state.

Members of the Legislature shall obtain the approval of the presiding officer of the member's House before accepting any

reimbursement or payment of expenditures for travel or subsistence outside New Jersey.

As used in this subsection, "reasonable expenditures for travel or subsistence" means commercial travel rates directly to and from an event and food and lodging expenses which are moderate and neither elaborate nor excessive; and "allowable entertainment expenses" means the costs for a guest speaker, incidental music and other ancillary entertainment at any meal at an event, provided they are moderate and not elaborate or excessive, but does not include the costs of personal recreation, such as being a spectator at or engaging in a sporting or athletic activity which may occur as part of that event.

c. This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, except that campaign contributions may not be accepted if they are known to be given in lieu of a payment prohibited pursuant to this section.

d. (1) Notwithstanding any other provision of law, a designated State officer as defined in paragraph (2) of this subsection shall not solicit, receive or agree to receive, whether directly or indirectly, any compensation, salary, honorarium, fee, or other form of income from any source, other than the compensation paid or reimbursed to him or her by the State for the performance of official duties, for any service, advice, assistance, appearance, speech or other matter, except for investment income from stocks, mutual funds, bonds, bank accounts, notes, a beneficial interest in a trust, financial compensation received as a result of prior employment or contractual relationships, and income from the disposition or rental of real property, or any other similar financial instrument and except for reimbursement for travel as authorized in subsections (2) and (3) of paragraph b. of this section. To receive such income, a designated State officer shall first seek review and approval by the State Ethics Commission to ensure that the receipt of such income does not violate the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of

ethics, and does not undermine the full and diligent performance of the designated State officer's duties.

(2) For the purposes of this subsection, "designated State officer" shall include: the Governor, the Adjutant General, the Secretary of Agriculture, the Attorney General, the Commissioner of Banking and Insurance, the Secretary and Chief Executive Officer of the Commerce and Economic Growth Commission, the Commissioner of Community Affairs, the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Environmental Protection, the Commissioner of Health and Senior Services, the Commissioner of Human Services, the Commissioner of Children and Families, the Commissioner of Labor and Workforce Development, [the Commissioner of Personnel,] the President of the State Board of Public Utilities, the Secretary of State, the Superintendent of State Police, the Commissioner of Transportation, the State Treasurer, the head of any other department in the Executive Branch, and the following members of the staff of the Office of the Governor: Chief of Staff, Chief of Management and Operations, Chief of Policy and Communications, Chief Counsel to the Governor, Director of Communications, Policy Counselor to the Governor, and any deputy or principal administrative assistant to any of the aforementioned members of the staff of the Office of the Governor listed in this subsection.

e. A violation of this section shall not constitute a crime or offense under the laws of this State.

(cf: P.L.2006, c.47, s.188)

106. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to read as follows:

1. Notwithstanding the provisions of the annual appropriations act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix and establish the annual salary, not to exceed $133,330 in calendar year 2000, $137,165 in calendar year 2001 and $141,000 in calendar year 2002 and thereafter, for each of the following officers:

Title
Agriculture Department
Secretary of Agriculture
Children and Families Department
Commissioner of Children and Families
Community Affairs Department
Commissioner of Community Affairs
Corrections Department
Commissioner of Corrections
Education Department
Commissioner of Education
Environmental Protection Department
Commissioner of Environmental Protection
Health and Senior Services Department
Commissioner of Health and Senior Services
Human Services Department
Commissioner of Human Services
Banking and Insurance Department
Commissioner of Banking and Insurance
Labor and Workforce Development Department
Commissioner of Labor and Workforce Development
Law and Public Safety Department
Attorney General
Military and Veterans' Affairs Department
Adjutant General
[Personnel Department
Commissioner of Personnel]
State Department
Secretary of State
Transportation Department
Commissioner of Transportation
Treasury Department
State Treasurer
Members, Board of Public Utilities
Public Advocate Department

Public Advocate
(cf: P.L.2007, c.253, s.23)

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

2. The salary ranges for the following positions shall be as established by the [Department of Personnel] Civil Service Commission with the approval of the Director, Division of Budget and Accounting. The salary rate for any such position shall be the salary step in such range next above the salary currently being paid; provided, however, that any sums appropriated for salaries may be made available for salary adjustments therein arising from various exigencies of the State service and for normal merit salary increments as the [Commissioner of Personnel, the] Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall determine; and provided, further, that nothing in this act shall reduce the salary rate for any such position below that which is being paid on the effective date of this act:

[Personnel Department
Chief Examiner and Secretary]
Community Affairs Department
Assistant Commissioner of Community Affairs
Director, Division of State and Regional Planning
Director, Division of Local Government Services
Director, Division of Housing and Urban Renewal
Director, Office of Aging Programs
Director, Office on Women
Environmental Protection Department
Director, Division of Water Resources
Director, Division of Parks and Forestry
Director of Fish, Game and Shell Fisheries
Director, Division of Marine Services
Director, Division of Environmental Quality
Health and Senior Services Department
Director, Division, of Narcotic and Drug Abuse Control

Corrections Department
Chairman, State Parole Board
Associate Member, State Parole Board
Public Defender
Labor and Workforce Development Department
Director, Workplace Standards
Law and Public Safety Department
Colonel and Superintendent, State Police
State Medical Examiner
Director, Division of Alcoholic Beverage Control
State Superintendent of Weights and Measures
Public Utilities Department
Director, Office of Cable Television
Executive Director, Public Broadcasting
State Department
Transportation Department
Assistant Commissioner for Highways
Assistant Commissioner for Public Transportation
Chief Administrator, New Jersey Motor Vehicle Commission
Treasury Department
Director, Division of Budget and Accounting
Director, Division of Taxation
Director, Division of Purchase and Property
Director, Division of Pensions and Benefits
Director, Division of State Lottery.
(cf: P.L.2005, c.240, s.2)

108. Section 3 of P.L.1961, c.49 (C.52:14-17.27) is amended to read as follows:

3. There is hereby created a State Health Benefits Commission, consisting of five members: the State Treasurer; the Commissioner of Banking and Insurance; the [Commissioner of Personnel] <u>Chairperson of the Civil Service Commission</u>; a State employees' representative chosen by the Public Employees' Committee of the

AFL-CIO; and, through June 30, 2008, when employers of employees, as defined in section 32 of P.L.2007, c.103 (C.52:14-17.46.2), will no longer be eligible to participate in the State Health Benefits Program authorized by P.L.1961, c.49, a representative chosen by the New Jersey Education Association, which represents the largest number of employees of employers other than the State participating in the State Health Benefits Program. Beginning July 1, 2008, the fifth member of the commission shall be a local employees' representative chosen by the Public Employees' Committee of the AFL-CIO.

The treasurer shall be chairman of the commission and the health benefits program authorized by P.L.1961, c.49 shall be administered in the Treasury Department. The Director of the Division of Pensions and Benefits shall be the secretary of the commission. The commission shall establish a health benefits program for the employees of the State, the cost of which shall be paid as specified in section 6 of P.L.1961, c.49. The commission shall establish rules and regulations as may be deemed reasonable and necessary for the administration of P.L.1961, c.49.

The Attorney General shall be the legal advisor of the commission.

The members of the commission shall serve without compensation but shall be reimbursed for any necessary expenditures. The public employee members shall not suffer loss of salary or wages during service on the commission.

The commission shall publish annually a report showing the fiscal transactions of the program for the preceding year and stating other facts pertaining to the plan. The commission shall submit the report to the Governor and furnish a copy to every employer for use of the participants and the public.

(cf: P.L.2007, c.103, s.20)

109. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to read as follows:

2. As used in this act:

"Approved school" shall mean a school approved and authorized by the Police Training Commission to give police training courses or a training course for State and county corrections officers and juvenile detention officers as prescribed in this act.

"Commission" shall mean the Police Training Commission or officers or employees thereof acting on its behalf.

"County" shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.

"Law enforcement unit" shall mean any police force or organization in a municipality or county which has by statute or ordinance the responsibility of detecting crime and enforcing the general criminal laws of this State.

"Municipality" shall mean a city of any class, township, borough, village, camp meeting association, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act.

"Permanent appointment" shall mean an appointment having permanent status as a police officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, [Merit System Board] <u>Civil Service Commission</u> Rules and Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder.

"Police officer" shall mean any employee of a law enforcement unit, including sheriff's officers and county investigators in the office of the county prosecutor, other than civilian heads thereof, assistant prosecutors and legal assistants, persons appointed pursuant to the provisions of R.S.40:47-19, persons whose duties do not include any police function, court attendants, State and county corrections officers, juvenile corrections officers and juvenile detention officers.

(cf: P.L.1995, c.280, s.54)

110. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to read as follows:

4. a. The advisory council to the Juvenile Justice Commission shall consist of the following members:

(1) The Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Health, the Commissioner of the Department of Community Affairs, the [Commissioner of the Department of Personnel] Chairperson of the Civil Service Commission, the Public Defender and a county prosecutor selected by and serving at the pleasure of the Governor or a person designated by one of the forenamed officers to serve in that officer's place;

(2) Nine members who shall be selected for their knowledge, competence, experience or interest in the juvenile justice system. Appointments shall be made as follows: three by the President of the Senate, no more than two of whom shall be of the same political party; three by the Speaker of the General Assembly, no more than two of whom shall be of the same political party and three by the Governor, no more than two of whom shall be of the same political party.

b. The term of office of each public member of the advisory council shall be three years; except that of the first members appointed, one appointed by the Governor, one by the President of the Senate and one by the Speaker of the General Assembly shall be appointed for a term of one year, one appointed by the Governor, one by the President of the Senate and one by the Speaker of the General Assembly shall be appointed for a term of two years and the remaining three members shall be appointed for a term of three years. Each member shall serve until a successor has been appointed and qualified, and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term. A member is eligible for reappointment to the council.

c. The Governor shall appoint the chair of the advisory council from among the members of the council. The chair shall serve at

the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the chair's successor. The members of the council shall elect a vice-chair from among the members of the council.

d. The members of the council shall receive no compensation for their services.

(cf: P.L.1995, c.284, s.4)

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

6. a. The Juvenile Justice Commission shall employ, within the limits of available funds, juvenile corrections officers to staff each State secure juvenile facility and to provide security for other State juvenile facilities and programs including parole programs as deemed appropriate and to perform all other duties related to enforcement of confinement and conditions of release including execution of warrants and legal process. Juvenile corrections officers shall be in the competitive division of the career service established pursuant to N.J.S.11A:3-2, "policemen" within the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members of the Police and Firemen's Retirement System of New Jersey established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2), and shall be "employees" within the meaning of section 3 of P.L.1941, c.100 (C.34:13A-3).

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

(1) Is a citizen of the United States;

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

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

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

(5) Is of good moral character;

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

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

(8) Meets such other qualifications, including education and training, as may be specified by the commission in consultation with the [Department of Personnel] Civil Service Commission.

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

(2) Notwithstanding the provisions of subsection b. of this section, a corrections officer assigned to the commission pursuant to this section shall not be considered ineligible for the position of juvenile corrections officer solely because the officer does not meet

any educational or training requirement the commission may establish and may be appointed as a juvenile corrections officer if the officer applies for such position within 18 months of the effective date of this act. A juvenile corrections officer appointed pursuant to this subsection shall not be deprived of any right or protection provided by Title 11A of the New Jersey Statutes or any pension or retirement system and, notwithstanding any law or regulation to the contrary, shall be eligible to compete for vacant positions within the Department of Corrections with full credit for experience, service and rank earned as an employee of the Department of Corrections and such credit for experience, service and rank earned as an employee of the commission as the Commissioner of Corrections, after consultation with the Commissioner of Personnel, deems appropriate.

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

(cf: P.L.1995, c.284, s.6)

112. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to read as follows:

8. a. The appointing authority of any municipality shall appoint a construction official and any necessary subcode officials to administer and enforce the code. The appointing authority may, by resolution or order as appropriate, set the total number of weekly hours of operation of the construction official's office and the total number of weekly work hours of the construction official, commensurate with the compensation paid to the construction official. The appointing authority shall not set the specific work hours of the construction official. The appointing authority shall also appoint a construction board of appeals to hear and decide

appeals from decisions made by said construction official and subcode officials, in the administration and enforcement of the code. Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.

b. To establish tenure rights or any other right or protection provided by the "State Uniform Construction Code Act" or Title 11A, Civil Service, of the New Jersey Statutes, or any pension law or retirement system, the job title "construction official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code as provided in section 5 of the "State Uniform Construction Code Act," entailed the chief administrative responsibility to enforce all construction codes which had been adopted by the municipal governing body, the enforcement of which was not the responsibility of an authorized private inspection agency; and the job title "subcode official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code, entailed subordinate administrative responsibility to enforce one or more of the following construction codes: building, plumbing, electrical or fire code.

Any person, in a municipality operating under Title 11A, Civil Service, of the New Jersey Statutes, who, prior to the adoption of the State Uniform Construction Code, held the equivalent of the job title "construction" official or "subcode" official, but who no longer holds his position as a result of a determination that his old job title was not equivalent to that of "construction" official or "subcode" official, shall be offered reappointment as a construction official or subcode official, as the case may be, and shall be granted permanent classified status in such position. Tenure shall continue for (1) any construction official or subcode official who is serving under tenure as otherwise provided by law on the effective date of this act or within one year thereafter, or (2) any person certified pursuant to subsection c. of this section and who subsequently gains such tenure.

A construction official or subcode official appointed in a municipality operating under the provisions of Title 11A, Civil Service, of the New Jersey Statutes, who, at the time of adoption of the State Uniform Construction Code, January 1, 1977, or prior to January 1, 1981, had permanent classified status or was employed as a construction official or subcode official or in another position in the unclassified service, shall be included in the classified service without civil service examination in his respective title of construction official or subcode official. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with the chief administrative responsibility to enforce all existing municipal construction codes, shall be deemed as appointed to the position of construction official for the purposes of this act. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with chief responsibility to enforce the municipal building, plumbing, fire, or electrical code, shall be deemed as appointed to the position of subcode official for the purposes of this act. No person, on or after January 1, 1981, shall be appointed as construction or subcode official in a municipality operating under Title 11A, Civil Service, of the New Jersey Statutes without having passed an examination administered by the [Merit System Board] <u>Civil Service Commission</u> certifying the merit and fitness of the person to hold such position; provided that, whenever a noncivil service municipality adopts the provisions of that Title, construction code officials and subcode officials of such municipality appointed prior to the filing of the petition for the adoption of civil service, shall attain permanent status in the classified service without examination. Any construction or subcode official appointed after January 1, 1981 on a provisional basis in a municipality which has adopted the provisions of Title 11A, Civil Service, of the New Jersey Statutes, may not be removed from office except for just cause after a fair and impartial hearing has been held at the local level, with no further appeal to the [Merit

System Board] Civil Service Commission; provided, however, that such a construction or subcode official may be removed to permit the appointment of a person certified for appointment by the [Merit System Board] Civil Service Commission.

A construction official or subcode official in a noncivil service municipality shall be appointed for a term of four years and shall, upon appointment to a second consecutive term or on or after the commencement of a fifth consecutive year of service, including years of service in an equivalent job title held prior to the adoption of the State Uniform Construction Code, be granted tenure and shall not be removed from office except for just cause after a fair and impartial hearing.

A construction or subcode official, to be eligible for appointment in civil service or noncivil service municipalities, shall be certified by the State of New Jersey in accordance with subsection c. of this section and shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or five years' experience in construction, design, or supervision as an architect or engineer with a bachelor's degree from an accredited institution of higher education; or 10 years' experience in construction, design or supervision as a journeyman in a trade or as a contractor. A subcode official shall, pursuant to any subcode which he administers, pass upon:

(1) matters relative to the mode, manner of construction or materials to be used in the erection or alteration of buildings or structures, except as to any such matter foreclosed by State approval pursuant to this act, and (2) actual execution of the approved plans and the installation of the materials approved by the State. The construction official in each municipality shall be the chief administrator of the "enforcing agency." He shall have the power to overrule a determination of a subcode official based on an interpretation of a substantive provision of the subcode which such subcode official administers, only if the construction official is qualified to act pursuant to this act as a subcode official for such subcode. He may serve as subcode official for any subcode which

he is qualified under this act to administer. A subcode official or municipal engineer may serve as a construction official if otherwise qualified under the provisions of this act. The municipal enforcing agency shall require compliance with the provisions of the code, of all rules lawfully adopted and promulgated thereunder and of laws relating to the construction, alteration, repair, removal, demolition and integral equipment and location, occupancy and maintenance of buildings and structures, except as may be otherwise provided for.

Two or more municipalities may provide by ordinance, subject to regulations established by the commissioner, for the joint appointment of a construction official and subcode official for the purpose of enforcing the provisions of the code in the same manner.

c. No person shall act as a construction official or subcode official for any municipality unless the commissioner determines that said person is so qualified, except for the following:

(1) a municipal construction official or subcode official holding office under permanent civil service status, or tenure as otherwise provided by law on the effective date of this act or within one year thereafter and (2) a municipal construction official or subcode official holding office without such permanent civil service status or tenure on the effective date of this act or within one year thereafter; provided said construction official or subcode official not having such permanent civil service status or tenure shall be certified in accordance with this act within four years of the effective date thereof; provided further that a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health and Senior Services pursuant to Title 26 of the Revised Statutes may serve as a plumbing subcode official and a person holding on the effective date of this act a valid electrical inspector's license from the Board of Public Utilities pursuant to Title 48 of the Revised Statutes may serve as an electrical subcode official. The commissioner, after consultation with the code advisory board, may authorize the preparation and conducting of oral, written and practical examinations to determine

if a person is qualified by this act to be eligible to be a construction official or subcode official or, in the alternative, may accept successful completion of programs of training as proof of qualification within the meaning of this act. Upon a determination of qualification the commissioner shall issue or cause to be issued a certificate to the construction official or subcode official or trainee stating that he is so certified. The commissioner, after consultation with the code advisory board, may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the State. The commissioner shall, after consultation with the code advisory board, provide for educational programs designed to train and assist construction officials and subcode officials in carrying out their responsibilities.

Whenever the commissioner is required by the terms of this subsection to consult with the code advisory board and the matter in question concerns plumbing subcode officials, the commissioner shall also consult with the Public Health Council and Commissioner of Health and Senior Services.

d. The commissioner, after consultation with the code advisory board, may periodically require that each construction official and subcode official demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional ethics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge.

(cf: P.L.2000, c.126, s.29)

113. Section 10 of P.L.1989, c.222 (C.App.A:9-42.1b) is amended to read as follows:

10. The deputy emergency management coordinator position shall be filled by the governing body in each county by: a. the appointment of a qualified individual; b. the selection of a qualified

volunteer; or, if appropriate, c. the selection of an individual pursuant to the rules and regulations of the [Department of Personnel] Civil Service Commission of the State of New Jersey.
(cf: P.L.1989, c.222, s.10)

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

24. a. (1) There is established in the Department of Environmental Protection the Office of Green Acres. The commissioner may appoint an administrator or director who shall supervise the office, and the department may employ such other personnel and staff as may be required to carry out the duties and responsibilities of the department and the office pursuant to this act, all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes. Persons appointed or employed as provided pursuant to this subsection shall be compensated in a manner similar to other employees in the Executive Branch, and their compensation shall be determined by the [Commissioner of Personnel] Civil Service Commission.

(2) The Green Acres Program in the Department of Environmental Protection, together with all of its functions, powers and duties, are continued and transferred to and constituted as the Office of Green Acres in the Department of Environmental Protection. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Green Acres Program, the same shall mean and refer to the Office of Green Acres in the Department of Environmental Protection. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

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

(1) Administer all provisions of this act pertaining to funding the acquisition and development of lands for recreation and

conservation purposes as authorized pursuant to Article VIII, Section II, paragraph 7 of the State Constitution;

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

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

(a) establishing application procedures for grants and loans for the acquisition and development of lands for recreation and conservation purposes, criteria and policies for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys, any conditions that may be placed on the award of a grant or loan for recreation and conservation purposes pursuant to this act, and any restrictions that may be placed on the use of lands acquired or developed with a grant or loan for recreation and conservation purposes pursuant to this act. The criteria and policies established pursuant to this subparagraph for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support; and

(b) addressing any other matters deemed necessary to implement and carry out the goals and objectives of Article VIII, Section II, paragraph 7 of the State Constitution and this act with respect to the acquisition and development of lands for recreation and conservation purposes; and

(4) Establishing criteria and policies for the evaluation and priority ranking of State projects to acquire and develop lands for recreation and conservation purposes using constitutionally dedicated moneys, which criteria and policies may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support.

(cf: P.L.2002, c.76, s.2)

115. (New section) a. The Department of Health and Senior Services shall maintain a toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline on a 24-hour basis.

The hotline shall receive and respond to calls from law enforcement officers and sheriff's officers who have been involved in any event or incident which has produced personal or job-related depression, anxiety, stress, or other psychological or emotional tension, trauma, or disorder for the officer and officers who have been wounded in the line of duty. The operators of the hotline shall seek to identify those officers who should be referred to further debriefing and counseling services, and to provide such referrals. In the case of wounded officers, those services may include peer counseling, diffusing, debriefing, group therapy and individual

therapy as part of a coordinated assistance program, to be known as the "Blue Heart Law Enforcement Assistance Program," designed and implemented by the University of Medicine and Dentistry of New Jersey's University Behavioral Healthcare Unit.

b. The operators of the hotline shall be trained by the Department of Health and Senior Services and, to the greatest extent possible, shall be persons, who by experience or education, are: (1) familiar with post trauma disorders and the emotional and psychological tensions, depressions, and anxieties unique to law enforcement officers and sheriff's officers; or (2) trained to provide counseling services involving marriage and family life, substance abuse, personal stress management and other emotional or psychological disorders or conditions which may be likely to adversely affect the personal and professional well-being of a law enforcement officer and a sheriff's officer.

c. To ensure the integrity of the telephone hotline and to encourage officers to utilize it, the commissioner shall provide for the confidentiality of the names of the officers calling, the information discussed by that officer and the operator, and any referrals for further debriefing or counseling; provided, however, the commissioner may, by rule and regulation, (1) establish guidelines providing for the tracking of any officer who exhibits a severe emotional or psychological disorder or condition which the operator handling the call reasonably believes might result in harm to the officer or others and (2) establish a confidential registry of wounded New Jersey law enforcement officers.

116. (New section) The Commissioner of Health and Senior Services shall prepare a list of appropriately licensed or certified psychiatrists, psychologists, and social workers; other appropriately trained and qualified counselors; and experienced former law enforcement officers who are willing to accept referrals and to participate in the debriefing and counseling offered law enforcement officers and sheriff's officers under the provisions of

sections 115 to 116 of P.L. , c. (C.)(pending before the Legislature as this bill).

117. (New section) The State Treasurer shall develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives; may establish an internship program; and assist the Governor in general work force planning, personnel matters and labor relations.

118. a. There is established a Civil Service Reform Task Force within the Department of the Treasury. The task force shall be comprised of the following members: the Chair of the Civil Service Commission, or his designee, who shall serve ex officio; the State Treasurer, or his designee, who shall serve ex officio; and seven public members to be appointed by the Governor.

The majority of the public members shall, to the extent practicable, have expertise in civil service or public sector personnel management matters.

Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

The task force shall organize as soon as may be practicable, but no later than the 30th day after the appointment of its members, and shall select a chairperson from among the public members. The chairperson shall appoint a secretary who need not be a member of the task force. The public members shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties.

The Department of the Treasury shall provide such staff and resources as the task force requires to carry out its duties.

The task force is entitled to the assistance and services of the employees of any State department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, and to incur traveling and other miscellaneous expenses

necessary to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purpose.

The task force may meet and hold hearings at such places as it shall designate.

b. The task force shall study and evaluate the current civil service system and develop recommendations with regard to its reform.

c. The task force shall report to the Governor, the Civil Service Commission, and the Legislature on its findings and recommendations within 12 months following its organizational meeting. The task force shall expire 30 days after the submission of its report.

119. The following statutes are repealed:

N.J.S.11A:2-8
N.J.S.11A:2-9
N.J.S.11A:2-10
N.J.S.11A:12-4
N.J.S.11A:12-5
Sections 1, 2, and 3 of P.L.1998, c.149 (C.11A:2-25 through 11A:2-27)

120. This act shall take effect immediately and any actions necessary to implement this act may be taken any time thereafter. General implementation shall be completed no later than 12 months following enactment.