

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice

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LEGISLATIVE UPDATE

NOVEMBER 9, 2010

AFFORDABLE HOUSING

The Assembly Housing and Local Government Committee considered S-1/A-3447 (*Lesniak D-20/Bateman R-16*), which reforms the procedures concerning affordable housing and abolishes the Council on Affordable Housing. The Committee made several changes to the version passed by the Senate on June 10th, but most notably for counties added the following language:

“Prior to filing a plan with the Department of Community Affairs, the county planning board by resolution shall adopt the housing element. In adopting the housing element or any amendment there to the board shall hold at least one public hearing for presentation and review of the housing element. Notice The Department shall provide any technical assistance required by the county planning board.”

We are working to clarify some potential issues that stem from the fact that county planning boards do not currently review or approve any elements of a municipality’s master plan; and that this change may not consider the use of county resources or potential exposure to litigation. In addition to the above-noted substantive issues, several technical issues exist as well as this language amends the “Fair Housing Act,” but not the “County Planning Act.” Additionally, it seems to require county planning boards to adopt resolutions supporting a municipality’s housing element as a mere formality. Although we don’t believe this is the sponsor’s intent, the language seems to create an unnecessary level of bureaucracy at the county level.

With this in mind, we have already reached out to the sponsors and partisan staff to discuss our concerns and a constructive compromise. We’ll make sure to keep you posted of any new developments.

CIVIL SERVICE REFORM

As you know, we have been working for several months with Assemblywoman Linda Stender on advocating for legislation to streamline the current civil service bureaucracy. With this in mind, the Assemblywoman plans on introducing and considering such legislation at next Monday's Assembly State Government Committee, and has given us until 1:00 P.M. on Wednesday to review and comment on her proposal. Please note that Senate President Steve Sweeney plans on moving similar legislation in the Senate as well.

As included in the Statement, this bill allows local public employers in the civil service to negotiate with the majority representative of its employees in areas such as disciplinary review, ways to avoid or reduce layoffs, and terms and conditions of employment. When a public employer and a majority representative are unable to reach agreement with respect to a particular issue, the provisions of the civil service statutes in Title 11A and regulations will remain in full force and effect.

In addition, the bill makes certain changes to civil service procedures with regard to the establishment, consolidation and abolition of titles, requires public notice of such proposed actions, and provides for the negotiation of compensation or wage rates for new titles and the public posting of a proposed layoff plan. The bill increases the length of seasonal appointments to no more than nine months from the current limit of no more than six months, extends the working test period for State and local employees to a uniform six months, and requires that local employers adopt an employee performance evaluation system. The bill instructs the Civil Service Commission to provide for the completion and submission of an application for an examination on its website and, when appropriate, to arrange for the online-administration of examinations.

The bill also establishes a temporary Civil Service Modernization Task Force to take recommendations, within 90 days of its formation, to the Civil Service Commission on how to achieve the goal of a 30 percent reduction in the number of titles in State and local government service that were in effect at the beginning of State fiscal year 2011 and how to expedite and streamline the examination process. The task force will have seven members: one from the New Jersey State League of Municipalities, one from the New Jersey Association of Counties, one appointed by the Governor, and four from unions that represent State and local government employees in New Jersey, two appointed by the Senate President and two appointed by the Speaker of the General Assembly in consultation with the New Jersey State AFL-CIO.

Please let us know if you would like a draft copy of the bill and we'll make sure to forward it accordingly. As always, thank you for your time and consideration, and please do not hesitate to contact me with any questions or concerns.

Very truly yours,