

STATE OF NEW JERSEY

P.L. 1938, CHAPTER 381,
Approved June 16, 1938

AN ACT concerning employment, promotion and tenure of employees of the State and of counties, municipalities and school districts where civil service is in effect, giving preference to certain veterans therein and amending sections 11:27-2, 11:27-3, 11:27-4, 11:27-5, 11:27-6, 11:27-7, 11:27-8, 11:27-9 and 11:27-10 of the Revised Statutes, and supplementing chapter twenty-seven of Title 11 of the Revised Statutes.

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

1. Section 11:27-2 of the Revised Statutes is hereby amended to read as follows:

11:27-2. A veteran, as defined in section 11:27-1 of this Title, who is an applicant in a competitive examination or test for entrance into the public service under the provisions of this Title, obtaining in each part of the examination or test the minimum rating required and in the complete examination or test at least the minimum earned average rating required, shall receive for fifteen or more months of war service, in addition to such earned rating, service credits of not less than three and not more than ten points as may be determined by the commission under such regulations as it may adopt, consideration being given to the probable value of such war service as tending to fit applicants for positions in question. In determining ratings for any such veteran the period of war service shall, by said commission, be considered as a part of such experience, qualifications and credits therefor. Veterans who have served less than fifteen months shall receive pro rata credits for such shorter period of war service.

2. Section 11:27-3 of the Revised Statutes is hereby amended to read as follows:

11:27-3. Veterans who have an official record, as determined by the United States Veterans' Administration, of being wounded, gassed or otherwise injured or disabled while in war service, but not to an extent to enable such veteran to be certified as a veteran with a record of disability incurred in line of duty as herein

defined, and veterans with a record of disability incurred in line of duty, as herein defined in section 11:27-1 of this Title, shall be given the maximum service credits as fixed for the examination or test in which they may be applicants regardless of the length or character of such war service.

Any veteran with a record of disability incurred in line of duty as herein defined and who shall receive a passing rating in competitive examinations or tests as herein provided for entrance into the public service, shall be placed at the top of the employment list in the order of their respective final ratings.

3. Section 11:27-4 of the Revised Statutes is hereby amended to read as follows:

11:27-4. The Civil Service Commission shall certify to the appointing authority the names and addresses of the three candidates standing highest upon the register for each position to be filled, and such appointing authority shall select one of the three so certified; provided, however, that whenever the name or names of a veteran or veterans shall be among those certified to the appointing authority the choice of the appointing authority shall be limited to the veteran or veterans whose name or names are included in such certification, regardless of position on the list.

4. Section 11:27-5 of the Revised Statutes is hereby amended to read as follows:

11:27-5. The fact that a veteran has successfully passed the prescribed examination or test and that his name has been placed upon the employment list and certified as eligible for appointment is evidence that such veteran is qualified to perform the duties of the position and as entitling him to appointment. Before such appointive power in such case shall select a non-veteran and leave unappointed any veteran who has been certified as being eligible, such appointive power shall show cause before the Civil Service Commission why such veteran should not be appointed, at which time such veteran or veterans may be privileged to attend and present evidence. Unless good cause be then shown, said Civil Service Commission shall order the immediate appointment of such veteran. Said Civil Service Commission shall be the

sole judge of the facts constituting such qualifications.

5. Section 11:27-6 of the Revised Statutes is hereby amended to read as follows:

11:27-2 to

11:27-6. Nothing contained in sections/11:27-5 of this Title shall apply to promotions; provided, however, that whenever any examination for promotions be held and any veteran shall receive the highest certification from among those qualified, before such appointive power shall appoint for promotion any nonveteran, such appointive power shall show cause before the Civil Service Commission why such veteran should not receive such promotion.

6. Section 11:27-7 of the Revised Statutes is hereby amended to read as follows:

11:27-7. From among those eligible for appointment in the noncompetitive class, preference shall be given to any veteran as herein defined. The commission shall state in its annual report the number of persons who come within this class and the character of their services. Before the appointive power in such case shall select a nonveteran and leave unappointed any veteran who has been certified as being eligible, such department head shall show cause before the Civil Service Commission why such veteran should not be appointed, at which time such veteran or veterans may be privileged to attend and present evidence and unless good cause be then shown, said Civil Service Commission shall order the immediate appointment of such veteran; providing, however, that in all such cases the veteran with a record of disability incurred in line of duty shall have preference over all others. The Civil Service Commission shall be the sole judge of the facts constituting such qualifications.

7. Section 11:27-8 of the Revised Statutes is hereby amended to read as follows:

11:27-8. When a reduction is made of the employees in any department of this State or any county, municipality or school district operating under the provisions of subtitle three of this Title (11:19-1 et seq.) for the purpose of economy or of promoting the efficiency of the public service, preference, in any such reduction, shall be given to a veteran as herein defined, but such preference shall apply only where a veteran has seniority equal

to the seniority of any other employee also affected by such reduction; provided, however, that preference in any such reduction shall be first given any veteran who shall have a record of disability as herein defined. No such soldier, sailor, marine or nurse shall be given such preference who shall have been convicted of a criminal offense in any civil, military or naval court.

8. Section 11:27-9 of the Revised Statutes is hereby amended to read as follows:

11:27-9. Before any department head shall dismiss any veteran, as provided in section 11:27-8 herein, such department head shall show cause before the Civil Service Commission why such veteran should not be retained, at which time such veteran or veterans may be privileged to attend. The Civil Service Commission shall be the sole judge of the facts constituting such qualification.

9. Section 11:27-10 of the Revised Statutes is hereby amended to read as follows:

11:27-10. No person suffering from any physical defect caused by wounds or injuries received in line of duty in the military or naval forces of the United States in the World War as defined in section 11:27-1 of this Title shall thereby be discriminated against in an examination, classification or appointment because of such defect, unless the same shall, in the opinion of the Civil Service Commission, incapacitate him from performing properly the duties of the office, position or employment for which he applies.

Whenever, in the opinion of the Civil Service Commission, strict compliance with any condition relative to height or weight is not essential to the proper fulfillment of any position, it may order a waiver of said requirements as to veterans applying therefor. The provisions of this paragraph shall apply to both competitive and noncompetitive vacancies.

10. Chapter twenty-seven of Title 11 of the Revised Statutes is hereby supplemented as follows:

The Civil Service Commission may, as it may be deemed necessary for the administration of the provisions of sections 11:27-1 to 11:27-12 of this Title, prepare rules and regulations for the proper enforcement of the provisions hereof. In all competitive

examinations or tests provided for in this act, wherein an oral examination or test is a part thereof, the Civil Service Commission shall upon request provide for a stenographic record of such oral examination or test, which said record shall be available in cases of reconsideration of ratings.

The Civil Service Commission shall require that any veteran who shall have a record of disability as herein defined shall have established proof of such disability on or prior to the date of any test held by said commission.

Nothing herein contained shall be construed to amend, modify, or repeal sections 40:11-10 to 40:11-13, inclusive, of the Revised Statutes, nor section 40:47-11 of the Revised Statutes.