

CHAPTER 59

AN ACT authorizing the appointment of two deputy municipal clerks in certain municipalities and amending N.J.S.11A:3-5 and N.J.S.40A:9-135.

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

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

Political subdivision unclassified service.

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 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.

2. N.J.S.40A:9-135 is amended to read as follows:

Deputy municipal clerk.

40A:9-135. a. The governing body of any municipality, by ordinance, may create the office of deputy municipal clerk and provide for appointments thereto, his compensation, term thereof and the powers, duties and functions of such office. During the absence or disability of the municipal clerk, the deputy municipal clerk shall have all the powers of the municipal clerk and shall perform the functions and duties of such office.

b. Notwithstanding the provisions of subsection a. of this section, the governing body of a city 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, may appoint two persons to serve as deputy municipal clerks and provide for appointments thereto, the compensation, term thereof and the powers, duties and functions of those offices. These appointees shall serve in the unclassified service as provided for in N.J.S.11A:3-5 (pending before the Legislature as this bill). The governing body of the municipality shall appoint one of the deputy municipal clerks to serve as acting municipal clerk during the absence or disability of the municipal clerk, and that person shall have all the powers of the municipal clerk and shall perform the functions and duties of that office.

3. This act shall take effect immediately.

Approved August 3, 2002.