



ASSOCIATION OF MUNICIPAL ASSESSORS OF NEW JERSEY

Affiliated With The

INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS
NORTHEASTERN REGIONAL ASSOCIATION OF ASSESSING OFFICERS
AND THE
NEW JERSEY STATE LEAGUE OF MUNICIPALITIES

Website: www.amanj.org

AMANJ Response to S-3104

THE TENURE ISSUE: A sensible and fair approach to employee selection / retention

The New Jersey Senate is considering a bill, S-3104 Norcross (D) that would, upon municipal consolidation or approved shared services contracts, eliminate tenure for Tax Assessors, Tax Collectors, Municipal Clerks and Municipal CFO's. The impetus for the bill comes from a court decision out of Camden County whereby a tenured municipal clerk was terminated after her municipality entered into a shared services contract with a neighboring community. The clerk's positions in both communities were eliminated and a part time position was created and accepted by one of the employees eliminated. The other employee sued citing tenure rules and was upheld by the courts.

This legislation is, in part, an answer to that case. Citing tenure as "an impediment to consolidation and shared services", the bill provides no common sense approach to realizing cost savings. Instead the bill would use the broad method of eliminating tenure altogether, the "clean slate" approach. In doing so, the valuable asset of experienced, knowledgeable employees would be sacrificed, almost guaranteeing a reduction in productivity and reduced tax payer services with little or no cost savings.

Accordingly the Association of Municipal Assessors of New Jersey has endeavored to suggest an approach to eliminate certain questions and problems pertaining to tenure in the spirit of promoting cost savings after consolidations or shared services.

CONSOLIDATION / SHARED SERVICE CONTRACTS

When two or more communities are, through a vote of the taxpayers, consolidated to form one municipal body, or two or more communities enter into a Shared Services Contract, the procedure of appointing a municipal tax assessor (or clerk, tax collector or Chief Financial Officer) when presumably someone different was currently serving in that capacity for each municipality at the time of consolidation or agreement, could be addressed as follows:

1. The position is offered, in a full-time capacity, to the assessor who is currently serving in a full time capacity in one of the municipalities;
 2. If both municipalities employ a full-time assessor, the position is offered to the assessor who has tenure;
 3. If both municipalities employ full-time, tenured assessors the position is offered, in a full time capacity, to the assessor who has seniority of years of service to one of the municipalities on a continuous basis;
 4. The appointed assessor will retain tenure and will be considered to be in the position without time broken;
 5. If both municipalities employ part-time assessors, the position will be offered to the assessor who has tenure;
-

6. If both positions are part-time tenured assessors, the position is offered to the assessor with seniority of years of service to one of the municipalities on a continuous basis;
7. If the assessor first offered the position declines the offer, the position will be offered to the other assessor;
8. The assessor who was not offered the position will be offered a severance package equal to one (1) weeks' pay per years of service. The severance payment will be split equally between the participating municipalities;
9. If the assessor is employed as the assessor in *each* consolidated municipality, that assessor will be given preference for employment in the consolidated municipality as a full time assessor. If the assessor was tenured in one of the consolidated municipalities, he/she will retain tenure in the consolidated municipality;
10. If neither assessor accepts the position, it will be offered to any staff member of the municipalities who is a Certified Tax Assessor using the above enumerated steps;
11. After each of these steps is exhausted, the newly formed municipal government or the shared service unit may hire and negotiate for an assessor in the usual fashion;
12. In the event a shared service contract between two municipalities appointing an assessor is terminated within the first four (4) years, the assessor who lost his or her position as a result of the consolidation shall have first right of refusal to be reinstated in the appointed position he or she held prior to the shared service agreement at the same hourly schedule along with the same rate of pay.

We believe that by approaching the problem with an eye towards both cost savings and continued quality service, the tax payers in the affected municipalities will achieve a maximum benefit.

Respectfully Submitted,



Scott J. Holzauer, CTA, SCGRE
AMANJ President