

ASSEMBLY, No. 5263

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2023

Sponsored by:

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Co-Sponsored by:

**Assemblyman Sampson, Assemblywoman Carter, Assemblyman Stanley
and Assemblywoman McKnight**

SYNOPSIS

Requires certain fire departments in this State to establish minority recruitment and selection programs; establishes task force.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/28/2023)

1 AN ACT requiring certain fire departments to establish minority
2 recruitment and selection programs, establishing a task force,
3 and supplementing Title 52 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. For the purposes of this act:

9 "Fire department" means a paid or part-paid department or force
10 established pursuant to section 1 of P.L.1971, c.197 (C.40A:14-7).

11
12 2. a. Each fire department in this State shall establish a minority
13 recruitment and selection program in accordance with guidelines
14 established by the Commissioner of Community Affairs pursuant to
15 subsection a. of section 4 of P.L. c.(C.)(pending before the
16 Legislature as this bill). The purpose of the program is to remedy
17 past discrimination by building fire departments that reflect the
18 diversity of the population in the community a department is
19 charged with protecting. In implementing the program, the fire
20 department shall make a good faith effort to meet specific goals for
21 recruiting and hiring minorities and females within established time
22 frames. The program shall include methods of evaluating whether
23 these goals have been met and provide for additional contingent
24 measures to be taken if the program fails to meet its specific goals.

25 b. The minority recruitment and selection program established
26 pursuant to subsection a. of this section shall be posted on the
27 official Internet website of each fire department.

28 c. The county fire marshal or, if no marshal has been
29 appointed, the State Fire Marshall of the Division of Fire Safety,
30 shall monitor the results of the minority recruitment and selection
31 programs established by fire departments within the jurisdiction of
32 the fire marshal as required in subsection a. of this section. The
33 county fire marshal or State Fire Marshall, as appropriate, shall
34 annually report this information to the Commissioner of
35 Community Affairs.

36
37 3. a. Each fire department in this State shall annually report to
38 the county fire marshal with jurisdiction over the agency or the
39 State Fire Marshall, as appropriate, a report containing:

40 (1) the age, gender, race, and ethnicity of the firefighters
41 currently appointed to the fire department;

42 (2) the age, gender, race, and ethnicity of applicants for a fire
43 fighter position in the preceding calendar year;

44 (3) the age, gender, race, and ethnicity of applicants appointed
45 to the fire department in the preceding calendar year;

46 (4) the reasons for denying applicants an appointment to the fire
47 department; and

1 (5) the age, gender, race, and ethnicity of each firefighter
2 promoted within the agency in the preceding calendar year,
3 including the position to which the firefighter was promoted.

4 b. Each fire department shall publish in the department's annual
5 report the information required by subsection a. of this section.

6
7 4. a. The commissioner shall develop for dissemination to fire
8 departments and county fire marshals throughout this State
9 guidelines for the establishment of a minority recruitment and
10 selection program by fire departments in this State, pursuant to
11 section 2 of P.L. , c. (C.)(pending before the Legislature as this
12 bill).

13 b. The commissioner shall collect, gather, assemble, and collate
14 the information required in section 3 of P.L. , c. (C.)(pending
15 before the Legislature as this bill) into an annual report to be issued
16 to the Governor and, pursuant to section 2 of P.L.1991, c.164
17 (C.52:14-19.1), to the President of the Senate and the Speaker of the
18 General Assembly.

19 c. The commissioner shall post on the official Internet web site
20 of the Department of Community Affairs each annual report
21 required by subsection c. of this section.

22
23 5. a. There is established a task force, to be known as the "Police
24 and Fire Task Force of Equal Opportunity." The task force shall
25 make programmatic recommendations to the Attorney General and
26 Commissioner of Community Affairs in furtherance of the goal of
27 these forces and departments being comprised of law enforcement
28 officers and firefighters who reflect the diversity of the population
29 in the community the department is charged with protecting.

30 b. The task force shall be comprised of nine members as follows:

31 (1) three members of the executive branch, one of whom shall be
32 a representative of the Office of Diversity and Inclusion, to be
33 appointed by the Governor, one of whom shall be the
34 Superintendent of the State Police, ex officio, or a designee, and
35 one of whom shall be the Director of the Division of Fire Safety, ex
36 officio, or a designee;

37 (2) two public members to be appointed by the President of the
38 Senate, one of whom shall be a member of the New Jersey State
39 Association of Chiefs of Police or the New Jersey State Policeman's
40 Benevolent Association, and one of whom shall be a member of the
41 New Jersey State Firemen's Association, the New Jersey State Fire
42 Chiefs Association, or a county fire marshal;

43 (3) two public members to be appointed by the Speaker of the
44 General Assembly, one of whom shall be a member of the New
45 Jersey State Association of Chiefs of Police or the New Jersey State
46 Policemen's Benevolent Association, and one of whom shall be a
47 member of the New Jersey State Firemen's Association, the New
48 Jersey State Fire Chiefs Association, or a county fire marshal; and

1 (4) two public members who shall be licensed social workers
2 with expertise in public welfare, and experience working with first
3 responders, appointed by the Governor.

4 c. Each appointment shall be made within 30 days of the
5 effective date of P.L. , c. (pending before the Legislature as this
6 bill). Vacancies in the membership shall be filled in the same
7 manner as the original appointments. The members of the task force
8 shall serve without compensation but may be reimbursed, within the
9 limits of funds made available to the task force, for necessary travel
10 expenses incurred in the performance of their duties. The
11 Department of Community Affairs shall provide staff support to the
12 task force.

13 d. The task force shall organize as soon as is practicable upon the
14 appointment of a majority of its members and shall select a
15 chairperson from among the appointees of the Governor and a vice
16 chairperson from among the appointees of the Legislature.

17 e. The task force shall meet within 60 days of the effective date
18 of P.L. , c. (pending before the Legislature as this bill) and shall
19 meet thereafter at the call of its chair. In furtherance of its
20 evaluation, the task force may hold public meetings or hearings
21 within the State on matters related to the provisions of this act, and
22 call to its assistance and avail itself of the services of the Public
23 Employment Relations Commission, the Office of Diversity and
24 Inclusion and the employees of any State, county, or municipal
25 department, board, task force, or agency which the task force
26 determines possesses relevant data, analytical and professional
27 expertise, or other resources which may assist the task force in
28 discharging its duties under this act. Each department, board,
29 commission, or agency of this State is hereby directed, to the extent
30 not inconsistent with law, to cooperate fully with the task force and
31 to furnish such information and assistance as is necessary to
32 accomplish the purposes of this act.

33 f. The recommendations of the task force shall be based on an
34 assessment of the data collected and reports issued pursuant to
35 section 4 of P.L. , c. (pending before the Legislature as this bill),
36 the data collected and reports issued pursuant to section 3 of
37 P.L.2020, c.107 (C.52:17B-4.11), and any information or assistance
38 acquired pursuant to subsection e. of this section.

39 g. The task force shall annually report its findings, along with
40 any recommendations it may have to the Governor and, pursuant to
41 section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature. The
42 task force's final report shall be submitted no later than 36 months
43 following the date of the task force's initial meeting and shall
44 include recommendations. The task force shall expire upon
45 submission of the task force's final report.

46

47 6. This act shall take effect on the first day of the sixth month
48 next following enactment, except that the Commissioner of

1 Community Affairs may take any anticipatory administrative action
2 in advance as shall be necessary for the implementation of this act.

3
4
5 STATEMENT

6
7 This bill requires each fire department to establish a minority
8 recruitment and selection program in accordance with guidelines
9 issued by the Commissioner of Community Affairs. The purpose of
10 these programs is to ensure that fire departments in this State reflect
11 the diversity of the population in the community the department
12 protects.

13 The bill establishes annual reporting requirements
14 concerning the overall diversity of the fire departments throughout
15 the State inclusive of age, gender, and ethnicity for current
16 employees, applicants, and for those denied appointment. The
17 report is to include reasons for the denial of an appointment. The
18 county fire marshals are responsible for monitoring the results of
19 the recruitment and selection programs established by fire
20 departments in their jurisdictions and reporting to the
21 commissioner. The State Fire Marshall is to provide monitoring in
22 those counties where there is no fire marshal.

23 The Commissioner of Community Affairs is required to
24 collect and assemble the reports from the county fire marshals into
25 an annual report to the Governor and the Legislature. The
26 information from the annual report will also be made public on the
27 Internet website of the Department of Community Affairs.

28 Finally, this bill establishes a three-year "Police and Fire
29 Task Force of Equal Opportunity." The task force will evaluate the
30 progress of the Department of Community Affairs under this bill,
31 and the Department of Law and Public Safety pursuant to P.L.2020,
32 c.107. The task force will make specific recommendations to
33 increase recruitment and retention of law enforcement officers and
34 firefighters to reflect the communities their agencies serve.