

CWA LOCAL 1032

2006-2007

LEGISLATIVE SESSION REPORT

July 18, 2006

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High Priority Bills

A-925Aca Gusciora (D-15)

S-1654 Turner (D-16)

These bills revise the definition of "managerial executives" in the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), to allow certain managers employed by the State to negotiate collectively under that act, by creating a distinction between managers who formulate management policies and practices and those who effectuate the policies and practices. Under the act's current definition, for the purposes of determining which public managers may engage in collective negotiations, "managerial executives" are persons who formulate management policies and practices, and persons who are charged with the responsibility of directing the effectuation of those management policies and practices. This bill changes that definition so that in the case of the State as a public employer, "managerial executives" means persons who formulate management policies and practices, but does not include persons who are charged with the responsibility of directing the effectuation of those policies and practices.

By this change in definition, managers who are charged with directing the effectuation of management policies and practices, but who are not involved with formulating those policies and practices, may join employee organizations and through these organizations collectively negotiate salaries and benefits with public employers.

In the case of managers employed by public employers other than the State, the bill retains the existing definition of "managerial executives." The Assembly Labor Committee amended A-925 to provide that, in the case of the Executive Branch of state government "managerial executive" includes only personnel at or above the level of assistant commissioner.

Status: A-925 is ready for passage in the Assembly. S-1654 is in the Senate Labor Committee.

Position: Oppose

A-1030 VanDrew (D-1)

S-319 Madden (D-24)/Sweeney (D-3)

These bills would prohibit unilateral changing of terms and conditions of employment by public employers.

STATUS: A-1030 is in the Assembly Labor Committee. S-319 was reported out of the Senate State Government Committee and given second reference to the Senate Budget and Appropriations Committee.

Position: Support

A-1533 Oliver (D-34)

This bill would provide income security for working families by providing up to \$100 million from the UI fund to pay up to 13 weeks of emergency UI benefits for laid off workers who exhaust regular UI benefits. They would also adopt an option provided by the federal unemployment law that allows for easier attainment of "triggers" for the shared half-federal, half-State payment of extended UI benefits. If this trigger was adopted, a 13-week extension of benefits would be available once the unemployment rate reached 6.5% and a 20-week extension would be available if unemployment reached 8%.

STATUS: In the Assembly Labor Committee.

Position: Support

A-1813 Greenstein (D-14)

S-109 Coniglio (D-38)

These bills would provide that any contractor entering into a contract in which the contractor or any subcontractor employs one or more workers to perform work or produce goods for, or furnish services to be required to report to the Department of the Treasury the following information regarding the contract:

1. The total cost of the contract; a description of the work done under the contract; the names and addresses of the contractor and any subcontractor; all work locations, and the number of workers at each location;
2. For each worker: gender and ethnicity; annual salary or earnings and average hourly wage rate; hours of work and full-time, part-time, seasonal, intermittent or per diem status; benefits, including paid or unpaid time off; health benefits, pension benefits, and apprenticeship or other training and education benefits; job category and occupational group; education levels and any required certification, licensure or educational level; and union representation;
3. Accident, occupational illness, and workers' compensation statistics for each occupational group and a description of any programs and measures to address occupational safety and health; and
4. Turnover statistics for each occupational group.

These bills would require the contractor to submit a report on forms provided by the State Treasurer not more than 30 days after the end of any State fiscal year in which the workers are employed, and include the information for that State fiscal year and an estimate of the information for the following State fiscal year. If a contract is awarded more than 60 days before the end of a State fiscal year, an estimate for that State fiscal year would be required not more than 30 days after the contract is awarded. These bills would also require that the State Treasurer issue annual reports on contractor and subcontractor employment.

STATUS: A-1813 is in the Assembly Labor Committee. 5109 is in the Senate State Government Committee.

Position: Support

A-1832 Greenstein (D-14) & Gusciora (D-15)

Current law does not allow the State Investment Council or the Director of the Division of Investment in the Department of the Treasury, which are responsible for the investment of assets of the State-administered retirement systems, to delegate management discretion and investment decisions to a private outside entity. This bill explicitly prohibits such delegation.

The bill provides that the Director of the Division of Investment will not contract with, or transfer authority to, any person or entity outside the Division of Investment for the investment or reinvestment of moneys or for the purchase, sale or exchange of any investments or securities under the control and management of the Division of Investment except for the administrative functions of such investment, reinvestment, purchase, sale or exchange transactions. The bill also provides that the State Investment Council will not have the authority to permit any person or entity outside the Division of Investment to exercise the investment discretion of the director of the division with regard to investment, reinvestment, purchase, sale or exchange transactions.

Status: In the Assembly State Government Committee

Position: Support

A-1909Aca Burzichelli (D-3/Quigley (3-32)/Cohen (D-20)/Vas (D-19)

S-471 Sweeney (D-8)/Coniglio (D-38)

As amended by the committee, Assembly Bill No. 1909 authorizes an appointing authority, with the concurrence of the Attorney General, to identify those positions it seeks to designate as positions with a domestic security classification. Notice is to be provided to employee representatives, the Attorney General's Office, and the affected employees of the positions which the appointing authority

seeks to classify as a domestic security position. The bill further requires a criminal history background check for all employees of and applicants for a domestic security position.

"Position with a domestic security classification" means those where the person holding the position has authorized, direct access to information or critical infrastructure that if improperly disclosed could substantially interfere with the State's ability to protect or defend the State and its citizens against acts of sabotage or terrorism or could materially increase the risk or consequences of potential acts of sabotage or terrorism.

The criminal history background check required by the bill would entail cross-referencing a person's name and fingerprints against those on file with the Division of State Police, the Federal Bureau of Investigations and any other appropriate state, federal, or international agency.

The cost for the criminal history record background check of an applicant, including all costs of administering and processing the check, is to be borne by the applicant, independent contractor or State agency, as determined by the appointing authority. The cost for the criminal history record background check of an employee, including all costs of administering and processing the check, is to be borne by the State agency or independent contractor, as determined by the appointing authority.

An applicant or employee whose criminal history record background information reveals a disqualifying conviction will not be employed or hired unless the applicant has demonstrated rehabilitation. Disqualifying offenses include any crime of the first, second or third degree; recklessly creating a risk of widespread injury or damage in violation of subsection c. of N.J.S.A. 2C:17-2; possession of a simulated document in violation of subsection d. of N.J.S.A. 2C:21-2.1; identity theft in violation of subsection a. of N.J.S.A. 2C:21-17; trafficking in personal identifying information in violation of subsection a. of N.J.S.A. 2C:21-17.3; possession of prohibited weapons and devices in violation of N.J.S.A. 2C:39-3; unlawful weapons possession in violation of N.J.S.A. 2C:39-5; or an attempt or conspiracy to commit any of the crimes or offenses specified in this paragraph.

The bill provides guidance for determining whether a person has demonstrated rehabilitation and therefore may be eligible for reappointment or employment. This bill was amended in committee to clarify that individuals who have previously been subject to a background check as a condition of employment and who provide satisfactory proof of identity may not be subject to the criminal history background check required by this act.

Status: A-1909 is ready for passage in the Assembly. S-471 is in the Senate Judicial Committee. Position: CWA 1032 supports language to protect individuals who are not considered to be "rehabilitated." While the bill gives them rights to other positions and layoff rights, these rights are useless if they are fixed under the forfeiture provision of the Civil Service Law.

A-2205 Van Drew (D-37)

S-1267 Turner (D-15)

These bills establish requirements and procedures regarding privatization contracts between State agencies and private business entities under which the business entities provide services substantially similar to services provided by State agency employees. The bills require that any State agency or authority, before soliciting bids or proposals for a privatization contract or its renewal or extension, prepare a statement describing: contract requirements, procedures for awarding, renewing or extending the contract; services subject to the contract; the wages and benefits of the agency employees performing the work; and the anticipated net reduction of in-house costs.

STATUS: A-2205 is in the Assembly Labor Committee. S-1267 is in the Senate Labor Committee.

Position: Support

A-2441 Oliver (D-34)

S-1346 Turner (D-15)

These bills would provide compensatory time off for essential attendance State employees who are

required to work in accordance with an essential employee attendance plan. The rate of compensation would be 1½ hours for each hour worked.

STATUS: A-2441 is in Assembly Labor Committee. S-1346 is in Senate State Government Committee.

Position: Support

A-2723 Greenstein (D-14)

In order to prevent the growing menace of identity theft, these bills direct the Commissioner of the Department of Personnel to develop programs to promote the privacy and identity security of State and political subdivision employees, including the development and implementation of an employee identification number which would be used instead of an employee's Social Security number for the purpose of identification on all State and political subdivision records, documents, forms and identification cards which do not specifically require the use of an employee's Social Security number pursuant to federal or State law. The identification number developed by the commissioner will also be used by an entity contracting with the State or political subdivision on records, documents, forms and identification cards pertaining to a public employee if the employee's Social Security number is not specifically required by federal or State law. In 2002, an employee of the State of Illinois stole personal data on employees in his department and gave it to a third party who opened credit card accounts to charge hundreds of thousands of dollars in their names.

Status: In the Assembly State Government Committee

Position: Support

A-2727 Manzo (D-31)

This bill requires hospital, medical and health service corporations, group insurers, health maintenance organizations and the state Health Benefits Commission to provide continuation of health insurance coverage to qualified former employees and their beneficiaries (the employee's spouse and dependent child). A qualified former employee includes any employee whose employment was terminated for a reason other than for cause.

The continuation of coverage would be available to the employees and beneficiaries indefinitely, as long as the employee or beneficiary elects to maintain the coverage, or until:

- (1) the employer ceases to provide any group health plan to any employee or other beneficiary;
- (2) the continuation of coverage ceases because the employee or beneficiary failed to make a timely payment of any premium required under the plan;
- (3) employee or beneficiary obtains coverage under any other health benefits or group health plan, which does not contain a provision which limits or excludes coverage with respect to any preexisting condition of the employee or beneficiary; or
- (4) the employee or beneficiary becomes entitled to Social Security disability benefits.

The premium for the continuation of coverage may be up to 102% of the applicable premium paid for similarly situated employees or beneficiaries under the group health plan.

Status: In the Assembly Financial Institutions and Insurance Committee

Position: Support

A-2746 Carroll (R-25/Gregg (R-24)

This bill prohibits a bona fide employee organization from using any of the moneys that a public employer deducts from its employees' compensation for the purpose of paying employee's dues to that organization to engage in political activities. In addition, it prohibits a public employee from making a contribution through a public employee organization to a political action committee. This bill also prohibits a union to use union dues collected by a private sector employer from that employer's employees for a purpose other than collective negotiations, contract administration and grievance representation unless an employee specifically authorized in writing additional deductions which may be used for other purposes.

STATUS: In the Assembly Labor Committee

Position: Opposed

A-2752 Van Drew (D-1)

S-1584 Asselta (R-1)

This bill clarifies that, with respect to public employee collective bargaining, all matters regarding the terms and conditions of the employment of public employees which are not specifically exempted from collective bargaining by State statute are mandatory subjects of collective bargaining. The bill specifies that the matters that are mandatory subjects of collective bargaining include, but are not limited to, any non-exempted matter which has an impact on: compensation and benefits; work to be performed; work load and work obligation; hours and time of the work; performance evaluation; all aspects, criteria and conditions of transfer, assignment and reassignment; discipline and grievances; workplace safety and health; employment security and job retention; and the impact of privatization, contracting and outsourcing.

STATUS: A-2752 is in the Assembly Labor Committee. S-1584 is in the Senate Labor Committee.

Position: Support

A-2787Greenwald (D-6)/Watson Coleman (D-15)

This bill revises the structure, functions and authority of the State Investment Council and the Director of the State Division of Investment. The bill increases the membership of the State Investment Council from 11 to 13, increasing representation from the Public Employee's Retirement System and the Teachers' Pension and Annuity Fund to two members each, adding a member from the Judicial Retirement System in place of a member of the Consolidated Police and Firemen's Retirement System, and reducing from 5 to 4 the number of members appointed by the Governor. The lengths of members' terms are changed to provide better continuity of membership; the presiding officers of the Legislature are each given the authority to appoint a council member. The members of the council appointed by the presiding officers and the Governor are required to be experts qualified by training or experience in the field of investment and finance.

The bill also establishes a strict system of disclosure and limits on certain campaign contributions made by council members and individuals and entities who are employed to or otherwise provide investment, management or consulting services to the council or the Division of Investment. These limits involve pre-employment and post-employment contribution limits and sanctions for violations.

This bill also makes the State Investment Council responsible for the hiring and supervision of the Director of the Division of Investment, submitting its own annual budget, and obtaining independent audits of the accounts and funds administered by the Division of Investment.

The bill also authorizes the investment in alternative assets which are assets in any asset classes which are not regularly traded or priced in a market or exchange which is regulated by the United States Securities and Exchange Commission. They include but are not be limited to hedge funds, venture capital, private equities, direct investments in individual real estate properties, commodities, derivatives, assets that cannot quickly and easily be converted into cash, assets that are subject to leveraging, except for direct investments in real estate properties, which may not be leveraged more than 50%, currency swaps, and any other securities of this type.

Restrictions are placed on the percentage of the book value of the portfolio of investments made by the Division of Investment on behalf of the funds and accounts of all State pension systems made in alternative assets and provide safeguards to protect against the acquisition and disposition of such assets resulting in excessive losses. The bill also establishes a procedure under which the State Investment Council may contract with outside investment managers for the purpose of acquiring, managing and divesting alternative assets if qualified employees of the Division of Investment cannot be hired for these tasks.

STATUS: In the Assembly Appropriations Committee.

Position: Support

A-2813 Wisniewski (D-19)

S-1470 Lesniak (D-20)

The legislation creates a capital program of \$1.6 billion annually over five years that advances transportation projects and supports 100,000 jobs. Revenue sources for the program include the restructuring of approximately \$1.8 billion of the State's existing transportation bonds.

Under the new law, additional net revenue enhancements also will come from TTF reforms including dedicating the final 1.5 cents of the existing 10.5-cent gas tax, which historically was diverted to the general fund. That action alone will generate \$78 million annually. Another \$12 million will be gained by resuming dedication to the TTF of a portion of toll road revenue.

STATUS: Signed by the Govern or on March 23, 2006 as P.L. 2006, c. 3

Position: Support

A-2887 Beck (R-12)

This bill provides that after January 1, 2007, or after the expiration of a collective negotiation agreement or an individual employment contract in effect on the bill's effective date, no State, local government, or school district employee, excluding employees who are enrolled in the State Police Retirement System or the Police and Firemen's Retirement System, shall be entitled to receive a payment as supplemental compensation upon retirement for credited accumulated sick leave the equivalent of four weeks of the employee's final compensation, provided that the employee has at least 10 years of service credit in the retirement system. In no event will a payment of supplemental compensation for credited accumulated sick leave to an employee exceed \$10,000.

Current law limits to \$15,000 the maximum amount that may be paid to a State employee for accumulated sick leave when the employee retires; however, there are no comparable legal limits with regard to local government and school board employees.

STATUS: In the Assembly Housing and Local Government Committee

Position: Oppose

A-2895 Carroll (R-25)

This bill provides that a person holding employment with the State or with a county, with a municipality, or any governmental agency shall not be a candidate for any elective public or party office, shall make no contribution thereto, or participate in any campaign therefore. It also provides that labor unions that represent governmental employees would be prohibited from engaging in political activity and from soliciting or making political contributions.

Status: In the Assembly State Government Committee

Position: Oppose

A-3439Aca Whelan (D-2)/VanDrew (D-1)/Albano (D-1)/Blee (R-2)

This bill provides that in the event of a shutdown of State government due to the failure of the Governor and the Legislature to enact a general appropriations law by the deadline prescribed by the New Jersey Constitution, casino and simulcasting facilities will remain open and in full operation, and inspectors and agents of the Casino Control Commission necessary for the operation of those facilities will be deemed to be essential personnel and will continue to perform their duties.

The bill also provides that, notwithstanding any provision of law, rule, regulation or order to the contrary, in the event of the failure of the Governor and the Legislature to enact a general appropriation law by the beginning of a State fiscal year, all State employees shall be deemed essential employees and shall continue to perform their duties.

Status: Ready for passage in the Assembly

Position: Support

A-3441 VanDrew (D-1)/Albano (D-1)/ Whelan (D-2)/Blee (R-2)

The Assembly Budget Committee reports favorably Assembly Bill No. 3441.

Assembly Bill No. 3441 provides that in the event a State annual appropriations act is not in effect at the beginning of a State fiscal year, the Casino Control Fund, established to provide a funding source for regulation and control of the casinos, will not be considered a part of the State Treasury and will instead be considered appropriated and available for expenditure for the regulation and control by the State of licensed casinos until the enactment of an annual appropriations act.

FISCAL IMPACT:

This legislation allows the casinos to remain open whereby, the State would continue to collect taxes estimated at \$1.3 million per day.

Status: Ready for passage in the Assembly.

Position: Support

ACR-182 Wisniewski (D-19)

SCR-78 Lesniak (D-20)

These concurrent resolutions amend the State Constitution to dedicate \$0.105 cents per gallon of the existing tax on motor fuels for the cost of funding the State transportation system.

The current constitutional dedication is \$0.09 cents per gallon of the motor fuels tax. The existing motor fuels tax rate is \$0.105 cents per gallon for gasoline and \$0.135 cents per gallon for diesel fuel.

This amendment does not change the motor fuels tax rates.

STATUS: Passed both houses.

Position: Support

S-110 Coniglio (D-38)

This bill requires prior approval of subcontracts awarded under State or State authority contracts.

STATUS: In the Senate State Government Committee.

Position: Support

S-477Scs Sweeney (D-3)/Coniglio (D-38)

A-1705 Burzichelli (D-8)

These bills require any private business which employs 10,000 or more employees in the State to pay those employees a living wage rate of not less than \$9.68 per hour and a benefit rate of not less than \$4.17 per hour.

The \$9.68 living wage indicated by the bills is the hourly wage which, based on a full-time work year of 2,000 hours of work, is sufficient to provide an annual income equal to the federal poverty guideline for a family of four in 2005. The \$4.17 benefit rate is based on the average amount paid by employers who provide health insurance to employees, plus the average additional amount for other benefits, not counting benefits which the employer is required by law to pay, and not counting supplemental wages or paid time off. The bill requires that the wage and benefit levels be annually increased by amounts corresponding to increases in federal poverty guidelines.

The pay and benefit requirements of the bills do not apply to employees covered by a collective bargaining agreement entered into after the effective date of the bill if the requirements are waived in the agreement, or to employees covered by a collective bargaining agreement entered into upon or prior to the effective date of this act to the extent that the requirements are contrary to the agreement.

The bills state that it is not to be construed as preempting, limiting or affecting the applicability of any other law, regulation or standard of the State or any of its subdivisions or instrumentalities for payment of higher or additional wages or benefits. The bills also amend the "New Jersey State Wage and Hour Law," P.L.1961, c113 (C.34:11-56a1 et seq.) to expressly affirm that law does not prevent higher wage or other standards at the local level. Currently, that law protects the right of local governmental entities to set higher wage standards for employers contracting with those entities, but does not directly address higher wage and benefit standards set by local governmental entities for

other employers.

STATUS: S-477 is in the Senate Budget and Appropriations Committee. A-1705 is in the Assembly Labor Committee.

Position: Support

S-539 ScaAa Buono (D-018)/Coniglio (D-38)

A-932 Gusciora (D-15)

These bills require the Commissioner of Human Services to prepare an annual report on Access to Employer-Based Health Insurance for NJ FamilyCare Enrollees. The purpose of the report is to identify those larger employers in the State whose employees and their dependents do not have access to employer-based health insurance coverage and receive, instead, insurance coverage through the publicly-funded NJ FamilyCare program.

The commissioner would be required to submit the report by February 1 of each year to the Governor and the chairmen of the Senate and Assembly standing reference committees on human services, families and children, and appropriations.

The report shall include the following information about each employer in the State with 50 or more NJ Family Care enrollees:

- C the employer's name and address, unless the employer has more than one work site, in which case the employer's name and the number of work sites and the counties in which the work sites are located;
- the number of NJ FamilyCare enrollees who are employed by the employer;
- the number of NJ FamilyCare enrollees who are spouses or dependents of employees of the employer;
- whether the employer offers health insurance coverage to its employees; and
- the cost to the State of providing NJ FamilyCare coverage for the employer's employees and their dependents.

These bills provide that the commissioner may include in the report such other information as he deems appropriate regarding employer-based coverage for persons covered under public insurance programs and any recommendations he deems appropriate for legislative action. The bill specifies, however, that the report shall not include the name of any NJ FamilyCare enrollee or any family member of an enrollee.

STATUS: On the Governor's desk.

Position: Support

S-723 Inverso & Allen (R7)

A-701 Baroni (R-14)

This bill clarifies that responsibility for investment of assets under management of Division of Investment vests in State Investment Council.

STATUS: S-723 is in the Senate State Government Committee. A-701 is in the Assembly State Government Committee.

Position: Support

S-737 Inverso (R-14)

A-1476 O'Tool/Russo (R-40)

These bills would limit contributions by those contracting a public entity in excess of \$17,500. Such a business would be prohibited from making, from the submittal of a bid on the start of negotiations and for the contract period, any contributions of money or things of value to any political party, legislative leadership committee, or person having ultimate responsibility for the award of public contracts. In the year prior to a bid submittal or commencement of negotiations those covered by this bill would be limited to a \$400 individual contribution and a \$5,000 aggregate for all candidates covered by this bill. The bill would also establish limits for contributors by political county and municipal committees to \$7,200 per

covered person or entity and a \$25,000 limit to legislative leadership or the State committee of a political party.

STATUS: S-737 is in the Senate State Government Committee. A-1476 is in the Assembly State Government Committee.

Position: Support

S-748 Turner (D-15)/Adler (D-6)

A-1954 Wisniewski (D-19)

A-168 Vandervalk (R-39)

These bills provide that the mileage reimbursement rate payable to a State officer or employee driving a private automobile on State business will be the same as the standard mileage rate established by the federal Internal Revenue Service (IRS) for the deductible cost of operating an automobile for business purposes (48.5 cents per mile for 2005). Mileage reimbursement for State employees is currently .31 per mile. This has not changed since early in this decade.

State law provides that the State's mileage reimbursement rate would be 18 cents per mile and that this rate would be adjusted biannually to reflect changes in gasoline prices. Annual Appropriations Acts have adjusted this mileage reimbursement rate. Currently, the rate is 31 cents per mile for FY 2004. It is necessary to establish the State's rate at the same level as the IRS rate (as adjusted periodically for inflation) in order to fairly compensate State officers and employees who drive their own vehicles on public business.

The bills repeal N.J.S.A.52:14-17.1a which provides that the \$0.18 per mile rate in the law would be adjusted twice each year to reflect changes in the price of gasoline.

STATUS: S-748 is in the Senate State Government Committee. A-1954 is in the Assembly State Government Committee. A-168 is in the Assembly State Government Committee.

Position: Support

S-1266 Turner (D-15)

These bills establish requirements and procedures regarding privatization contracts between county agencies and private business entities under which the business entities provide services substantially similar to services provided by county agency employees and as a result of which, State or federal funds are provided to the entity. The bills require that any county agency, before soliciting bids or proposals for a privatization contract or its renewal or extension, prepare a statement describing: contract requirements; procedures for awarding, renewing or extending the contract; services subject to the contract; the wages and benefits of the agency employees performing the work; and the anticipated net reduction of in-house costs.

STATUS: In the Senate Labor Committee.

Position: Support

S-1312 Inverso (R-14)

This bill expands the pre-layoff actions which a civil service employer can implement by codifying into law existing regulatory alternatives to layoffs which the State or a local government employer may take prior to initiating layoffs. An appointing authority will be able to: (1) grant leaves of absence without pay to permanent employees, without loss of seniority, subject to the approval of the Department of Personnel; (2) grant furloughs to employees; (3) allow voluntary reduction of work hours by employees, which may include job sharing arrangements; and (4) provide employees with optional temporary demotional title changes. An appointing authority must consult with the employees' labor union prior to implementing pre-layoff actions.

Status: In Senate State Government Committee

Position: Support

S-1345 Turner (D-15)

This bill requires cost analysis in certain cases when State department contracts out work.

STATUS: In the Senate State Government Committee.

Position: Support

Other Relevant Bills

A-121 Merkt (R-25)

This bill establishes a Public Employee's Define Contribution Plan Study Commission. The commission will study, hold hearings, and make recommendations regarding the establishment of defined contributions plans for any or all public employees of this State in place of or in addition to the current State-administered defined benefit retirement systems.

STATUS: In the Assembly State Government Committee

Position: Opposed.

A-610 Malone (R-30)

This bill would revise the criteria for the awarding of state contracts to multiple parties. It would require that the bidders furnish substantially the same or similar materials, services or supplies or equivalent when multiple bids are necessary. Also, they would have to comply with State rules on minority and small business set-asides.

STATUS: In the Assembly State Government Committee.

Position: Study

A-852 Stanley (D-28)

This bill would provide that managed care entities offer an option permitting enrollees to use a health care provider of their choice. Also, the enrollee would be liable to be billed for 20% of the managed care entity's usual and customary payment for the benefit.

STATUS: In the Assembly Financial Institutions & Insurance Committee

Position: Support

A-853 Stanley (D-28)

S-183 Doria (D-31) Coniglio (D-38)

This bill would require a party bidding on, or performing a State contract to provide employee health care benefits for any employee working for an average of at least 20 hours a week. The provisions would not apply to a person who is self-employed or doing business as a sole proprietor.

STATUS: A-853 is in the Assembly State Government Committee. S-183 is in the Senate State Government Committee.

Position: Support

A-1196 Diegan (D-18)/Conners (D-7) /Prieto (D-32)

S-1507 Turner (D-15)

These bills increase to \$25,000 the maximum aggregate annual compensation a person receiving a retirement allowance (up from \$15,000) from the PERS may earn from one or more – PERS – covered public employment positions without being re-enrolled in the system.

STATUS: A-1196 is in the Assembly State Government Committee. S-1507 is in the Senate State Government Committee.

Position: Support

A-1474 O'Toole/Russo (R-40)

This bill prohibits business entities and professional business entities who contract with the State for goods or services in excess of \$17,500 from making contributions of money or any other thing of value

to any candidate for, or the holder of, any public office having ultimate responsibility for the award of the contract, or to any political party committee. Under the bill, a "business entity" is defined as an individual, an individual's spouse, or any child living at home, and any person, firm, corporation, professional corporation, partnership, organization or association. A "professional business entity" is a business entity which provides services by individuals who are required to be professionally licensed under the laws or regulations of this State. The bill also places annual limits on the amount of money that an entity and principals of those entities – defined in the bill as anyone who owns 10% or more of the equity of the entity and partners and officers employed by the entity – can contribute to a candidate for State public office or a political party committee. For a business entity, the limit is \$5,000 to all candidates for Governor or the Legislature and office holders with ultimate responsibility for the award of the contract and to all political party committees, including legislative leadership committees. For a professional business entity, the limit is \$250 each for any purpose to a candidate for Governor or the Legislature and \$500 to all political party committees, including legislative leadership committees. The bill requires any business entity or professional business entity making a contribution to any candidate, committee or political party and which has received, in any calendar year, \$50,000 or more in contracts with the State or a county, to file an annual disclosure form with the Election Law Enforcement Commission setting forth all political contributions made by the entity during the 12 months prior to the reporting deadline.

STATUS: In the Assembly State Government Committee.

Position: Study

A-1481 O'Toole/Russo (R-40)

This bill:

1. limits political campaign contributions by certain government contractors (sections 2 through 9); requires financial disclosure statements for certain Executive Branch and Legislative Branch members, officers and employees, and provides and changes certain ethics provisions for members of the Legislature (sections 10 through 20);
2. expands disclosure by legislative agents and lobbyists for activities that influence the promulgation of executive orders, the rendering of administrative determinations, the development, negotiation or award of State contracts, the issuance, denial or modification of permits, the imposition or modification of penalties, and the award of financial assistance (sections 21 through 26); and
2. prohibits members of the Legislature and elected county and municipal officials from simultaneously holding another elective or appointive county or municipal office (sections 27 and 28).

STATUS: In the Assembly State Government Committee.

Position: Study

A-1508 Oliver (D-34)

This bill would make changes regarding the transfer of service credit among TPAF, PERS or ABP retirement funds. Essentially, it would permit a member of any of these retirement systems, who at and after the time of enrollment in the new fund was an active, contributing member of one of the other retirement programs, but who has since ceased to be a member, to establish by transfer or purchase as appropriate, credit in the current fund or system for service previously credited in the other retirement system.

STATUS: In the Assembly State Government Committee.

Position: Support

A-1518 Oliver (D-34)

This bill would provide up to 12 weeks of family leave for workers to care for sick family or to be at home with children during the first 12 months of birth or adoption. Leave benefits to care for ill family

would be paid from Temporary Disability Insurance. While leave benefits for newborn and newly adopted children would be paid from Unemployment Insurance. Benefits available to workers under the TDI would be funded by a 0.01% tax on the first \$20,200 in annual earning. For either benefit, an employer may require that an employee use all sick or other fully paid leave benefits before receiving this leave. Or, that the 12 weeks of benefits be reduced by the number of days of the fully paid leave, and that the leave be taken during a single continuous period. The bill would also implement three changes in the State UI law, which would provide an immediate reduction in the UI taxes for employers and to minimize the likelihood of future UI increases.

STATUS: In the Assembly Labor Committee.

Position: Support

A-1522 Oliver (D-34)

This bill would establish a "Transportation Project Capital Fund". The monies from the fund would be derived from funds received by the State from the Port Authority of New York and New Jersey as part of the authority's plan for use of the proceeds resulting from the increase in tolls and fares implemented on January 1, 2001. They could only be used to pay for new capital transportation projects, improvements to existing projects and for maintenance permitted under the Transportation Trust Fund.

STATUS: In the Assembly Transportation and Public Works Committee.

Position: Study

A-1536 Oliver (D-34)

This bill would provide that a laid off worker is not disqualified from receiving unemployment benefits for refusing to apply for or accept work offered by the employer who laid off the employee if the hourly rate of pay is less than the rate paid while the employee was previously employed with the employer.

This would be the case whether or not the hours worked per week are less than the weekly number of hours previously worked by the individual for that employer.

STATUS: In the Assembly Labor Committee.

Position: Support

A-1607 Conway (D-7)

This bill would authorize that any employee, covered under New Jersey's Family Leave Act, to take up to 24 hours in family leave time during any 12 months period if they have a child with special needs enrolled in a public school.

STATUS: In the Assembly Labor Committee.

Position: Support

A-1614 Conoway (D-7)

This bill would prohibit a health insurance carrier which offers a managed care plan that provides benefits or health care services, as applicable, for the purchase of prescription drugs from denying coverage for a maintenance medication prescribed by a covered person's physician for the covered person's chronic condition because of a change in the person's pharmaceutical benefits that results solely from a change in the covered person's employer-provided health benefits plan or the pharmacy benefits manager for that plan, either of which is initiated by the employer or the carrier, if:

- the covered person was taking the medication prior to the date of the change in the covered person's health benefits plan or the pharmacy benefits manager for that plan; and
- the covered person's new health benefits plan, or health benefits plan under the new pharmacy benefits manager, as applicable, provides coverage for that class of drugs.

The requirements of this bill would apply to hospital, medical and health service corporations, small employer and group health insurers, health maintenance organizations and prepaid prescription service organizations. The bill takes effect on the 180th day after enactment and applies to policies and contracts issued or renewed on or after the effective date.

STATUS: In the Assembly Financial Institutions and Insurance Committee.

Position: Support

A-1812 Greenstein (D-14)/Scalera (D-36)/VanDrew (D-1)

S-260 Sarlo (D-36)

These bills amend existing law to clarify that vested members of TPAF, PERS and ABP will have a non-forfeitable right to the post-retirement medical benefits provided by law upon attainment of 25 years of service credit. The post-retirement medical benefits would be at the same or substantially equal level to that provided by law at the time the member attains five years of service credit.

STATUS: A-1812 is in the Assembly State Government Committee. S-260 is in the Senate State Government Committee.

Position: Support

A-1814 Greenstein (D-14)

This bill provides for regulation by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety of inbound call centers operated by a corporation or any other entity doing business in New Jersey, or by a subcontractor thereof, which receive non-emergency telephone calls or electronic mail messages from residents of New Jersey. As defined in the bill "call center" means a physical or electronic operation, staffed by 25 or more employees whose significant and primary duties, responsibilities and functions involve responding to incoming telephone calls and electronic mail, that utilizes telecommunication services or electronic mail in one or more of the following activities: customer services; soliciting sales; reactivating dormant accounts; collection of receivables; receiving reservations; receiving orders; or taking orders.

The bill specifies that an employee of an inbound call center, when responding to a telephone call or an electronic mail message made by a resident of New Jersey, shall identify: himself by stating his name, or official company registration or alias; the name of his employer; the state and country in which he is located; and, if applicable, the name and telephone number of a customer service representative of the entity utilizing the services of his employer.

Violators of the bill's provisions are subject to the consumer fraud law, N.J.S.A.56:8-1 et seq., which carries maximum penalties of \$10,000 for the first offense and \$20,000 for the second and subsequent offenses.

Status: In the Assembly Consumer Affairs Committee.

Position: Support

A-1816 Greenstein (D-14)

This bill would permit a State, county or municipal employer to grant a paid or unpaid leave of absence to public employees, excluding police and firefighters, who are elected or appointed as officers or representatives of a local, county or State labor organization. The paid leave may be granted provided that the employer is reimbursed in advance for compensation and all benefits. The length of leave is subject to negotiation between the employer and the union. An employee taking an unpaid leave would be able to purchase credit for that time within one year after the date of the effective date of the leave.

STATUS: In the Assembly State Government Committee.

Position: Support

A-1943 Wisniewski (D-19) & Burzichelli (D-3)

This bill requires the State or any independent State authority, prior to entering into a contract, including a contract for the construction, alteration or repair of any public work, the cost of which exceeds \$50,000,000 in the aggregate and will be paid with or out of State or authority funds to submit a report to the Legislature and the State Auditor. The report is to detail the purpose or project for which

the contract is required; the major provisions of the contract; the contract phases or schedule, or both; the source of funds with or out of which the cost will be paid; the sources of revenue dedicated to the financing of the contract; the nature and amount of debt incurred to finance the contract, the debt payment schedule, and the revenue source for that payment; and such other information as the State or authority deems appropriate. The report is to be submitted at least 30 days prior to entering into the contract on a day on which both Houses of the Legislature are meeting in the course of a regular or special session.

STATUS: In the Assembly State Government Committee.

Position: Support

A-2210 VanDrew (D-1)

This bill establish procedures for any State agency regarding a privatization contract, which is defined as an agreement between the agency and a private business entity in which the entity provides services which are substantially similar to, and in lieu of, services previously provided, or that could be provided by agency employees.

STATUS: In the Assembly State Government Committee.

Position: Study

A-2222 VanDrew (D-1)

This bill prohibits any contractor or grantee receiving funds from the State to provide goods or services to the State or other instrumentality of the State, or members of the public, from using those funds to encourage or discourage union organizing of the employees of the contractor or grantee. The bill requires the State contractor to fully disclose any State funds used for those purposes or to provide documentation sufficient to demonstrate that no State funds were used for those purposes. No State funds may be provided to a contractor or grantee unless the contractor or grantee enters into a contract which certifies that the contractor or grantee will comply with that prohibition and will maintain records sufficient to show that compliance. The bill is intended solely as a limitation on the permissible use of State funds and is not intended to expand, limit or in any manner affect existing rights or duties of employers, employees or labor organizations under the National Labor Relations Act or other federal law affecting labor relations.

STATUS: Is in the Assembly Labor Committee

Position: Support

A-2295 McKeon (D-27)

This bill would provide for awarding of State contracts to multiple bidders when necessary to provide a diversity of services conveniently located in close proximity to using agencies or participants from which to purchase materials, supplies, services or equipment.

STATUS: In the Assembly State Government Committee.

Position: Support

A-2307 McKeon (D-27)

This bill would eliminate the one-week waiting period under current law required for an injured worker to collect workers compensation benefits.

STATUS: In the Assembly Labor Committee.

Position: Support

A-2311 McKeon (D-27)

This bill would amend the laws requiring parity in mental health insurance benefits for biologically-based mental illness to also include parity for benefits for posttraumatic stress disorder.

STATUS: In the Assembly Financial Institutions and Insurance Committee.

Position: Support

A-2340 Gusciora (D-15)

The purpose of this bill is to provide all workers, except workers employed by State or local government, with reasonable access to their personnel files and limit disclosures of information from those files.

The bill requires an employer to permit review of the employee's personnel file by the employee or his union representative or attorney and provide copies of information from the files upon request. The bill requires the file to be made available during work hours at or near the work facility not more than 14 business days after a written request by the employee. The employer is also required to maintain the personnel file for employee review for at least 12 months after any termination of the employee.

The bill permits an employer to keep information related to a pending or ongoing investigation of an employee in a separate file not subject to the bill's requirements until the conclusion of the investigation and any court or administrative agency action, provided that an employee's rights to obtain information through discovery in a court or administrative action are not reduced or limited by the bill.

The bill requires that if the employee submits a statement that the information in the file is inaccurate or misleading, the statement must be included in any disclosure of the disputed information.

Employers are prohibited from disclosing information from an individual's personnel file, except under certain specified circumstances, including when the employee gives prior written authorization or when the disclosure is to law enforcement agencies and other governmental agencies as required by law. The employer may also, without employee authorization, disclose to another employer with whom the individual is seeking employment the reason and circumstances of the individual's separation from the employment.

The bill makes any willful violation of its provisions a disorderly persons offense and, for other violations, permits the Commissioner of Labor and Workforce Development to assess administrative penalties of up to \$500, based on the seriousness of the violation and other factors.

The bill requires employers to conspicuously display written notices of employee rights, remedies and obligations under the bill.

The bill also:

1. Permit a union representative authorized by an employee, as well as a lawyer, to review the employee's personnel file.
2. Allow the employer to keep, outside of the personnel file which the bill requires the employer to make available for employee inspection, information about an employee from any pending or ongoing investigation of the employee, not just a criminal investigation.
3. Eliminate any obligation of the employer to notify the employee at the time of the release of the employee's personnel files.
4. Allow the disclosure to prospective employers upon their request or request of the employee, of information about the employment history of an employee, including traits of an employee related to the suitability of the employee for future employment.
5. Permit any employee or agent of an employer, including a job placement service, to disclose the employment history information.
6. Eliminate liability of the employer for consequences of a disclosure unless the employee proves the disclosure was knowingly false or the employer acted with malice or a civil rights law was violated.

7. Clarify that the bill does not supersede any provision of a State or federal labor-management relations law or reduce any rights or remedies available to employees or unions under any collective bargaining agreement or any other applicable law.

8. Clarify that the bill is not intended to justify an employer in reducing any employee right to: have access to personnel files or other information about the employee; correct inaccurate information; restrict the disclosure of the files or information; or be notified of disclosures; or prohibit the employer from providing, or negotiating in collective bargaining to provide, an employee with rights greater than those provided by this act to: have access to personnel files or other information about the employee; correct inaccurate information; restrict the disclosure of the files or information; or be notified of disclosures.

STATUS: In the Assembly Labor Committee

Position: Support

A-2427 Oliver (D-34)

This bill would provide family temporary disability leave to family members.

STATUS: In the Assembly Labor Committee.

Position: Support

A-2437 Oliver (D-34)

This bill would provide for school and medical family leave. It would allow an employee covered under the New Jersey Family Leave Act to have up to 48 hours of leave time during any 12 month period to attend or participate in school functions or activities of a child, or to accompany the child to routine medical or dental appointments.

STATUS: In the Assembly Labor Committee.

Position: Support

A-2439 Oliver (D-34)

This bill provides that, during the term of an existing collective bargaining agreement covering its employees, an employer is prohibited from entering into a subcontracting agreement which affects the employment of those employees. The bill defines "employer" to include any local or regional school district, educational services commission, jointure commission, county special services school district, county college, State college, college or university under the authority of the Commission on Higher Education, or board or commission under the authority of the Commissioner of Education or the State Board of Education.

Following the term of a collective bargaining agreement, an employer is permitted to enter into a subcontracting agreement only if the employer:

a. provides written notice to both the majority representative of employees in each collective bargaining unit and to the New Jersey Public Employment Relations Commission at least 90 days prior to any effort by the employer to seek the subcontracting agreement; and

b. offers the majority representative the opportunity to meet and discuss the decision to subcontract and negotiate over its impact.

Under current law, an employer has a duty to negotiate a successor agreement. Given compliance by the employer with subparagraphs a. and b. above, the bill provides that failure to reach a successor agreement does not preclude the employer from subcontracting.

With certain exceptions, the bill makes all actions of an employer regarding subcontracting mandatory subjects of negotiations. Failure to negotiate would subject the employer to an unfair labor practice charge by the majority representative.

Each employee replaced or displaced because of a subcontracting agreement would retain all previously acquired seniority and would have recall rights when the subcontracting terminates.

The bill provides that an employer who violates the act has committed an unfair labor practice and

may be subject to an unfair labor practice charge with the New Jersey Public Employment Relations Commission, under which the employee may be entitled to a remedy including, but not limited to: reinstatement, back pay, back benefits, back emoluments, tenure and seniority credit, and attorney's fees.

Status: In the Assembly Labor Committee

Position: Support

A-2526 Oliver (D-34)

This bill would allow TPAF and PERS members to purchase up to one year of credit for official child-care leave without pay granted for the care of a natural or adopted child.

STATUS: In the Assembly State Government Committee.

Position: Support

A-2528 Oliver (D-34)

This bill provides that if a vested member of the Public Employees' Retirement System (PERS) or Teachers' Pension and Annuity Fund (TPAF) dies before reaching service retirement age (age 60) and has designated his or her spouse as sole beneficiary, the surviving spouse shall have the option of choosing between the current benefit of a return of accumulated deductions plus interest or the retirement allowance that the surviving spouse would have been entitled to receive if the member had attained age 60 and had selected the option entitling the surviving spouse to receive a retirement allowance in an amount equal to the member's reduced retirement allowance. The surviving spouse's retirement allowance will begin at the time the member would have attained age 60. However, if the surviving spouse chooses to receive the retirement allowance prior to the time at which the member would have attained age 60, the retirement allowance will be reduced by 1/4 of 1% for each month that the member was under age 60 at the time of his or her death.

Status: In the Assembly State Government Committee.

Position: Support

A-2561 Van Drew (D-1)

This bill permits PERS members who leave and then return to government service in New Jersey to purchase up to three years pension credit for private sector employment.

Status: In the Assembly State Government Committee.

Position: Support

A-2613 Van Drew (D-1)

This bill provides that employees no longer must pay the full cost of purchase of PERS, PFRS or TPAF credit for military service.

Status: In the Assembly State Government Committee

Position: Support

S-646 Bryant (D-5) & Ciesla (R-10)

This bill would require that any State employee with 25 years or more in a State administered retirement system, who leaves State employment at age 60 or older to become an employee or officer of a local public employer, would be eligible for full or partial State paid post-retirement health care benefits in the SHBP.

STATUS: In the Senate State Government Committee. The Pension and Health Benefits Review Commission opposes.

Position: Support

S-718 Inverso (R-14)

This bill would require a PERS member holding more than one position covered by PERS would have to designate one position as the basis for enrollment.

STATUS: In the Senate State Government Committee.

Position: Support

S-719 Inverso (R-14)

This bill would change the calculation of PERS retirement allowance for a person employed in an appointed position not in the career civil service who receives within five years of retirement a compensation increase of 20 percent or more in any one twelve-month period as compared to the previous year's compensation. Instead, the calculation would be made using the average salary of the five highest paid years.

STATUS: In the Senate State Government Committee.

Position: Support

S-720 Inverso (R-14)

This bill would limit payments for supplemental compensation and accumulated vacation leave upon retirement for certain local government employees. Those employees include appointed persons of counties and municipalities and their agencies. A cap of \$15,000 for sick leave would be imposed. The bill would also cap vacation leave at a rate no more than the eligible employee's daily rate of pay based upon compensation received during the last year of employment but not exceeding an amount equal to the daily rate times twice the approved number of vacation days.

STATUS: In the Senate Community and Urban Affairs Committee.

Position: Study

S-1176 Connors (R-9)

This bill would change the practice of awarding contracts for professional services by requiring the contract to be publicly bid or awarded in accordance with the procedures for competitive contracting, or alternatively, open public bidding. Additionally, the bill would establish uniform guidelines for the proper itemization of bills submitted by providers of professional services and other services billed at a predetermined hourly rate. The award of no-bid professional service contracts, such as contracts to retain municipal attorneys, have been criticized as affording municipal officials the opportunity to reward party loyalists and campaign contributors. By allowing professional service contracts to be awarded pursuant to competitive contracting, this bill would permit these contracts to be awarded without resorting to formal bid specifications and the requirement of awarding the contract to the lowest responsible bidder. Contracting units would utilize requests for proposals and be permitted to weigh other factors, besides cost, in evaluating a proposal and awarding a contract.

STATUS: In the Senate State Government Committee.

Position: Support

S-1344 Turner (D-15)

This bill allows certain retirees to reenroll in SHBA.

Status: In the Senate State Government Committee.

Position: Support