

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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WHISTLEBLOWER PROTECTIONS

On October 9th, NJAC submitted written testimony to the Senate Labor Committee in opposition to **SENATE, NO. 768** (*Weinberg D-Bergen*), which would provide protection against employer retaliation for an employee who makes disclosures, provides testimony, or refuses to participate in any activity, policy, or practice of the employer under certain circumstances.

Although NJAC is a strong advocate for transparency and openness in local government, the Association has significant concerns with this legislation's overly broad and ambiguous legal definitions will undoubtedly lead to frivolous lawsuits by discontented employees. More specifically, NJAC is concerned with the measure's new definitions of "abuse of authority," "gross mismanagement," and "substantial waste of public funds," and how these definitions will comport with existing law. NJAC is further concerned that the bill's new burden of proof, to require an employee to demonstrate a gross deviation from the standard of care or competence that a reasonable person would observe in the same situation, is vague and ambiguous and will lead to costly litigation as courts struggle to interpret and apply its meaning. The Committee favorably reported S-768 by a vote of 3-1-1 and the bill is now on Second Reading in the Senate. The companion version in the General Assembly **ASSEMBLY, NO. 1321** (*Quijano D-Union/Casagrande R-Monmouth*) is currently in the Assembly Labor Committee awaiting consideration.

PAID SICK LEAVE

Also on October 9th, NJAC testified before the Assembly Labor Committee about its concerns with **ASSEMBLY NO. 2354** (*Lampitt D-Camden/Mukherji D-Hudson*), which would require employers to provide earned sick leave to each employee it employs in the State. Although NJAC appreciates the intent of legislation to provide earned sick leave to employees who are not covered by collective bargaining agreements or existing sick leave policies, NJAC is concerned that the measure as introduced would apply to public employees already covered by

generous leave policies. NJAC testified that 20 of the State's 21 counties currently participate in civil service, which requires employers to provide employees with a minimum of 15 paid sick leave days each year that accrue without limit. Additionally, paid sick leave is currently a negotiable item in labor negotiations; and, as a matter of general policy, sick leave provisions contained in collectively bargained agreements are extended to non-affiliated and at-will employees. As a result of these existing civil service requirements and collective bargaining agreements, county employees already receive substantial sick leave compensation.

With this in mind, NJAC respectfully requested that the Committee and sponsors consider exempting counties from the legislation. Such an exemption may be accomplished by using the definition of "employer" similar to the one adopted by the City of Newark in its paid sick leave ordinance enacted last year: "Employer" is as defined in N.J.S.A. 34:11-56a1(g) except that Employer does not include (a) the United States government; (b) the State or its political subdivisions or any office, department, agency, authority, institution, association, society, or any instrumentality of the State including the Legislature or Judiciary; or (c) the City of Newark." The Committee held the bill for discussion purposes only and it appears that the sponsors intend to exempt local governing bodies when the Committee reconsiders the measure later this fall. The Senate companion version **SENATE, NO. (Weinberg D-Bergen)** is currently in the Senate Labor Committee awaiting consideration.

PENSION AND HEALTH BENEFITS STUDY COMMISSION

NJAC recently sent the New Jersey Pension and Health Benefit Study Commission a letter concerning the State's pension and health benefit systems. In summary, the letter urged the Commission to recognize the fact that the local pension systems are healthy, and that counties and municipalities have met their obligations as employers. Early last week, NJAC received a correspondence from the Commission's Chair, Thomas J. Healey that pointed out that the "Commission was charged with looking at the benefits issues from the perspective of the elements for which the State bears financial responsibility. Therefore, we did not look, in any detail, at the health of the locally-funded portions of those plans, although our Report did note on page 6 that the local government share of the pension plans has a higher funded ratio (75%) than the State's share of those funds (54%) due to a better history of making payments...." You may review the Commission's initial report in its entirety at www.state.nj.us/treasury/pensionbenefitscommission.shtml. NJAC will continue to monitor the Commission's recommendations and findings, but importantly note that any substantial changes to the State and local pension systems would require legislation action.

COUNTY AND MUNICIPAL TRANSPORTATION FACTS

LOCAL TRANSPORTATION INVENTORY 2014

Category	County	Municipal	Total
Centerline Miles ¹	6,775	25,675	32,540
Lane Miles ²	13,550	51,350	64,850
Major Bridges ³	2,556	42	2,598
Minor Bridges ⁴	4,584	0	4,584
Total Bridges	7,140	42	7,182
Vehicle Miles Traveled ⁵	35%	18%	53%

1. Centerline miles represent the total length of a given road.
2. Lane miles measure the total length and lane count of a given road. *The figures used above represent two lanes on a given road, and do not take into consideration the size or type of a lane, or whether a given road has more than two lanes, so the total figure for lane miles is likely greater.*
3. Major bridges are bridges greater than 20' in span.
4. Minor bridges are bridges between 5' - 20' in span.
5. County vehicle miles traveled equals 35%, Municipal vehicle miles traveled equals 18%, State vehicle miles traveled equals 36%, and toll road vehicle miles traveled equals 11%.

LOCAL TRANSPORTATION NEEDS 2014

Annual Need	County	Municipal
Bridges	\$284,425,000.00	\$8,743,000.00
Resurfacing	\$108,295,000.00	\$175,202,000.00
Construction/Reconstruction	\$98,540,000.00	\$179,277,000.00
Design/Contract Administration	\$73,689,000.00	\$54,483,000.00
<i>Total</i>	\$564,949,000.00	\$417,705,000.00

LOCAL TRANSPORTATION TRUST FUND ALLOCATIONS 2014

The current Transportation Trust Fund allocates \$165.0 million in Local Aid of which counties and municipalities share at 50% in the following manner:

- \$78.75 million for county roads
- \$78.75 million for municipal roads
- \$7.5 million for Commissioner's discretionary funding

Counties receive an additional \$25.0 million in State allocations for bridges that is distributed equally among all 21 counties with \$4.0 million set aside for the Commissioner's discretionary funding for a Total Capital Program of \$190.0 million.

NJAC SUMMIT ON THE TTF

Don't miss this unique opportunity to hear State, county, municipal, and other transportation industry experts discuss the need to establish a stable, dependable, and long-term source of funding for the TTF.

NJAC BOARD OF DIRECTORS MEETING

8:30 a.m. – 9:30 a.m.

REGISTRATION, CONTINENTAL BREAKFAST, & NETWORKING

9:00 a.m. – 10:00 a.m.

OPENING REMARKS

10:00 a.m. – 10:15 a.m.

THE TTF AND COUNTY/MUNICIPAL TRANSPORTATION NEEDS

10:15 a.m. – 11:15 a.m.

- County, municipal, and other transportation planning experts will provide a comprehensive overview of the TTF, local aid allocations, and county and municipal transportation needs.

SOLUTIONS FOR FUNDING THE TTF

11:30 a.m. 12:30 p.m.

- The State's leading transportation authorities will offer solutions to funding the TTF that will improve our roads and bridges, create necessary jobs, and revitalize the State's economy.

LUNCH SERVED AND MORE NETWORKING

12:30 p.m. – 1:00 p.m.

KEY NOTE SPEAKER

1:00 p.m. – 2:00 p.m.

NJ DOT Commissioner Jamie Fox

STATE HOUSE TRIVIA

Did you know that Columbus Day was first celebrated in New York City by Italian-Americans in 1866, in honor of the explorer who was of Italian birth?

"The greatest discoveries of science have always been those that force us to rethink our beliefs about the universe and our place in it." Robert L. Park.