

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

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## STATE HOUSE NEWS

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### **BROAD EXPANSION OF POWER FOR PUBLIC SECTOR LABOR UNIONS**

NJAC strongly opposes **SENATE, No. 3810** (*Sweeney D-3/Addiego D-8*) and **ASSEMBLY, No. 5862** (*Armato D-2/Quijano D-20*) as this legislation would further unlevel the playing field in collective bargaining negotiations in favor of labor by clearly opening the door for public sector unions to negotiate previously non-negotiable items. In addition to empowering organized labor to exert undo pressure and influence on county and municipal governments across the State, this legislation would effectively eliminate the function and rights of management to govern its affairs with property taxpayer dollars.

Moreover, this legislation would ignore the multilayered and unparalleled protections already afforded public sector workers in the State of New Jersey by the Civil Service Commission (CSC), the Public Employment Relations Commission (PERC), the "Workplace Democracy Enhancement Act," the collective bargaining process, and more. The Association is also concerned that this legislation would: create a binding arbitration process in a manner that is not entirely clear, and of which would lead to costly litigation; abolish the last best offer as a critical management tool; provide broad privileged communication protections, with no exceptions, for labor but no such protections for management; create a disincentive for labor to negotiate what controls remain in place when an existing contract expires, and the parties have failed to reach an agreement on a successor contract; redirect the burden of proof to management in grievance procedures subject to binding arbitration even where labor is the moving party; and, impose a significant administrative burden on human resource departments across the State by requiring management to share detailed information on non-union members with union representatives and by expanding the date certain when employees may opt-out of a collective bargaining unit under the "Workplace Democracy Enhancement Act."

Proponents of this legislation, which would ultimately eliminate well-established parameters in public sector negotiations, contend that amendments made to S-3810 and A-5862 would make the measure permissive; and would therefore, create an exemption for county and municipal governments. We strongly disagree. In fact, the amended version simply makes a distinction without a difference from the original one

in terms of what could be negotiable and how the "Responsible Collective Negotiations Act" would substantially expand the power and influence of public sector unions. Additionally, the long-term practical consequences of permissive issues of negotiations would be enormous and would undoubtedly unravel 50 years of clearly defined standards promulgated by statutory law, the courts, and PERC. Currently, permissive issues of negotiations only exist in the context of police and fire; remain in effect during the term of an agreement; and are subject to arbitration. In summary, this legislation would: expand the category of permissive issues of negotiations to include all collective bargaining units; eliminate the category's temporary nature; and, subject previously non-negotiable items to arbitration.

For the reasons set forth above, NJAC stands with the following organizations, which represent county and municipal elected officials and public professionals from across the State and on both sides of the aisle, in strong opposition to this far reaching legislation: the New Jersey State League of Municipalities (NJLM), the New Jersey Conference of Mayors (NJCM), the New Jersey Municipal Management Association (NJMMA), the Government Finance Officers Association of New Jersey (GFOA), the New Jersey Association of County Finance Officers (NJACFO), and the New Jersey Association of County Administrators (NJACA). Please also note that the Administrative Office of Courts (AOC), the New Jersey Association of State Colleges and Universities (NJASCU), and Rutgers University also oppose the measure. Both houses were set to consider S-3810 and A-5862 at voting sessions on June 24th but instead held the sweeping reforms for the time being.

#### **EARLY VOTING**

NJAC believes that the fiscal year 2022 state budget includes a total line-item appropriation of \$47.0 million to address the costs associated with implementing in-person early voting beginning with the upcoming General Election in November. Although the allocation falls short of the \$83.0 million projected by the New Jersey Early Voting Working Group, the amount is more than double the \$20.0 million Governor Murphy initially included in his proposed budget and contains language that would authorize the Director of the Division of Budget and Accounting to provide additional monies beyond the amount appropriated as follows:

*"In addition to the amount hereinabove appropriated for Early Voting Implementation, there are appropriated such additional amounts as may be required to fulfill the requirements of P.L. 2021, c.40, subject to the approval of the Director of the Division of Budget and Accounting. Further, the unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting."*

As previously reported, the New Jersey Early Voting Working Group recently completed a comprehensive analysis of the projected expenses each county is expected to incur as a direct result of the new law and concluded that the county governments will spend an estimated \$83.0 as noted above on: purchasing at least 2039 new voting machines with compatible hardware and software, licensure fees, training, and consumables such as USB sticks, printers, toner, paper and more; purchasing at least 2354 new electronic poll books with compatible hardware and software, licensure fees, training, and similar consumables; renting, purchasing, and retrofitting approximately 168 new early voting sites; paying overtime to county election staff and hiring over 5349 new poll workers; providing security, maintenance, technological, and other operational support at 168 new early voting sites; storing, maintaining, and providing security for the new voting equipment along with equipment accessories, attachments, and fixtures; incurring several additional expenses that were not contemplated by the law. Moreover, the new law will require county governments to spend approximately \$21.0 million every year thereafter on renting or making required payments on properties purchased to host early voting sites; renewing compatible hardware, software, licensure fees, training, and consumables; providing security, maintenance technological, and other operational support at early voting sites; paying overtime to county election employees and hiring poll workers; and, storing, maintaining, and providing security for election equipment.

In general, the new law will establish an in-person early voting procedure to allow voters to cast their votes at specially designated polling places before the day of certain primary and general elections. Under the law, the early voting period will: start on the 4th calendar day before a non-presidential primary election for a non-presidential general election and end on the second calendar day before that non-presidential primary election; start on the 6th calendar day before a presidential primary election for a presidential general election and end on the second calendar day before that presidential primary election; and, start on the 10th calendar day before a general election and end on the second calendar day before that general election.

#### **INMATE REENTRY SERVICES**

Overshadowed by the pro-labor bill addressed above, and the appropriation for in-person early voting, is the terrific news that the fiscal year 2020 state budget includes for the first time, an appropriation of \$2.1 million in grant funding for each county to hire a county reentry coordinator responsible for helping inmates, upon release from a county jail after being incarcerated for 90 days or longer, navigate the broad scope of reentry services available under **SENATE No. 2953** (*Sweeney D-3/Cunningham D-31*) currently on the Governor's Desk awaiting his signature. Also pursuant to S-2953, the budget includes grant funding for counties to support inmates, upon release from a county jail after being incarcerated for 90 days or longer, with Medication Assisted Treatment (MAT) services and a supply of medication to individuals struggling with opioid addiction and other medical issues.

NJAC and our friends at the New Jersey County Jail Wardens Association (NJCJWA) and County Welfare Directors Association of New Jersey (CWDANJ) have been working on this matter for several years and initially proposed legislation incorporated into the final version of S-2953 to establish the county reentry coordinator position. Special thanks to Gloucester County Jail Warden Eugene Caldwell, Ocean County Jail Warden Sandra Mueller, Salem County Welfare Director Kathy Lockbaum, Hudson County Deputy County Administrator Oscar Aviles, and Director of the Hudson County Community Reintegration Program Frank Mazza for their hard work, help, and patience on making sure this legislation would not impose a costly burden on or been impractical to implement for county jails.

As NJAC and NJCJWA have worked together on several prison reform bills over the years, we've found it important to understand the distinction between State prisons and county jails. In general, State prisons house inmates convicted of crimes following a trial, while approximately 85% - 90% of the statewide county jail population is comprised of inmates awaiting trial or their first appearance after being issued a warrant for their arrest. County jails process and house an estimated 10,000 to 12,000 inmates on any given day with an average length of stay between 5 – 15 days depending on the county. Additionally, between 25% - 40% of the above noted county jail population is now comprised of defendants awaiting their first appearance, which is a hearing held between 24-48 hours of a defendant being taken into custody at a county jail. At this hearing, the court determines to either release the defendant with certain pretrial conditions or detain the defendant pending trial. Under Criminal Justice Reform, most defendants fall into the latter category and are released from a county jail within 48 hours after confinement. The Legislature may either concur with the Governor's conditional veto or let the measure expire.

In general, S-2953 would require county jails provide to inmates, upon release after being incarcerated for 90 days or longer, with a 30-day supply of prescription medication with 2 additional refills and a 3-month supply of long acting injectables. Additionally, the measure would authorize counties to appoint a county reentry coordinator to evaluate the needs of inmates and assist them in accessing necessary reentry services. The bill would further require county reentry coordinators to assist inmates in obtaining a non-driver identification card; ensure that inmates are released during regular business hours; and, provide inmates with the required prescription medication. The measure would also require the coordinator to collect and analyze data related to the services provided; develop peer counseling programs; meet with community stakeholders to establish best practices in preparing inmates for release and identifying available county services; and, make recommendations for successful reentry. As noted above, the fiscal year 2022 state budget includes funding to counties for the reentry services S-2953 would require. Governor Murphy is expected to sign the measure into law.

## **PERS PROSECUTORS PART**

On June 24th, both houses passed by a vote of 55-19 **SENATE, No. 3780** (*Lagana D-38/Sarlo*)(*Mazzeo D-2*), which would permit prosecutors to enroll in the Prosecutors Part of the Public Employees Retirement System (PERS) of which has been closed to new members since May of 2010.

Although the Association learned that pursuant to N.J.S.A. 43:15A-161 the *"State is liable for any increased pension costs to a county as a results of the enrollment of prosecutors, first assistant prosecutors, and assistant prosecutors in the Prosecutors Part,"* NJAC remains opposed to the legislation it would provide enhanced benefits upon retirement to county prosecutors and assistant county prosecutors ultimately at the expense of property taxpayers. Since the Prosecutors Part is a defined benefits plan, property taxpayers bear the risk of loss for poor investments, a decline in the stock market, a decrease in the assumed rate of return for long-term investments as was the case in 2020, the decision of State leaders to shortchange or forgo required pension payments as has been the case for nearly three decades, and provide benefit enhancements as is the case under this legislation.

Moreover, this legislation would force county governments to replace retirees at a greater frequency and cost as the Prosecutors Part allows members to retire at the age of 55 with any number of years of service credit and generally awards 50% of final compensation with 20 or more years of service credit based solely on the last 12 months of employment. For these reasons, and given the fact that county governments received double digit increases in their pension bills for 2021, NJAC opposes S-3114 and S-3870 and urges Governor Murphy to Consider the long-term ramifications this legislation would inflict on the already struggling pension system funded at a mere 52% of where it should be at last count.

## **PROOF OF PREVAILING WAGE**

On June 30th, both houses passed and sent to the Governor **ASSEMBLY BILL, No. 4869** (*Wirths R-24/Verrelli D-1*)(*Singleton D-7/Madden D-4*), which would require certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid.

In general, this legislation would provide that if a person makes the lowest bid for a contract with a public body for public work subject to the provisions of the "New Jersey Prevailing Wage Act" and that bid is 10 percent or more lower than the next lowest bid for the contract, the person making the lowest bid would be required to provide proof to the satisfaction of the public body that the prevailing wage rates required by that act will be paid. Proof may include contracts or agreements with workers stating the rate of wages that the person contracts or agrees to pay the employees or workers for the

contract, documentation of the costs of supplies required to complete the contract, documentation as to the number of employees or workers whose services will be engaged for the contract, the estimated number of hours or days to complete the project, and any additional documentation as may be permitted by the Commissioner of Labor and Workforce Development. The bill would further require the bid to be rejected if the bidder does not provide that proof. Governor Murphy is expected to sign the measure into law.

#### **CONCESSIONAIRE REVENUE SHARING**

On June 24th, both houses passed and sent to the Governor **ASSEMBLY, No. 5231** (*Lopez D-19/Coughlin D-19*)(*Vitale D-19*), which would allow a county or municipality to enter into a revenue sharing agreement with the holder of a concessionaire permit used in connection with the premises located within the county or municipality.

Under current law, the Director of the Division of Alcoholic Beverage Control is authorized to issue a concessionaire permit that allows the permit holder to sell alcoholic beverages in any public building belonging to, or under the control of, the State or any political subdivision. This annual permit is issued to a private vendor who has a contract with the unit of government to provide services to the public. This bill would allow the county or municipal governing body to enter into an agreement to share a fixed percentage of the revenue from the sale of alcoholic beverages by the private vendor. Governor Murphy is expected to sign the measure into law.

#### **HIRING COUNTY CORRECTIONAL POLICE OFFICERS**

On June 24th both houses unanimously passed **SENATE, No. 3672** (*Singleton D-7*), which would require the Civil Service Commission (CSC) to exempt from the civil service examination, any person for an entry-level county correctional police officer position provided the person successfully completes a full basic police officer training course approved by the New Jersey Police Training Commission.

The measure would further permit a county correctional facility to hire such a person if the county governing body adopts a resolution authorizing the hiring and enacts both conflict of interest and nepotism policies accordingly. NJAC and NJCJWA support this important and timely legislation as it would streamline an antiquated hiring process that has created double digit job vacancy rates at county correctional facilities across the State. In addition to placing county correctional police officers in harm's way as they must work longer hours or face being short staffed, the CSC's outdated hiring process forces county jails into paying substantial overtime costs at an estimated \$23.5 million in 2019 alone. S-3672 is on Second Reading in the Senate and we expect to secure a sponsor for a companion version of the bill in the General Assembly shortly.

Special thanks to Senator Troy Singleton for his leadership and support in introducing this legislation on behalf of the Association, and to Camden County Commissioner Jon Young, Gloucester County Jail Warden Eugene Caldwell, Camden County Jail Warden Karen Taylor, and Hudson County Deputy County Administrator Oscar Aviles for their advocacy, advice, and counsel.

**UPCOMING NJAC EVENTS:** Make sure to visit our website at [www.njac.org](http://www.njac.org) for registration and other important details about our outstanding annual celebration of county government set for October 12th through October 14th at Caesars in Atlantic City.

### **TOP 10 SUMMERTIME MOVIES OF ALL TIME**

- 11) PORKY'S
- 10) STAND BY ME
- 9) FLAMINGO KID
- 8) AMERICAN GRAFFITI
- 7) FRIDAY THE 13TH
- 6) FAST TIMES AND RIDGEMONT HIGH
- 5) RAIDERS OF THE LOST ARC
- 4) JAWS
- 3) GREASE
- 2) THE GODFATHER
- 1) THE SANDLOT

*“A perfect summer day is when the sun is shining, the breeze is blowing, the birds are singing, and the lawn mower is broken.” James Dent*