

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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NJAC is advocating for the following legislative goals during the remainder of the 2022/23 session as they would help county governments across the State operate in a more efficient and effective manner.

LEGAL NOTICES

ISSUE: NJAC is urging State leaders to pass legislation that would provide local governing bodies with the opportunity to electronically publish legal notices in a newspaper's website or digital publication. In general, current law requires purchasing officials, clerks of the boards, planning departments, improvement authorities, and several others to publish onerous written information and legal notices in local newspaper publications. Such notices typically include contract awards, contract addendums, meeting notices, RFP and RFQ notices, election notices, and much more. Public officials have long decried that publishing these voluminous documents in print media is costly, time consuming, and outdated. Moreover, as the newspaper industry has become increasingly digitized and struggled to retain staff, resources, and publications, local officials have found it difficult to comply with the notice requirements under the law.

REMEDY: Title 35 of the Revised Statutes may be supplemented with the following language, in part, as well as amendments made to various sections of the statutory law that would permit local governing bodies *"to electronically publish legal notices in a newspaper's website or in a newspaper's digital publication."*

COUNTY REORGANIZATION MEETINGS

ISSUE: NJAC is also urging State leaders to enact legislation that would allow county governments to host reorganization meetings at a venue located within the county. Under current law, county governments must hold annual reorganization meetings at Superior Court and have often struggled to accommodate family members, the public, and press. Over the past several years, boards of county commissioners have been forced to conduct reorganization meetings at various locations within the county or host a ceremonial meeting followed by an official one. This initiative would provide county governments with the flexibility to host official reorganization meetings at larger and more convenient venues such as county colleges, county administration buildings, State facilities, and more.

REMEDY: The law may be amended under N.J.S.A. 40:20-75 as follows: *“The stated annual meeting of the boards of chosen freeholders shall be held [at the place of holding the Superior Court] in the county seat or at a county facility in the respective counties at 12 noon on either the first or second day of January or on some other hour on any day during the first week in January, annually, as the board, by resolution passed before said meeting, may determine. If the date so fixed shall fall upon a Sunday the meeting shall be held the following day, unless said resolution authorizes the meeting to be held on a Sunday.*

RESIDENCY REQUIREMENTS

ISSUE: As local governing bodies across the State have been struggling to hire and retain qualified candidates in the wake of soaring home and apartment rental prices, increasing employee healthcare costs, and the prospects of more lucrative paying jobs in the private sector or with the State of New Jersey, relief from the “New Jersey First Act” would eliminate a significant barrier for individuals seeking public sector employment in the Garden State. Since September of 2011, any new or prospective public employee must reside in the State unless otherwise exempted. Although the laudable intent of the “New Jersey First Act” was to keep homegrown talent and resources within our borders, the measure has instead imposed a considerable barrier for individuals seeking employment with local governments.

REMEDY: The New Jersey First Act may be amended under N.J.S.A. 52:14-7 a.(4) to authorize local governing bodies to hire individuals who reside in other states but still permit governing bodies to maintain a residency requirement on current, new, or prospective employees as currently required under the law as follows: *“Notwithstanding section a. to the contrary, a county, municipality, political subdivision of the State, and or an authority, board, body, agency, district, commission, or instrumentality of the county, municipality or subdivision, may by resolution, adopt a policy that would allow the local governing body to hire, appoint, retain, or otherwise employ an individual who does not have a principal place of residence in this State.”*

WORKING TEST PERIOD

ISSUE: The Civil Service Commission (CSC) defines the Working Test Period (WTP) as the period of time following a regular appointment from a certified list or appointment to a non-competitive title. The Commission considers the WTP as a continuation of the examination process and as an opportunity for local governments to properly evaluate employees. The current WTP for local governments is three months with no extensions unless the position is an entry level law enforcement or firefighter title. County officials have found that this relatively short time frame inhibits human resources personnel from properly evaluating employees and making accurate recommendations accordingly. As such, NJAC recommends a WTP of six months to provide local governments with a greater opportunity to fully assess the potential of future employees.

REMEDY: The law may be amended under N.J.S.A. 11A:4-15 as follows: *The purpose of the working test period is to permit an appointing authority to determine whether an employee*

satisfactorily performs the duties of a title. A working test period is part of the examination process which shall be served in the title to which the certification was issued and appointment made. The commission shall provide for: A working test period following regular appointment of [four] six months, [which may be extended to six months at the discretion of the commission,] except that [the working test period for political subdivision employees shall be three months and] the working test period for entry level law enforcement, correction officer, and firefighter titles shall be 12 months; b) Progress reports to be made by the appointing authority and provided to the employee at such times during the working test period as provided by rules of the commission and a final progress report at the end of the entire working test period shall be provided to the employee and the commission; c) Termination of an employee at the end of the working test period and termination of an employee for cause during the working test period; and d) The retention of permanent status in the lower title by a promoted employee during the working test period in the higher title and the right to return to such permanent title if the employee does not satisfactorily complete the working test period, but employees removed for cause during a working test period shall not be so returned.

CIVIL SERVICE MODERNIZATION TASK FORCE

ISSUE: Although NJAC appreciates the original intent of the protections afforded public sector workers under the State's civil service system, the Civil Service Commission (CSC) has transformed into an overly burdensome and outdated bureaucracy that prevents the effective and efficient operation of government. The rules, regulations, and directives imposed on local governments as employers by CSC present enormous challenges in the hiring, promoting, transferring, and disciplining of public sector employees. Moreover, as the State of New Jersey continues to struggle with controlling the highest property taxes in the land, CSC rules, regulations, and directives disincentivize the regionalization and sharing of services as meaningful strategies for saving valuable taxpayer dollars. Although initially established to create fair and equal opportunities for all employees, public sector workers in the Garden State now enjoy multilayered and unparalleled protections through the collective bargaining process, the Public Employment Relations Commission (PERC), the "Workplace Democracy Enhancement Act," several layers of paid leave laws, and countless other workplace protections. With this in mind, NJAC submits State leaders should establish a Civil Service Modernization Task Force (Task Force) to make recommendations that would streamline and modernize the State's civil service system.

REMEDY: The Task Force may be enacted by legislation signed into law and shall be comprised of the following seven members: Two members shall be representatives from the New Jersey Association of Counties (NJAC) appointed by the Senate President based on recommendations made by NJAC, two members shall be representatives from the New Jersey State League of Municipalities (NJLM) appointed by the Speaker of the General Assembly based on recommendations made by NJLM, three members shall be from the public sector labor unions that represent State and local government employees in New

Jersey with one appointed by the Governor, one appointed by the Senate President, and one appointed by the Speaker of the General Assembly.

The Chairperson of the Civil Service Commission shall assign Commission staff assign to assist the Task Force with making recommendations to streamline and modernize the State's civil service system in the following, but not limited to areas: conducting regional and localized testing; improving the open competitive and promotional process; extending appointments for temporary seasonal employees; expanding the working test period; modifying disciplinary review appeals and special reemployment lists; and, eliminating reconciliation plans and bumping rights. The Task Force shall also consider whether county and municipal governments should have the ability to opt-out of civil service and the provisions of Title 11A provided that the governing body in a county or municipality passes a resolution to opt-out accordingly and the decision is supported by the majority of the voters in the county or municipality as a binding referendum question at a General Election.

Governor Murphy recently signed the following bills into law.

DANIEL'S LAW EXPANSION

On July 20th, Governor Muphy signed into law **S-3125** (*Cyran D-20/Gopal D-11*)(*Quijano D-20/Atkins D-20*) as P.L. 2023, c.113, which prohibits the disclosure of personal information of child protective investigators in the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families.

In general, the new law expands the scope of Daniel's Law beyond protecting judicial and law enforcement officers to also include DCPP child protective investigators and employees of the Department of Children and Families that engage in investigative activities in response to allegations of child abuse or neglect. Daniel's Law currently prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer. The measure also expands the definition of "telephone number" to clarify that the term may include either a landline or a cellular telephone number that is primarily used for personal communication, and revises the current definition of "disclose" to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched. The law further removes the requirement that a covered person initially receive approval from the Office of Information Privacy prior to providing written notice to a person, business, or association to cease disclosing their information. If the person, business, or association does not cease, the covered person may bring a civil suit against them. The law now allows a covered person to assign, in writing, a covered person's right to bring a civil action for the continued disclosure of their information, and may do so immediately upon enactment.

REPORTING OF ELECTION RESULTS

On July 27th, Governor Murphy signed into law **A-5176** (*Coughlin D-19/Wimberly D-35*)(*Zwicker D-16/Turner D-15*) at P.L. 2023, c.131, which requires the periodic reporting of election results on night of primary and general election and appropriates \$1.5 million accordingly.

In general, this new law requires county clerks, in consultation with the county board of elections, to periodically report on the unofficial tally of the election by 11:59 p.m. on the day of each primary and general election and by 9 p.m. of every day thereafter until all eligible ballots have been counted and the election is certified. However, the law does not require the county board of elections in each county to conduct the count of ballots on a daily basis. Each report required by the measure would detail, at the legislative district, municipal, and county levels, the following categories of information: a) for the in-person early voting period, the number of early voting machines or voting equipment deployed, the number of early voting machines or voting equipment not included in the tally, and the total number of votes cast during the early voting period; b) for the election day vote, the number of election day voting machines or voting equipment deployed, the number of election day voting machines or voting equipment not included in the tally, and the total number of votes cast in person on election day; and c) for the vote-by-mail vote, the number of vote-by-mail ballots that have been issued and received into the Statewide Voter Registration System, as well as the vote-by-mail ballots that have been tallied and that remain to be processed.

The measure also requires each county clerk, in consultation with the county board of elections of that county, to send the periodic reports to the Secretary of State. Upon receiving each report, the Secretary of State must provide, in an easily identifiable location on the Internet site of the Division of Elections, access to the county-by-county totals for each voting category included in the reports. The law specifies that the unofficial tally of election results and the daily reports would not be interpreted to serve as the legal basis for the contest of any election. The measure further directs the Secretary of State, in consultation with county clerks and county boards of elections, to promulgate uniform guidelines for all county clerks to follow in creating the reports and postings required under the new law as well as to develop a template for standardized reporting for all counties to follow accordingly. The new law appropriates \$1.5 million from the General Fund to the Department of State to offset the costs associated with implementation and will apply to the 2023 general election and all elections thereafter.

NEW ELECTION DEADLINES

Also on July 20th, Governor Murphy signed into law **A-5175** (*Verrelli D-15/McKnight D-31*)(*Beach D-6/Zwicker D-16*) as P.L. 2023, c.124, which changes several general election deadlines, some of which include:

- The nomination petition filing deadline for new nomination petitions to fill a vacancy for independent candidates, school election candidates, and fire district candidates for the general election is 75 days before the general election.

- The last day a vacancy can occur for primary election nominees for the general election is 70 days before the general election.
- The deadline for filling a primary nominee vacancy for the general election is 68 days before the general election.
- The meeting of the county board of canvassers for the general election is 15 days after the election.
- The recount period is 3 days after the certification of the results of the election.
- The deadline for submission of non-binding county and municipal public questions to the county clerks for printing on the general election ballot is 88 days before the general election.
- The deadline for submission to the county clerk of municipal non-binding public questions adopted by the municipal governing body upon the filing of a qualified petition by the local electorate is 74 days before the general election.
- In the case of the general election, the deadline for receipt of cure forms to the county board of elections is within 11 days of the general election.
- The deadline for changes to a nominating petition to be made and filed is 72 days.
- The deadline for submission of initiative and referendum public questions to the county clerk for printing on the general election ballot is 74 days prior to the general election.

Did You Know that the Atlantic City Boardwalk is the oldest in the United States and longest in the world opening in 1870 and spanning 5.5 miles – *make sure to check out the new indoor waterpark, go-karts, arcade, and lots of other great stuff at the old Showboat. It's awesome.*

THE TOP THINGS TO DO WHILE HEADING TO THE BEACH FOR A FAMILY VACATION WITH ALL FIVE CHILDREN, THEIR BOYFRIENDS AND GIRLFRIENDS AND PETS, AND MORE DRAMA ABOUT WHO'S STAYING IN WHICH ROOM THAN AN EMMY AWARD WINNING DAYTIME SOAP OPERA DURING THE 70s.

1. Stay Home Alone

"Strength and growth come only from continuous effort and struggle." Napoleon Hill