

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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PUBLIC NOTICES

NJAC, the New Jersey State League of Municipalities (NJLM), and the New Jersey School Boards Association (NJSBA) are urging State leaders to address New Jersey's looming public notice crisis exacerbated by NJ Advance Media's recent announcement that it's terminating daily print publications in January of 2025 by providing local governments with the following options to publish public notices:

1. In a clear and transparent manner on a local government's official website; or,
2. In a database created and maintained by the State of New Jersey; or,
3. On a website or digital publication maintained by the traditional press or an online news publication.

Our non-partisan coalition, which represents school districts, municipalities, and county governments from across the state submits that these recommendations will allow local governments to comply with the notice requirements under the law in a timely, cost effective, and efficient manner. Moreover, these recommendations will streamline an antiquated process and replace it with a more contemporary and flexible method for publishing legal notices that may also save valuable taxpayer dollars.

In general, current law requires local purchasing officials, school boards, clerks of the board, planning departments, improvement authorities, and other local government officials to publish onerous written information and legal notices in various 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officials have long decried that publishing these voluminous documents in newspapers is costly, time consuming, and outdated. Importantly note that long before NJ Advanced Media's announcement, local officials found it difficult to comply with the notice requirements under the law as the newspaper industry has grown increasingly digitized and struggled to retain staff, resources, and publications. For the reasons set forth above, we're again urging State leaders to act swiftly in enacting these recommendations as they will also allow local governments to comply with the law before annual reorganization meetings in January of 2025 when counties, municipalities, school districts, and more must designate an official newspaper for publishing public notices.

ADVANCED CLEAN TRUCKS REGULATIONS

NJAC is also urging the State Legislature to consider **S-3817/A-4967** (*Diegnan D-18/Gopal D-11*)(*Calabrese D-36*)/(*Karabinchak D-18*), which would delay implementation of the Department of Environmental Protection's (DEP) Advanced Clean Trucks (ACT) regulations until January of 2027.

In summary, the ACT regulations are set to take effect in January of 2025 and will require, in part, that manufacturers of medium-duty and heavy-duty motor vehicles sell an increasing percentage of zero-emissions vehicles through 2035. Although NJAC appreciates DEP's intent to reduce emissions and protect the environment, NJAC is concerned that these sweeping new standards will significantly increase the cost of goods and services for county governments already struggling to provide essential services in a cost-effective manner. As has been well documented by the NJ Truck Association, NJ CAR, and Ryder in its widely regarded "Electric Vehicle Total Cost to Transport Analysis" published in May of 2024, electric trucks cost substantially more to purchase, carry smaller payloads as they need room to store batteries, cause delays in delivery because batteries take too long to charge along with a nonexistent national battery charging infrastructure, and inflict damage on roads and bridges as electric trucks weigh more than vehicles powered by internal combustion engines.

Moreover, public works and road supervisors from county governments across the State expressed concerns with the practicality of using medium and heavy-duty electric vehicles for daily operations of which include the lack of a statewide battery charging infrastructure, the capital investments necessary to upgrade the electrical capacity in existing vehicle storage facilities, and the high cost to replace or recalibrate batteries following an accident. Additionally, officials contend that electric trucks face major limitations with hauling heavy materials, compatibility with plows and spreaders, the premature drainage of batteries when using interior heat and safety lighting, the training of personnel on how to repair and maintain electric vehicles, and the safe and secure storage of electric vehicles and batteries. For these reasons, NJAC again supports **S-3817/4967** and respectfully requests that the Legislature conduct a comprehensive fiscal analysis to determine the regulation's overall economic impact on the cost to transport goods and services, local governing bodies, and property taxpayers.

WORKING TEST PERIOD

Thank you to Senator Polistina (*R-2*) for introducing on NJAC's behalf **S-3892**, which would remove the exception to the Civil Service Working Test Period (WTP) concerning political subdivision employees. In summary, this legislation would extend the WTP for local governments from three months to four months along with the ability to extend the WTP to six months at the discretion of the Civil Service Commission (CSC).

For the past two years, NJAC has been working with the Chair/CEO of CSC, Allison Meyers, who has made several positive changes to streamline the antiquated hiring, evaluation, and promotional procedures long imposed by the CSC. As an integral component of these initiatives, the Chair/CEO and Commission implemented a Pilot Program in Atlantic County to extend the WTP from three months to four months with a copy of the Administrative Order dated December 23, 2023, enclosed for your review.

In general, the CSC defines the WTP as the period of time following a regular appointment from a certified list or appointment to a non-competitive title. CSC considers WTP as a continuation of the examination process and as an opportunity for local governments to properly evaluate prospective employees. County officials contend that this relatively brief timeframe hampers human resource professionals from properly evaluating potential employees and making accurate recommendations accordingly. Moreover, current law provides the State of New Jersey as an employer with a four-month WTP, so any permanent changes to the law would create uniformity among all levels of government.

Please also note that prior to the commencement of the Pilot Program, Atlantic County notified all career service employees subject to the three-month WTP of the change and that the County has reported no issues, challenges, or grievances with any of its collective bargaining units. NJAC submits that this modest change to the law would provide personnel and human resource departments in local governments across the State with additional time to adequately evaluate and recommend qualified employees for full-time employment. NJAC anticipates that the Senate Labor Committee will consider **S-3892** and is optimistic that a companion version in the General Assembly is forthcoming.

STATE HEALTH BENEFITS PROGRAM CASH FLOW

On October 30th, Governor Murphy signed **S-3838/A-4999** (*Scutari D-21/Coughlin D-19*) into law as P.L. 2024 c.86, which establishes a mechanism to provide necessary funds if the available funds in the dependents' premium fund and employer health benefits fund fall to a level that is insufficient to cover 10 days of anticipated payments from the fund. The measure permits the Director of the Division of Pensions and Benefits to initiate a temporary transfer of available funds from the health benefits fund to the dependents premium fund and employer health benefits fund. The new law also requires the Director of the Division of Pensions and Benefits to notify the State Health Benefits Commission within 30 days of the transfer.

Additionally, the amount transferred must not exceed the amount necessary to cover 30 days of anticipated payments from the fund. Moreover, the amount transferred, together with interest accruing at the prevailing interest rate earned by the health benefits fund in the month last preceding the date of the transfer, will be reimbursed from the employer health benefits fund on or before the 120th day next following the

date of the transfer unless the Director of the Division of Pensions and Benefits determines that an extension of the reimbursement date is necessary to ensure that sufficient funding is available to pay claims incurred by employees of employers other than the State and their dependents; provided, however, in no case will the reimbursement date be extended for more than an additional 365 days.

As we understand it, the measure authorizes the Division of Pensions and Benefits to transfer surplus monies from the State portion of the State Health Benefits Program (SHBP) to the local portion of the SHBP as it appears that the local portion will not have enough funds to cover the demand in utilization by the end of this year. The measure requires the local portion to repay the State portion for the amount borrowed. Thank you again to Senate President Scutari and Speaker Coughlin for agreeing to remove any reference in the bill as introduced to the local portion having to pay interest on any transferred funds. As such, the local portion of SHBP will have at least 120 days to repay the monies lent from the State portion without incurring any fees, penalties, or charges. The Division contends that this new law is necessary as a cash management tool that will prevent the State Health Benefits Commission (SHBC) from imposing additional rate increases on the local portion later this year.

Although NJAC appreciates the efforts of legislative leadership to work with the Administration on the SHBP's cash flow challenges and recognizes the dilemma the Division is facing with unanticipated utilization along with local governments leaving SHBP, this new law underscores the necessity for State leaders to implement long overdue structural reforms. This new law takes effect immediately.

PUBLIC MEETINGS

On November 14th, the Assembly State and Local Government Committee favorably reported **A-1858** (*Conaway D-7/Speight D29*), which would allow public bodies to conduct meetings by electronic means. In summary, this legislation would permit a public body to conduct a meeting and public business, cause a meeting to be open to the public, vote, and receive public comment by means of communication or other electronic equipment. NJAC supports this legislation as it would codify into law the existing practice of county governments across the State. A-1858 is on Second Reading in the General Assembly and companion version S-228 (Smith D-17) is currently in the Senate State Government, Wagering, Tourism, and Historic Preservation Committee awaiting consideration.

COUNTY FIRE INSTRUCTOR PENSIONS

On October 28th, both houses passed unanimously and sent to the Governor **S-871** (*Bucco R-25/D-36*)(*Lopez D-19/Dunn R-25*), which would establish eligibility for enrollment in the Public Employees' Retirement System (PERS) for county fire instructors under certain circumstances.

In summary, this bill would establish eligibility in PERS for county fire instructors employed and enrolled before November 1, 2008, who performed service as a county fire instructor in each calendar year of membership, who received a salary greater than \$1,500 annually, and who were permanent career service employees in the Civil Service. The bill would provide that any person who was notified that such service as a county fire instructor was determined ineligible for enrollment in the retirement system within five years prior to the enactment of the bill may be re-enrolled in the system if they repay any contributions and interest returned to them by the retirement system.

The Office of Legislative Services (OLS) concluded that the additional years of service credit granted under the bill would increase the actuarially determined unfunded liability of the PERS by a marginal amount and result in an indeterminate, but marginal, annual State or local government expenditure increase in order to retire the unfunded liability. The unfunded liability would be created by an acceleration of benefits caused by the increase in pensionable salary that is used to determine the retirement allowances of certain fire instructors who were contributing to the retirement system over time at a lower amount than their final average compensation would require in order for the pension to be fully funded. The additional years of service credit granted under the bill would also increase the benefit factor in the calculation of the retirement allowance and add to the unfunded liability. The bill may also make certain fire instructors eligible for State-paid or local government-paid healthcare benefits in retirement for which they otherwise might not qualify. These benefits may represent an annual State or local cost increase. Data from FY 2022 suggests that approximately forty individuals may meet the criteria of the bill and would maintain their membership in the retirement system or be re-enrolled in the system under the provisions of the bill. Governor Murphy is likely to sign the measure into law.

JOB PROMOTIONS

On November 18th, Governor Murphy signed **S-2310** (*Moriarty D-4/Turner D-15*)(*Danielsen D-17/Quijano D-20*) into law as P.L. 2024, c.91, which requires transparency concerning compensation with employment listings and promotional opportunities.

In general, this new law requires employers to make reasonable efforts to announce, post, or otherwise make known opportunities for promotion that are advertised internally along with externally on internet-based advertisements, postings, printed flyers, or other similar advertisements to all current employees in the affected department or departments of the employer's business prior to making a promotion decision. The law also requires employers to disclose in each posting for new jobs and transfer opportunities that are advertised by the employer either externally or internally: the hourly wage or salary, or a range of the hourly wage or salary, and a general description

of benefits and other compensation programs for which the employee is eligible. The measure empowers the Commissioner of the Department of Labor and Workforce Development (DOLWD) to enforce the provisions of the new law in a summary proceeding with employers who violate the law subject to a civil penalty in an amount not to exceed \$300 for the first violation and \$600 for each subsequent violation. This new law takes effect in seven months following enactment.

UPCOMING NJAC EVENTS: Don't miss NJAC's Year-End Summit on "Artificial Intelligence & Cybersecurity" set for Friday 12/13 at the historic Trenton Country Club. Make sure to visit our website at www.njac.org for registration details.

The top 4 thoughts that cross your mind after accidentally swallowing the massive clump of toothpaste you generously squeezed onto your toothbrush while brushing your teeth this morning.

4. Maybe I should apologize to my younger brother for mocking him about being such a baby when he did the same thing and had my other younger brother rush him to Urgent Care, but I won't.
3. I wonder if I should at least call poison control like it says on the tube and will anyone even answer.
2. My eyes haven't leaked this much since the series finale of Supernatural where Sam and Dean drove off in their 67 Impala to Carry on Wayward Sun.
1. All this milk I'm chugging seems to be soothing the third degree burns in my esophagus, but I sure hope no one visits me in the office later this afternoon.

"Thanksgiving is a time to count your blessings, one by one, as each relative goes home." Melanie White.