

CODVID-19 LOCAL GOVERNMENT RELEVANT LEGISLATION

March 19, 2020

Both houses passed the legislation below on March 19th and Governor Murphy is expected to sign these bills into law.

MAIL-IN BALLOTS: A-2096/S-1982(*Mazzeo D-2*)(*Beach D-6*/*Turner D-15*) provides county clerks with additional week to mail ballots for 2020 primary election; requires ballot position draw to occur one day early if statutory date falls on holiday.

This bill seeks to address concerns over sufficient time to prepare the significant number of mail-in ballots expected for the 2020 primary election. Under current law, thousands of ballots will be required to be mailed by April 18, 2020, which gives county clerks less than four days to prepare and deliver mail-in ballots. This bill would provide county clerks with an additional week to proof, print, prepare, and mail ballots following the ballot draw date. Additionally, the bill provides that the ballot position draw will occur one day early if the statutory date falls on a holiday.

PAID LEAVE: A-3847/S-2285 (*Tully-7*/*Timberlake D-34*) provides paid leave without utilizing accumulated leave time for local government employees under certain circumstances”

This bill provides that an employee of a political subdivision of the State would receive fully paid leave, without having to utilize any accumulated leave time, if the absence is related to COVID-19. An employee subject to the provisions of the bill would have to provide documentation to that verifies the employee is, or is caring for an immediate family member who is: (1) diagnosed with COVID-19; (2) directed by a medical professional or government agency to self-isolate or quarantine due to a suspicion of exposure to or diagnosis with COVID-19; or, (3) undergoing a period of self-quarantine or isolation pursuant to public health assessment recommendations. An employee subject to the provisions of the bill would also receive fully paid leave, without having to utilize any accumulated leave time, if the employee is absent in order to stay home with a child due to the closure of a preschool program, elementary or secondary school, or child care center that is related to COVID-19. If the employee does not provide documentation, as required under the bill, then the employee would have to utilize accumulated leave time.

EMPLOYEE TERMINATION: A-3848/S-2301 (*Lopez D-19*/*Munoz R-12*)(*Weinberg D-38*) concerns time off from work in connection with infectious disease”

This bill prohibits an employer, during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic, from terminating or refusing to reinstate an employee if the employee requests or takes time off from work based on a written or

electronically transmitted recommendation from a medical professional licensed in New Jersey that the employee take time off work for a specified period of time because the employee has, or is likely to have, an infectious disease which may infect others at the employee's workplace. The bill provides that if an employer violates the provisions of the bill, the affected employee may file a complaint with the Commissioner of Labor and Workforce Development or initiate a court action. If the employer is found to be in violation, the commissioner or the court is required to order the reinstatement the employee and fine the employer \$2,500 for each violation.

PUBLIC RECORDS: A3849/S2302 (*Johnson D-37/Moen D-5/Bucco R-25*) modifies deadline by which public agency is required to respond to request for government record during period of emergency"

This bill provides that during a state of emergency, public health emergency, or state of local disaster emergency, a custodian of a government record for a public agency will be required only to make a reasonable effort to respond to a request for a government record within seven business days, or as soon as possible thereafter, as the circumstances permit. Under current law, a custodian of a government record for a public agency is required to grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived. Failure to respond within seven business days is deemed a denial of the request. A custodian is also required to so notify a requestor within seven business days if a government record is in storage or archived, as well as when the record may be made available. Moreover, access to certain records, such as budgets, bills, vouchers, contracts, and public employee salary information, must be granted immediately. This bill modifies those deadlines in the event of a public emergency to require instead that a records custodian make a reasonable effort to respond within seven business days, as circumstances permit.

PUBLIC MEETINGS: A-3850/S2294 (*Murphy D-7/DeCroce R-26/Beach D-6/Bucco R-25*) allows public bodies to conduct meetings, and provide notice, by electronic means during periods of emergency"

This bill explicitly authorizes 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 during a state of emergency, public health emergency, or state of local disaster emergency. The bill also allows a public body to provide notice of meetings electronically through the internet during that time, but requires that public bodies who exercise this option limit, to the extent practicable, the public business conducted at that meeting to matters necessary for the continuing operation of government and that relate to the applicable emergency declaration. The bill does not modify any current authorization under law to do anything permitted under the bill during periods when such declarations of emergency are not in effect.

LOCAL BUDGET ADOPTION: A-3851/S2295 (*Schaer D-36/Scharfenberger R-13*)(*Bucco R-25/Gopal D-11*) permits extension of deadlines for adoption of county and municipal budgets under certain circumstances”

This bill expands the current authority of the Director of the Division of Local Government Services, in the Department of Community Affairs, to extend the statutory dates for the introduction and approval, and for the adoption, of county and municipal budgets when the Governor has declared a Public Health Emergency or State of Emergency. Current law permits the Director of the Division of Local Government Services in the Department of Community Affairs, with the approval of the Local Finance Board, to extend the dates for the introduction and approval, and for the adoption, of county and municipal budgets, for any local fiscal year, beyond the dates required under the Local Budget Law. This bill amends that law to permit the director to extend those dates unilaterally whenever a Public Health Emergency or a State of Emergency, or both, has been declared by the Governor and is in effect.

WORK FIRST NJ BENEFITS A-3858/S2288 (*Mukherhji D-33/Spearman D-5*)(*Greenstein D-14/Vitale D-19*) requires Commissioner of Human Services to issue supplemental cash assistance payments to Work First NJ recipients under certain circumstances; makes appropriation

This bill directs the Commissioner of Human Services, in collaboration with county welfare agencies, to issue supplemental cash assistance payments to eligible recipients of the Work First New Jersey program, in addition to the standard benefits issued under the program, subject to the following conditions: (1) during a public health emergency declared by the Governor, in which the Commissioner determines that the standard benefits issued under the Work First New Jersey program are not sufficient to support the needs of recipients in the State; and (2) the payments shall be in an amount equal to a recipient’s monthly benefit amount for the most recent complete month. Following the initial determination to issue supplemental cash assistance payments, the commissioner is required to make all subsequent determinations on a monthly basis until the supplemental cash assistance payments cease. Furthermore, the bill directs the Commissioner to distribute the supplemental cash assistance payments via the State’s electronic benefit transfer system. If an eligible recipient does not participate in the electronic benefit transfer system, the commissioner is to determine the most efficient means to distribute the payment, which the recipient is to receive no later than 15 days following the initial determination.