



Laws of the 218th Legislative Session Affecting Students, Schools, and Educators

(Session beginning January 9, 2018
to the present)

Curriculum and Instruction

P.L. 2019, c. 6, (S-1569/A-1335) Inclusive Instruction LGBT and Disabled Contributions

Sponsors: Weinberg (D37)/Vainieri-Huttle
(D37)

Date Signed: 1/31/2019

Effective Date: 2020-21 school year

Provisions: Chapter 6 requires boards of education to include instruction on the political, economic and social contributions of persons with disabilities and LGBT people in an appropriate place in the curriculum of middle and high school students as part of the district's implementation of the NJ Learning Standards. The board must also have policies and procedures in place regarding the selection of instructional materials for this purpose, which shall incorporate "inclusive materials that portray the cultural and economic diversity of society including the political, economic, and social contributions of persons with disabilities and LGBT individuals as appropriate."

NJPSA Position: Sought amendments

P.L. 2018, c. 80 (A-2189/S-2092) Sexting

Sponsors: Lampitt (D6)/Ruiz (D29)

Date Signed: 8/10/18

Effective Date: School year 2019-2020

Provisions: Chapter 80 mandates that boards of education include instruction on the social, emotional, and legal consequences of distributing and soliciting sexually explicit images through electronic means. The instruction must be provided once during middle school in an appropriate place in the Health and Physical Education curriculum. The Commissioner of Education must provide districts with age-appropriate sample learning activities and resources to implement this requirement.

NJPSA Position: Support

P.L. 2018, c. 167 (A-1414/s-1592) Financial Literacy in Middle School

Sponsors: McKnight (D31)/Addiego (D8)

Date Signed: 1/3/2019

Effective Date: School year 2019-2020

Provisions: Chapter 167 directs the State Board of Education to require school districts to incorporate, in each of grades 6 through 8, financial literacy instruction to middle school students. The instruction must be age-appropriate, include content on budgeting, savings, credit, debt, insurance, investment, and issues associated with personal financial responsibility.

The Commissioner shall provide sample instructional materials and resources to support the implementation of this instructional requirement.

NJPSA Position: Support as amended

P.L. 2019, c. 16 (A-2190/S-3108) Instruction on Meaning of Consent to Physical/Sexual Activity

Sponsors: Lampitt (D6)/Ruiz (D29)

Date Signed: 1/31/2019

Effective Date: School year 2019-2020

Provisions: Chapter 16 requires school districts to incorporate instruction on the law and meaning of consent for physical contact and sexual activity as part of the district's implementation of the NJ Student Learning Standards in Comprehensive Health and Physical Education in grades 6 through 12. The instruction is to be designed to increase discussion and awareness that consent is required before physical contact or sexual activity. Additionally, the instruction is to be focused on social, emotional and relational impacts surrounding sexuality and the virtues of respecting the right of others to say no to unwanted physical contact or sexual activity. The Commissioner of Education will provide age-appropriate sample learning activities and resources designed to implement this requirement.

NJPSA Position: Support

**P.L. 2018, c. 145 (S-870/A-3636)
Dual Enrollment Study Commission**

Sponsors: Sweeney (D3)/Jasey (D27)

Date Signed: 12/17/18

Effective Date: 12/17/18

Provisions: A Dual Enrollment Study Commission is established for the purpose of supporting and expanding dual enrollment opportunities for students. A representative of NJPSA will be one of the 11 members of the Study Commission. The Commission shall study issues related to the expansion of the Dual Enrollment program whereby students can enroll in up to 15 college credits in high school. The focus of the study shall include costs, cost distribution, transportation services, current utilization, program rigor, impacts on college participation and success, online options and research and development proposals to sustain and expand early college high schools as an intensive, evidence-based model of dual enrollment. The Commission's Report, including a framework for dual enrollment, is due one year after the Commission organizes.

NJPSA Position: Support

**P.L. 2017, c. 303 (S-2485/A-2873)
Computer Science**

Sponsors: Diegnan (D18)/Egan Jones (D5)

Date Signed: 1/16/18

Effective Date: 1/16/18

Provisions: Chapter 303 requires school districts to offer computer science classes beginning in the 2018-19 school year, consistent with the existing requirement in New Jersey's Learning Standards. The law further mandates the State Board of Education to make any necessary changes to the standards resulting from the current standards review process.

NJPSA Position: Sought amendments

 **Student Nutrition
and Health**

**P.L. 2018, c. 25, (S-1894/A-3506)
Breakfast after the Bell**

Sponsors: Ruiz (D29)/Lampitt (D6)

Date Signed: 5/30/18

Effective Date: 5/30/19

Provisions: Chapter 25 requires every public school in which 70% or more of the enrolled students (as of October 16 of the preceding school year) are eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program to establish a school "breakfast after the bell program." Within six months, (November 30, 2018), impacted schools must submit their plans to establish this program to the Dept. of Agriculture. Waivers of this requirement are available, upon application to DOA, for any school in which more than 70% of eligible received a meal under the school breakfast program in the preceding school year.

NJPSA Position: Sought amendments

**P.L. 2018, c. 26, (S-1895/A-3503)
Reporting Requirements -
National School Lunch and
Breakfast Programs - Community
Eligibility Provisions**

Sponsors: Ruiz (D29)/Lampitt (D6)

Date Signed: 5/30/2018

Effective Date: 5/30/2018

Provisions: All school districts where there is at least one school that qualifies for the Community Eligibility Provision (a federal reimbursement alternative for eligible schools under federal school lunch and breakfast programs), but does not implement it, must report its reasons for nonparticipation to the Departments of Education and Agriculture.

NJPSA Position: Neutral

**P.L. 2018, c. 27, (S-1896/A-3502)
Notice and Reporting
Requirements for Denial of
School Breakfast or School Lunch**

Sponsors: Ruiz (D29) / Lampitt (D6)

Date Signed: 5/30/18

Effective Date: 5/30/2018

Provisions: Chapter 27 requires school districts to notify parents/guardians when a student's school breakfast or lunch bill is in arrears and provide 10 school days for full payment. In the event full payment is not received during that time, the district must again notify parents of the arrearage and provide an additional week for the payment to be made. Students cannot be denied the meals they are eligible for until this process has been followed. Districts must report biannually to the Department of Agriculture the number of students who are denied school breakfast or lunch as a result of this process.

NJPSA Position: Support

**P.L. 2018, c. 28, (S1897/A-3503)
Summer Meals Program
Expansion**

Sponsors: Ruiz (D29)/Lampitt (D6)

Date Signed: 5/30/2018

Effective Date: 7/1/2018

Provisions: All school districts in which 50% or more of the enrolled students are eligible for free or reduced breakfast or lunch programs (as of the last school day before October 16 of the prior school year), must become a sponsor or site of the federal Summer Food Service Program or file for a waiver. By 5/30/2019, districts that meet this criteria, must file an application to become a sponsor of the federal Summer Food Service Program with the Department of Agriculture OR documentation that the school district will become a site under an existing approved sponsor. Districts have up to two years to actually meet this requirement. The DOA can grant a waiver of these requirements if the district lacks the staff, facilities, financial resources or equipment to sponsor the federal Summer Food Service Program on a yearly basis if a different sponsor currently runs the Summer Food Service Program.

NJPSA Position: Sought amendments

P.L. 2018, c. 73, (S-847/A-4076) Recess Requirement K-5

Sponsors: Turner (D15)/Jasey (D27)

Date Signed: 8/10/2018

Effective Date: School Year 2019-2020

Provisions: Starting with the 2019 school year, school districts must provide a daily recess period of at least 20 minutes for students in grades K-5. If feasible, recess should be held outdoors. As a rule, students are not to be denied recess for any reason except a violation of the district's code of student conduct, (including a HIB investigation); a medical reason upon the advice of a medical professional or school nurse or based upon the provisions of the student's 504 plan. If a student is denied recess for a violation of the student code of conduct (only), the student must be provided restorative justice activities during the recess period. These activities are designed to improve the socioemotional and behavioral responses of students through positive supports and intervention. Students may not be denied recess more than twice per week.

NJPSA Position: Sought amendments

P.L. 2018, c. 106, (A-542/S-1830) Opioid Antidotes in Schools

Sponsors: Mazzeo (D 2)/Ruiz (D 29)

Date Signed: 8/24/2018

Effective Date: 12/1/2018

Provisions: Chapter 106 requires school districts and nonpublic schools to develop a policy, consistent with guidelines to be developed by the NJDOE, for the emergency administration of an opioid antidote to a student, staff member, or other person experiencing an opioid overdose. All schools that include any of the grades 9 through 12 must obtain a standing order for opioid antidotes and maintain this supply in a secure but unlocked and easily accessible location. The policy must permit the school nurse or a trained designee to administer the antidote to any person whom the nurse/designee believes, in good faith, is experiencing an opioid overdose. Local districts and nonpublic schools are to determine the quantities and types of antidotes to maintain at each school building covered by the Act. The antidotes must be accessible during school hours, during school sponsored events in the school or in events held

adjacent to the building. Local districts have the choice of deciding to make such antidotes accessible at school-sponsored events that take place off school grounds.

The school nurse, having primary responsibility for the emergency administration of an opioid antidote, will oversee the training of volunteer designees to administer the antidote in her absence. The district policy must include a provision that all individuals who receive an opioid antidote must be transported to a hospital emergency room even if the person's symptoms appear to have resolved. Shared services agreements are encouraged to cover the cost of this legislation. The law does hold all school employees who act in good faith under this law immune from any liability.

NJPSA Position: Sought amendments

★ Certification

P.L. 2018, c. 81, (A-2193/S-1816) Computer Science Endorsement

Sponsors: Egan Jones (D6)/Diegnan(D18)

Date Signed: 8/10/18

Effective Date: 8/10/18 but endorsement requirement effective date to be determined by State Board of Education when sufficient supply of computer science teachers is available to districts

Provisions: Chapter 81 directs the State Board of Education to authorize a computer science endorsement to the instructional certificate authorizing the holder to teach computer science in all public schools. The computer science endorsement will be required to teach in grades 9 through 12 at some future date determined by the State Board, once a sufficient supply of appropriately certified teachers are available to school districts. To earn the endorsement, the teacher shall hold another instructional certificate and produce documentation that the candidate has completed the computer science related coursework requirements to be established by the State Board up to a maximum of 15 credits. Candidates who can document proficient experience teaching computer science for 2 years within the last 4 years may earn the endorsement upon payment of a fee. This option is available during the interim period prior to the State Board's designation of an effective date for the endorsement to go into full effect.

NJPSA Position: Sought Amendments

★ Accountability

P.L. 2018, c. 23, (S-1876/A-2192) Chronic Absenteeism Reporting

Sponsors: Ruiz (D29)/Vainieri Huttle (D37)

Date Signed: 5/30/2018

Effective Date: 5/30/2018

Provisions: Chapter 23 mandates that information concerning chronic absenteeism be included on the annual School Performance Report including numbers and percentages of students that are chronically absent disaggregated by subgroup. The Commissioner must annually report this information to the Legislature.

NJPSA Position: Support

★ School Safety and Security

P.L. 2018, c. 100, (A-3765/S-2456) School Safety Specialist

Sponsors: Houghtaling (D11)/Gopal (D11)

Date Signed: 8/17/2018

Effective Date: 8/17/2018

Provisions: This law modifies the existing law concerning the requirement that school superintendents must designate an administrator to serve as a school safety specialist. It authorizes the superintendent to designate a school employee with expertise in school safety and security to serve in this role.

NJPSA Position: Support

P.L. 2019, c. 168, (A-4597/ S-3080) Nonpublic School Security Aid

Sponsors: Schaer (D36)/Lagana (D38)

Date Signed: 12/17/2018

Effective Date: 12/17/2018

Provisions: This mid-year supplemental appropriation of \$11.3 million transferred funds to the NJDOE to increase per pupil funding for nonpublic school security aid from \$75 to \$ 150 per pupil (outside the FY 2019 Appropriations Act).

NJPSA Position: No position

**P.L. 2018, c. 33, (A-764/S-365)
Alyssa's Law**

Sponsors: Caputo (D28)/Rice (D28)

Date Signed: 2/6/2019

Effective Date: 9/1/2019

Provisions: Chapter 33, named after a New Jersey student killed in the Parkland school shooting, requires each public elementary and secondary school to be equipped with at least one panic alarm for use in a school security emergency (non-fire evacuations, lockdowns, active shooter situations or other emergencies). The alarm shall be directly linked to local law enforcement authorities or the State Police as appropriate. The alarm must be inaudible within the school building, but shall immediately transmit a signal or message to law enforcement upon activation. Panic alarms must adhere to nationally recognized industry standards and must be installed by a duly licensed individual under state law. Districts may utilize an emergency mechanism that is an alternative to a panic alarm if the NJDOE approves the use of the alternative mechanism. Funding for the installation of panic alarms in school buildings is to be provided through the recently passed bond referendum, the Securing Our Children's Future Act. The Schools Development Authority will be responsible for regulating this Act.

NJPSA Position: Supported with amendments and funding

 **Student
Transportation**

**P.L. 2018, c. 118, (A-4110/s-233)
Lap and Shoulder Belts on
School Buses**

Sponsors: Lopez (D 19)/Thompson (D 12)

Date Signed: 8/25/2018

Effective Date: 8/25/2018 but its provisions only apply to school buses manufactured on or after 2/21/2019

Provisions: Chapter 118 adds the requirement that school buses manufactured on or after 2/21/2019 shall be equipped with three -point lap and shoulder belts for each seating position on the bus or other child restraint systems that are in conformity with federal standards.

NJPSA Position: Neutral

**P.L. 2018, c. 151, (S-2848/A-4346)
School Bus Drivers Medical
Certification**

Sponsors: Diegnan (D18)/Tully (D 38)

Date Signed: 12/17/2018

Effective Date: 12/17/2018

Provisions: Chapter 151 requires school bus drivers who are 70 years of age or older to annually furnish evidence of continuing physical fitness via a medical examination by a licensed medical doctor or osteopathic physical. Bus drivers aged 75 or older shall do so every 6 months. These requirements are in addition to current licensing requirements for school bus drivers.

NJPSA Position: Support

**P.L. 2018, c. 152, (S-2850/
A-4344) Board Verification of
Status for Suspended/Non-
licensed Bus Drivers**

Sponsors: Lagana (D 38)/Swain (D38)

Date Signed: 12/17/2018

Effective Date: 12/17/2018

Provisions: Boards of education and school bus contractors who are notified by the Department of Education that an employed school bus driver has had his/her bus driver's license suspended or revoked, must provide a statement to the DOE verifying that this bus driver no longer operates a school bus.

NJPSA Position: Support

**P.L. 2018, c 159 (S-2852, A-4339)
NJ Compliance with Federal Bus
Safety Regulations**

Sponsors: Diegnan (D18)/Swain (D38)

Date Signed: 12/17/2018

Effective Date: 6/17/2019

Provisions: Chapter 159 requires that school bus operations in New Jersey comply with certain enumerated federal requirements as determined by the NJ Motor Vehicle Commission and the NJ Department of Education.

NJPSA Position: Support

**P.L. 2018, c. 160, (S-2853/
A-4345) Bus Safety Education
and Training**

Sponsors: Diegnan (D18)/Tully (D38)

Date Signed: 12/17/2018

Effective Date: 12/17/2018

Provisions: This statute requires permanent and part-time school bus drivers and school bus aides to be trained semi-annually in a school bus safety program that minimally shall include student management and discipline, school bus accident and emergency procedures, school bus emergency exit drills, loading and unloading procedures, school bus stop loading zone safety, inspection procedures at end of route, student privacy and records, defensive driving techniques, and railroad crossing procedures.

NJPSA Position: Support

**P.L. 2019, c. 17, (A-2436/S-2755)
Transportation Supervisors
Certification Program**

Sponsors: Benson (D14)/Lagana (D38)

Date Signed: 1/31/2019

Effective Date: 1/31/2019 but training requirement effective 2021-2022 school year

Provisions: Beginning in the 2021-2022 school year, Chapter 17 requires a newly hired or a school district transportation supervisor with less than 11 years service experience, to satisfactorily complete the School Transportation Supervisors Certification Program offered by the Center for Government Services at Rutgers. The board of education and transportation supervisor will determine who will bear the cost of this program. Newly hired and transportation supervisors with less than 11 years of experience in this role as of 1/31/2019 have four years (1/31/2023) to complete this program or another designated certification program.

NJPSA Position: Sought amendments

**P.L. 2019, c. 24, (A-4224/S-2754)
School Bus Safety Study**

Sponsors: Tully (D38)/Lagana (D38)

Date Signed: 1/31/2019

Effective Date: 7/1/2019

Provisions: Chapter 24 mandates an extensive school bus safety study with a focus on the safety of school bus passengers involved in emergency situations including school bus accidents, roll-overs, collisions, safety technologies, school bus driver qualification and event data recorders. The Commissioner of Education, in consultation with leadership in the State Police, Department of Law and Public Safety, NJ Motor Vehicle Commission and Office of Homeland Security will commission or contract with a research institution to do the study. A \$250,000 appropriation will pay for the study and ultimate report to the Governor and Legislature.

NJPSA Position: Support

**P.L. 2019, c. 4, (S-2914/A-4447)
School Bus Driver License
Suspension**

Sponsors: Lagana (D38)/Tully (D38)

Date Signed: 1/31/2019

Effective Date: 8/1/2019

Provisions: Chapter 4 mandates that the Chief Administrator of the NJ Division of Motor Vehicles must suspend the license of a school bus driver for 90 days if the bus driver is convicted of three or more motor vehicle moving violations in a 3 year period, or accumulates 6 or more motor vehicle penalty points while operating a commercial or non-commercial vehicle.

The Chief Administrator must notify the Commissioner of Education of the suspension within one business day of the date of suspension; whereupon the Commissioner shall notify the employing board of education, nonpublic school or bus contractor of the suspension within one business day. The employer must notify the NJDOE via written statement, verifying that the individual is no longer operating a school bus. The bus driver may have his/her license reinstated if he/she completes a defensive driving course and other conditions set by the Department of Motor Vehicles.

NJPSA Position: Support

 **School Funding,
Taxation, Facilities
Bond Act**

**P.L. 2018, c. 67, S-2/A-2 - School
Funding Reform Act (SFRA)
Modifications**

Sponsors: Sweeney (D3)/Coughlin (D 19)

Date Signed: 7/24/2018

Effective Date: 7/24/2018

Provisions: Chapter 67, commonly referred to as S-2, modified the School Funding Reform Act in an effort to update the school funding formula after years of flat funding and in an effort to move toward full funding of New Jersey schools as intended by the SFRA. The law evolved during budget negotiations for FY 2019. Modifications to the SFRA funding formula include the following:

- A 7-year phase out of aid according to a schedule for districts considered to be “overfunded” either by the receipt of adjustment aid (a temporary hold harmless aid intended to be phased out pursuant to the SFRA) or enrollment declines or increased community wealth that has not been factored into their state aid calculations;
- County vocational schools, former Abbott districts and districts that spend below adequacy by at least 10% and with municipal tax rates exceeding the state average by more than 10 % are excluded from the phased out aid reductions;
- Districts that have been “underfunded” in the formula will receive a proportionate share of the pool of money derived from the reductions noted above and their SFRA state aid allocations;
- Repeal of the enrollment growth aid caps;
- Allows adjustments to the tax levy cap for certain districts;
- Updates the formula calculations with the use of the most current data;

NJPSA Position: Support in part, oppose in part

P.L. 2018, c. 68, (S-2581/A-4163)

Sponsors: Cunningham (D 31), Chiaravalloti (D 31)

Date Signed: 7/24/2018

Effective Date: 7/24/2018

Provisions: Chapter 68 is special legislation designed to address the impacts of the major loss of adjustment aid in Jersey City resulting from P.L. 2018, c. 67. The law directed the receipt of municipal employer payroll taxes into a special fund for schools, including charter schools in the city.

NJPSA Position: Neutral

**P.L. 2018, c. 119 (S-2293/A-3902)
Securing Our Children’s Future
Bond Act**

Sponsors: Sweeney (D3)/Benson (D14)

Date Signed: 8/27/2018

Effective Date: 11/6/2018 following voter approval

Provisions: Chapter 119 authorized a \$500 million bond referendum for voter approval for school capital projects with three purposes:

- The expansion of career and technical education program capacity at county vocational school districts and county colleges;
- Addressing school security needs (this funding linked to Alyssa’s Law); and
- School water infrastructure projects.

The funding distribution is \$50 million for county college career and technical education grants, \$100 million for water infrastructure improvement grants, and \$350 million to be shared between county vocational capacity expansion and school security needs in school districts. To date, no exact distribution levels have been disclosed. The Commissioner of Education, in consultation with the Commissioner of Labor and Workforce Development is to establish the criteria and review process for these grants. Treasury will handle the bonding process according to existing law.

NJPSA Position: Support

**P.L. 2018, c. 11, (S-1893/A-3499)
Authorization of School District
Charitable Funds**

Sponsors: Sarlo (D 36)/McKeon (D 27)

Date Signed: 5/4/2018

Effective Date: 7/4/2018

Provisions: Chapter 11 permits school districts, municipalities, and counties to establish one or more charitable funds, each for specific public purposes and permits property tax credits in association with certain donations. The statute sets forth specific rules and requirements for the administration of this program.

NJPSA Position: Neutral

 **Student Residency**

**P.L. 2018, c. 13, (S-1918/A1114)
Residency on Federal Property**

Sponsors: Ruiz (D 29)/ Downey (D11)

Date Signed: 5/16/2018

Effective Date: 5/16/2018

Provisions: Beginning in school year 2018-2019, pupils who reside on federal property at the Naval Weapons Station Earle are to be enrolled in the schools of the district in which the pupils reside according to an enrollment schedule determined by the executive county superintendent of schools. The Naval Weapons Station Earle crosses two school districts. This enrollment schedule must provide for a four school transition if the student enrollment changes. Pupils will be given the option to continue in the school in which they are already enrolled on the effective date of the bill until he/she graduates from high school.

NJPSA Position: No position

 **Employment Issues**

**P.L. 2018, c. 5, (S-414/A-3381)
School Hiring Practice
Requirements**

Sponsors: Pennachio (R 26)/Downey (D 11)

Date Signed: 4/11/2018

Effective Date: 6/1/2018

Provisions: Chapter 5 significantly increases the obligations of local school districts to do an extensive background check on a potential employees past employment history with a targeted focus on past allegations/findings of child abuse or sexual misconduct. School districts, charter schools, nonpublic schools and contracted service providers for school districts must require all applicants whose work would involve regular contact with students to provide:

- a list of prior employers and contact information for any positions where the applicant had regular contact with children over the past 20 years;
- current employer contact information;
- all former employers over the past 20 years that were schools;
- a written consent form authorizing the disclosure of information by the past employer that releases them from any liability from disclosure of these records; and
- A written statement by the applicant indicating whether he/she had been subject to:
 - any child abuse or sexual misconduct allegation that was substantiated;
 - whether he/she was ever disciplined, discharged, nonrenewed, asked to resign or otherwise separated from employment during the pendency of an allegation of child abuse or sexual misconduct; or
 - whether the applicant has ever had a license, professional license, or certificate suspended, surrendered or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The statute requires the school employer

to conduct a review of the employment history of the applicant by contacting the employers on the list asking for similar information. This can take place by phone, electronic or written communication. If the previous employer fails to respond within 20 days of the information request, the employer may disregard the individual's application and be free from liability for such action. School districts may also immediately terminate an individual hired if information about sexual misconduct or child abuse is subsequently discovered or obtained by the employer without liability. The applicant is subject to penalty for willfully providing false information. Collective bargaining agreements are prohibited from including any language inconsistent with the provisions of this Act.

NJPSA Position: Sought amendments

**P.L. 2018, c. 9, (S-104/A-1)
Diane B. Allen Equal Pay Act**

Sponsors: Weinberg (D 37)/ Lampitt (D6)

Date Signed: 4/24/ 2018

Effective Date: 7/1/2018

Provisions: Chapter 9 modifies existing law, including the Law Against Discrimination (LAD) to strengthen protections against employment discrimination and promote equal pay for all groups protected by the LAD. The statute makes if an unlawful employment practice to pay a member of a protected class a rate of compensation, including benefits, that is less than the rate paid to employees that are not a member of this protected class for substantially similar work when viewed as a composite of skill, effort and responsibility. Employers are barred from reducing compensation rates to comply with the law. Employers are permitted to pay a different rate of compensation based upon a seniority or merit system, or based upon bona fide factors other than sex or other characteristics of a protected class such as training, education, experience, or the quantity or quality of production. Each factor must be reasonably applied. Employers may not take reprisals against employees for discussing or disclosing their compensation with other employees, former employees, attorneys or government agencies. No employee can be forced to waive his/her rights

under this law. The bill addresses the issue of damages, remedies, processes and the requirements for potential state contractors to disclose their compensation levels at the start of a state contract.

NJPSA Position: Support

P.L. 2018, c. 10, (A-1827/S-2171) Earned Sick Leave Act

Sponsors: Weinberg (D 37)/ Lampitt (D6)

Date Signed: 5/2/2018

Effective Date: 10/19/2018

Provisions: NJPSA members are covered by the existing provisions of Title 18A concerning sick leave. During the legislative process, school districts were excluded from the provisions of the legislation since school employees are covered for sick leave purposes, by another existing statute. However, post-enactment, the Department of Labor and Workforce Development issued a “Frequently Asked Questions” document that asserts that school districts may be subject to the provisions of this act for employees who are not covered by any other statute. In the case of school districts, this could mean teaching substitutes. NJPSA is awaiting regulations to clarify the application of Chapter 10 to school districts.

Chapter 10 requires covered employers to provide earned sick leave to New Jersey employees. The employee accrues one hour of earned sick leave for every 30 hours worked and at the same rate of pay, with the same benefits as the employee normally earns. Employees can only use or carry over no more than 40 hours of earned sick leave. Sick leave may be used for:

- for the care of a family member under the same circumstances,
- for absences resulting from a family member being a victim of domestic or sexual violence,
- for time during which an employee is unable to work because of the closure of the employee’s workplace, or the school or place of care of a child,
- in connection with a public health emergency or if the presence of the employee or child in the community would jeopardize the health of others or
- to attend school-related

conferences, meeting or events regarding the care of a child.

Note: These provisions do not apply to teaching staff members covered by Title 18A.

Employers can require reasonable documentation for absences over 3 consecutive days. Employers may be penalized for failure to comply with this law.

NJPSA Position: Neutral, NJPSA members not covered by the Act

P.L. 2019, c. 32, (A-15/S-15) Minimum Wage

Sponsors: Coughlin (D 19)/Sweeney (D3)

Date Signed: 2/4/2019

Effective Date: 2/4/2019

Provisions: Chapter 32 raises the minimum wage in New Jersey, on a phased-in schedule, to \$15 per hour. Effective July 1, 2019 the minimum wage will rise to \$10 per hour, by January 1, 2020 it will increase to \$11.00 per hour and an additional dollar an hour effective each January 1 thereafter until January 1, 2025 when the minimum wage will be \$15 per hour. After 2025, the Consumer Price Index will determine whether additional increases are appropriate. The law further establishes an 11 member Task Force on Wages and State Benefits to evaluate state, local and private sector impacts. The law incorporates a system of tax credits for employers of individuals with impairments. Chapter 32 does incorporate the provision of the Constitution to the effect that whenever the federal minimum wage exceeds the State minimum wage, the federal minimum wage will be adopted as the State minimum wage. Currently, the federal minimum wage is \$7.25/hour. Employers exempt from this statute include employers with less than 6 employees and certain seasonal employers. The bill also establishes alternate wage structures for employers of tipped employees and farm laborers.

NJPSA Position: Neutral

P.L. 2018, c. 15, (A-3686/S-2137) Workplace Democracy Enhancement Act

Sponsors: Coughlin (D 19)/Sweeney (D3)

Date Signed: 5/18/2018

Effective Date: 5/18/2018

Provisions: In anticipation of the Supreme Court’s decision in the Janus case, Chapter 15 creates a system of expansive rules and employer obligations to permit the exclusive bargaining representatives of public employees to have access to and the ability to communicate with members. Public employers must provide “access” to the exclusive representative employee organization of its bargaining units as follows:

- the right to meet with individual employees on the premises of the public employer during the work day to investigate and discuss grievances, workplace complaints, and other workplace issues;
- the right to conduct worksite meetings during lunch and other non-work breaks, before and after the workday on the employer’s premises to discuss workplace issues, collective negotiations, the administration of the contract or other internal union matters, and
- The right to meet with newly hired employees without charge to the pay or leave time of the employees for a minimum of 30 and maximum of 120 minutes, within 30 calendar days form the date of hire, during new employee orientations, or if the employer does not conduct such orientations, at individual or group meetings.

Public employers are also required to provide contact information to new bargaining unit employees to the union within 10 calendar days of the date of hire. Such bargaining unit contact information shall be provided to the exclusive bargaining representative on an annual basis. Exclusive representative employee organizations shall have the right to use the employer’s email system to communicate with unit members regarding collective negotiations, contract administration, grievance investigation and internal union matters. The unions are authorized to use government buildings to conduct bargaining unit business, exclusive of partisan elections. Employers who violate any of these statutory provisions can be

found to have committed an unfair labor practice under the processes of the Public Employment Relations Act. This Act also contains provisions concerning the inclusion of employees within the negotiations unit with the dispute resolution process established within the Public Employment Relations Commission (PERC).

The law also addresses the issue of union dues through payroll deduction. Chapter 15 permits employees who have authorized the payroll deduction of dues to revoke that authorization by providing written notice during the 10 days following each anniversary date of their employment. The public employer must notify the union of this notice of revocation within 5 days of notice from the employee. The revocation becomes effective on the 30th day after the anniversary date of employment.

NJPSA Position: Neutral

Pension and Health Benefits

P.L. 2018, c. 32, (A-2039/S-485) “Out-of-Network Consumer Protection, Transparency, Cost Containment and Accountability Act”

Sponsors: Coughlin (D19)/Vitale (D19)

Date Signed: 6/1/2018

Effective Date: 8/30/2018

Provisions: Chapter 32 reforms various aspects of the New Jersey health care delivery system to increase transparency in pricing for health care services, enhance consumer protections, create an arbitration system to resolve certain health care billing disputes, contain rising costs associated with out-of-network health care services and measure success with respect to these goals. The law places certain disclosure responsibilities on health care facilities and professionals to notify patients about services to be provided, the disclosure of whether the physician and/or health care facility is in- or out- of network. Additional disclosure requirements are established for the health care facility to:

- establish, update and make public, on its website, a list of the facilities standard charges,

- a statement of physician services,
- a listing and contact information for all physicians groups that the facility has contracted with for services including anesthesiology, pathology or radiology, and
- a listing of physicians employed at the hospital and the health plans in which they participate.

Prompt notification is required of any changes. Physicians must disclose and publicize similar information regarding their practice and participation in health benefits plans.

The law also places certain limitations on charges by out-of-network providers in two situations; first, if a covered person receives medically necessary services at a health care facility on an emergency or urgent basis; and second, for inadvertent out-of-network services.

NJPSA Position: Support

P.L. 2018, c. 40 (S-871/A-3122) Joint Insurance Funds

Sponsors: Burzichelli (D3)/Sweeney (D3)

Date Signed: 6/14/2018

Effective Date: 12/14/2018

Provisions: Chapter 40 authorizes certain joint insurance funds (JIFs) to invest in an expanded list of bonds, notes and other obligations of State and federal agencies that meet certain criteria and to form joint cash management and investment programs. The law also allows school districts to deposit public funds into multiple FDIC-insured accounts under certain conditions.

NJPSA Position: Neutral

P.L. 2018, c. 88 (A-4228/S-2771) SHBP and SEHBP and Medicare

Sponsors: Murphy (D 7)/ Singleton (D7)

Date Signed: 8/10/2018

Effective Date: 8/10/2018

Provisions: Chapter 88 requires the State Health Benefits Commission and the School Employees Health Benefits Commission to establish and contract for a Medicare Primary Assignment and Audit Program. Through this program, both Commissions shall conduct a continuous review of the SHBP or SEHBP respectively, to ensure that all person who are participants and their dependents and who are eligible for

Medicare under federal law are properly enrolled in Medicare as the primary provider of their health benefits coverage. The School Employees Health Benefits Program or State Health Benefits Program will be the secondary provider.

NJPSA Position: No position

P.L. 2018, c. 129 (S- ,A-) Renaissance School Employees in TPAF Pension System

Sponsors: Egan Jones (D 5)/Cruz-Perez (D 5)

Date Signed: 10/4/2018

Effective Date: 10/4/2018

Provisions: Chapter 129 clarifies that employees of Renaissance Schools established pursuant to the Urban Hope Act are members of the appropriate State-administered retirement systems.

NJPSA Position: No position

Boards of Education

P.L. 2018 c. 20, (S-868/A-2030) - School Board Candidates

Sponsors: Sweeney (D 3)/Coughlin (D19)

Date Signed: 5/30/2018

Effective Date: 5/30/2018

Provisions: Chapter 20 revises school election law to allow two or more candidates for school board openings to circulate a joint nominating petition and to be bracketed together for the same term. Under the law, two or more candidates could sign or circulate, or both sign and circulate a joint nominating petition. However, if they choose to be bracketed together on the ballot, they must first notify the secretary of the board of education in writing prior to the drawing for the position on the ballot. The candidates will determine the order of their names within the bracket prior to notifying the board secretary. After a drawing for ballot position, the bracketed candidates will share a position on the ballot as a group.

NJPSA Position: No position