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July 26, 2019

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Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

I. State Issues

a. Acting Governor Oliver Signs Law Prohibiting Inquiries about Worker's Wages

Yesterday, Acting Governor Oliver signed into law [A-1094](#), which prohibits all employers from asking about workers' wage and salary history. Specifically, the new law makes it an unlawful employment practice for an employer to screen a job applicant based on their salary history, including but not limited to prior wages, salaries or benefits or require the applicant's salary history to satisfy any minimum or maximum criteria. An employer may still consider salary history in determining salary and benefits, may verify the applicant's salary history only if the applicant voluntarily provides such information and can request the applicant provide written authorization to confirm salary history after offer of employment.

This new law will not apply for internal transfers or promotions; any attempt by an employer to obtain or verify a job applicant's non-salary related background information provided that the employer must specify that salary history cannot be disclosed; inquiries regarding an applicant's previous experience with incentives, commission plans and terms and conditions of the plans; or any actions taken by an employer pursuant to any federal law or regulations that expressly requires the disclosure or verification of salary history.

An employer is not prohibited from offering the applicant information regarding wage or salary rates set by a collective bargaining agreement or by civil service or other laws. Also, an employer is not prohibited from paying those rates if the applicant is hired. An

employer is also not prohibited from acquiring salary history information that is publicly available; however that information cannot be retained or considered when determining salary, benefits or compensation.

Any employer who violates this new law can be liable for civil penalty of maximum \$1,000 for first violation, \$5,000 for second violation and \$10,000 for each subsequent violation.

We suggest you review this new law, which takes effect on January 1, 2020, with your administrator and labor counsel.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

b. Governor Signs Major Events Coordinator Law

On Tuesday, Governor Murphy signed [P.L. 2019, c. 198](#) which designates the Secretary of State as the Major Event Coordinator. The Secretary of State will provide a consolidated one-stop centralized location of information and assistance for persons planning to host major events that will increase tourism to New Jersey by providing assistance with permits, licensing and compliance with State laws and regulations. The new law defines “major event” as events that “increase tourism to New Jersey and generate significant, immediate or long-term economic, social and cultural benefits to the State, attract significant numbers of participants and spectators, or have a national profile outside of the region in which it is being run, and generate significant media coverage in markets of interest for tourism.” This new law took effect on July 23, 2019.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

c. New Law Requires Property Tax Bills to Include Eligibility Information on State Tax Relief Programs

Last week Governor Murphy signed into law [A-1048](#), which requires property tax bills to contain eligibility information on State tax relief programs. P.L. 2019, c. 186 requires that the property tax bills include a link to the Division of Taxation’s website where a listing of and eligibility requirements for various State property tax relief programs can be found. While the law took effect immediately it will apply to property tax bills printed after September 17, 2019. We thank the sponsors for amending the bill to require a link to the information on the Division of Taxation’s website instead of the original requirement that municipalities include a listing and eligibility requirements with each property tax bill.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

d. County Board of Freeholders Can Increase Board of Election Membership

Last week Governor Murphy signed into law [A-5162](#), which permits the county board of chosen freeholders, by a majority vote of the full membership, to increase the membership of the board of elections from four to six members. The two new members must be legal voters in the county and consist of equal representation of political parties. The initial

nomination and appointments to increase the membership must be made no less than ten business days following the adoption of the increase by the board of chosen freeholders. This new law took effect July 19, 2019.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

e. New Law Changes Advertisement Requirements for Polling Locations

A new law signed by Governor Murphy last week removes the requirement to include the physical location of each polling location in the mandatory polling location advertisement. Instead [P.L. 2019, c. 170](#) requires that the advertisement include a link to view the polling place location information on the Division of Elections website. This new law took effect on July 19, 2019.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

f. Supreme Court Looks to Change Rules to Periodically Dismiss Older Municipal Court Complaints

Earlier this year the Supreme Court issued an Order dismissing nearly 800,000 unresolved complaints on minor municipal court matters. (See, item d. in our [weekly roundup from January 18, 2019](#)). The Order also referred the issue of future dismissal of such minor municipal matters to the Municipal Practice Committee for them to examine the possibility of expanding the types of matters to be dismissed and to develop a process for the periodic review of dismissal of open, dated municipal court matters.

Following this Order the Municipal Practice Committee released its [Supplemental Report](#) that recommends amending court rules to require the dismissal of certain complaints more than ten years old. This rule change would lay the groundwork necessary for the use of periodic dismissal protocol which the Committee has recommended to be developed by the Administrative Office of the Courts.

In seeking to adopt this rule change the Supreme Court issued a [Notice](#) inviting public comments. Written comments must be submitted by August 9, 2019. Further information on how to comment can be found in the Notice.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x137.

g. Governor Signs Bill Removing Obstacles to Land Preservation

Last week, Governor Murphy signed into law [S-1707](#) which exempts governmental entities acquiring lands for open space located in deed-authorized common interest communities from paying community fees, if at the time of accusation, the community has never been formed or has been dissolved or discontinued. This new law took effect July 19, 2019.

The League supported this common sense bill as it eliminates unnecessary covenants to promote and encourage open space land preservation. We would like to thank the sponsors of this bill, Senators Oroho, Bateman, Space, Andrzejczak, and Wirths, for the

work on this important issue.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x137.

h. Pension Forfeiture Bill for Sexual Assault Convictions Signed into Law

Last week, Governor Murphy signed into law [A-3766](#), which requires a public officer or employee to forfeit their pension upon a conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when the offense involves or touch upon public office or employment.

This law augments already existing law that requires pension forfeiture upon convictions for crimes against the public trust to include these additional crimes.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x137.

i. Council on Local Mandates Holds Hearing in Challenge to Vote-by-Mail Law

As you may be aware, the New Jersey Association of Counties is challenging as an unfunded mandate before the Council on Local Mandates, [P.L. 2018 c. 72](#), which requires county clerks to furnish mail-in ballots to all qualified voters in future elections without further request. In response to this challenge the State, through the Attorney General's office, filed a motion to dismiss, and on Wednesday the Council held a hearing on this motion.

The League is closely monitoring this challenge as P.L. 2018 c. 72 will likely increase the costs passed on by counties to municipal governments for certain elections. There is no timeline for the council to issue a ruling on the State's motion, and a ruling against dismissal does not end the case. The Council will still need to review the challenge on the merits.

We will continue to provide you updates as the case moves forward. In the meantime, for more information and to read the filing by both parties please visit the [Council on Local Mandates website](#).

II. Annual League Conference

a. NJLM Annual Conference Exhibit Booth Registration is Open!

Invite your vendors to exhibit at the 2019 NJLM Annual Conference and showcase their product or service to other municipalities. Exhibit space is over 80% sold out so contact your vendors today – or send us a note and we'll reach out to them! The [2019 Exhibitor and Sponsorship Prospectus \(PDF\)](#), [Interactive Floor Plan](#) and [other exhibit information](#) can be downloaded on the League web site.

Contact: Kristin Lawrence, Director of Exhibition and Sponsorships, 609-695-3481 x125,

klawrence@njlm.org.

b. Reserve Your Hotel for the Annual League Conference

Preparations for the Annual League Conference November 19-21 are underway and the hotel reservations system is open for attendees and exhibitors at the [League Conference Web Page](#). There you will also see a preliminary schedule of conference sessions.

Staying in Atlantic City for the Conference is a great way to get the most from your attendance at the Conference. Staying over will maximize your time and opportunities to participate in the educational, informational, and networking opportunities offered throughout the Annual League Conference.

c. Unauthorized Hotel Reservation Services

Every year there are unauthorized firms soliciting housing and hotel reservations from attendees at the Annual League Conference. We assure you that the only firm authorized to handle our conference housing reservations is AC Central Reservations. This information is on the top of the [official conference housing form](#) sent to all municipal clerks and posted on the League web site.

Using unauthorized reservation services creates real problems for you and the conference as a whole. You cannot be assured your credit card information is secure and your room reservation may not actually be made. Using unauthorized services means your room will not be part of the official conference housing block and you will not get emergency housing information (which happened in both 2011 and 2012), nor will there be adequate shuttle bus services to your hotel.

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

Contact: Michael J. Darcy, CAE, Executive Director, mdarcy@njlm.org, 609-695-3481, x116.

III. Also of Interest

a. Mayors' Hall of Fame

Nominations are being accepted for the Mayors Hall of Fame. The Mayors' Hall of Fame was rolled out on November 15, 1995, at the Mayors' Luncheon during the 80th Annual League Conference in Atlantic City.

There are three recognition levels:

- Silver Level (10 Years)
- Gold Level (20 Years)
- White Level (30 Years)

Mayors, who are currently serving and have served a total of 10, 20, or 30 years as mayor, are eligible for nomination by associates or for themselves. Mayors who rotate into

office are eligible for this recognition. [Find details and nomination forms](#) on the League website.

b. The League is Now Accepting Applications for the Innovation in Governance Program!

The New Jersey Department of Community Affairs (DCA) and the New Jersey State League of Municipalities will again acknowledge and promote Innovation in Governance through our annual recognition program. This is a great opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or overtime – in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising.

Visit our awards page to see previous years of impressive ideas created by our winning municipalities as well as the [full invitation and application](#) to this year's program.

Contact: Ciara Bradley, Legislative Administrator, CBradley@njlm.org, 609-695-3481 x128.

c. Take Part in New Jersey's 2020 Forest Action Plan

The New Jersey Department of Environmental Protection (NJDEP) and the NJ Forest Service invite your input for the 2020 Forest Action Plan. The action plan serves as the state's basis for federal forestry funding and outlines the states' forest management priorities to focus on over the next decade. Further, the plan will review the current assessments of the state's traditional and urban and community forests and assist as a plan for forest oversight.

The Director of the Division of Parks and Forestry, Olivia Glenn believes that when the state works toward the same forest management goals, there would be a substantial effect that improves tree and forest resource. You can read more on how your input is essential to the planning process of the [New Jersey 2020 Forest Action Plan on the Leagues webpage](#).

d. Interest Arbitration Workshop

The New Jersey Association of Counties (NJAC), the New Jersey State League of Municipalities (NJLM), the New Jersey Municipal Managers Association (NJMMA), and the Government Finance Officers Association of New Jersey (GFOA) have joined forces to assemble an outstanding panel of finance officers, labor attorneys, and local governing body administrators that provide management with effective strategies and recommended best practices on how to navigate the unlevel playing field created by the failure of State leaders to permanently extend the 2% cap on binding interest arbitration awards.

Senator Declan O'Scanlon (R-11), an Interest Arbitration Task Force Member, will deliver the keynote remarks followed by leading labor attorneys Matthew Giacobbe and Joseph M. Hannon, who will address the current state of negotiations. Town of Boonton Administrator Neil Henry will provide a comprehensive case study and highly regarded finance officers Jon Rheinhardt and Gabriela Simoes Dos Santos will discuss the significance of analyzing and preparing critical financial data. The workshop will also recommend new legislative strategies to address the continued inaction of State leaders,

which has inequitably altered the collective bargaining process in favor of labor at the expense of property taxpayers, and recommended best practices for management, some of which include: expecting aggressive and coordinated negotiating tactics from collective bargaining units; making sure to use general counsel and an experienced labor attorney to negotiate directly with collective bargaining units; preparing comprehensive financial analysis that includes a complete and accurate picture of a governing body's ability to pay; compiling salary, wage, and fringe benefits data, and all other relevant information, to address false claims and statements made by collective bargaining units; and, staying strong on health benefit concessions, particularly with retirees and rolling back Chapter 78 requirements.

This important and timely workshop is scheduled for 10:00 a.m –12:00 Noon on July 31st in Committee Room 4 of the State House Annex in Trenton. The event is free for public officials, but space is very limited, so please make sure to contact Kim Nolan at NJ Association of Counties knolan@njac.org if you plan on attending. Registration is closing soon.

e. New Jersey Clean Energy Program

The Board of Public Utilities' (BPU) will be awarding its first [Community Energy Plan grants in 2019](#). These grants are designed to encourage communities to bring together all the stakeholders (residents, businesses, non-profits and government) to benchmark energy use and other environmental impacts (waste production, water protection, land conservation), to create a plan to reduce the communities' energy consumption in accordance with the 2019 New Jersey Energy Master Plan and implement the short and long term goals.



New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608
Phone: 609-695-3481 Web: www.njlm.org

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