

S3231 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	Yes	SBA 6/24/24 1R
TECHNICAL REVIEW:	No	
COMMITTEE STATEMENT:		
ASSEMBLY:	No	
SENATE:	Yes	Labor Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CL/MM

P.L. 2024, CHAPTER 77, *approved September 12, 2024*
Assembly, No. 2890 (*First Reprint*)

1 AN ACT concerning the Board of Review in the Division of
2 Employment Security and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to
9 read as follows:

10 3. When used in this act:

11 (a) The term "board" shall mean New Jersey State Board of
12 Mediation.

13 (b) The term "commission" shall mean New Jersey Public
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the
23 State, or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public
25 service. The term shall also include the Delaware River Port
26 Authority, established pursuant to R.S.32:3-1 et seq.

27 (d) The term "employee" shall include any employee, and shall
28 not be limited to the employees of a particular employer unless this
29 act explicitly states otherwise, and shall include any individual
30 whose work has ceased as a consequence of or in connection with
31 any current labor dispute or because of any unfair labor practice and
32 who has not obtained any other regular and substantially equivalent
33 employment. This term, however, shall not include any individual
34 taking the place of any employee whose work has ceased as
35 aforesaid, nor shall it include any individual employed by his parent
36 or spouse, or in the domestic service of any person in the home of
37 the employer, or employed by any company owning or operating a
38 railroad or railway express subject to the provisions of the Railway
39 Labor Act (45 U.S.C. s.151 et seq.). This term shall include any
40 public employee, i.e., any person holding a position, by

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 26, 2024.

1 appointment or contract, or employment in the service of a public
2 employer, including the Delaware River Port Authority, except
3 elected officials, members of boards and commissions, managerial
4 executives and confidential employees. The exclusion of members
5 of boards and commissions from the definition of "employee"
6 contained within this subsection, shall not apply to members of the
7 Board of Review established pursuant to section 19 of P.L.1948,
8 c.446 (C.34:1A-19) and subsection (d) of R.S. 43:21-10.

9 (e) The term "representative" is not limited to individuals but
10 shall include labor organizations, and individual representatives
11 need not themselves be employed by, and the labor organization
12 serving as a representative need not be limited in membership to the
13 employees of, the employer whose employees are represented. This
14 term shall include any organization, agency or person authorized or
15 designated by a public employer, public employee, group of public
16 employees, or public employee association to act on its behalf and
17 represent it or them.

18 (f) "Managerial executives" of a public employer, in the case of
19 the State of New Jersey, means persons who formulate management
20 policies and practices, but shall not mean persons who are charged
21 with the responsibility of directing the effectuation of such
22 management policies and practices, except that, in the case of the
23 Executive Branch of the State of New Jersey, "managerial
24 executive" shall include only personnel at or above the level of
25 assistant commissioner.

26 In the case of any public employer other than the State of New
27 Jersey, "managerial executives" of a public employer means persons
28 who formulate management policies and practices, and persons who
29 are charged with the responsibility of directing the effectuation of
30 such management policies and practices, except that in any school
31 district this term shall include only the superintendent or other chief
32 administrator, and the assistant superintendent of the district.

33 (g) "Confidential employees" of a public employer means
34 employees whose functional responsibilities or knowledge in
35 connection with the issues involved in the collective negotiations
36 process would make their membership in any appropriate
37 negotiating unit incompatible with their official duties.

38 "Confidential employees" of the State of New Jersey means
39 employees who have direct involvement in representing the State in
40 the collective negotiations process making their membership in any
41 appropriate negotiating unit incompatible with their official duties.

42 (cf: P.L.2009, c.314, s.1)

43

44 2. Section 19 of P.L.1948, c.446 (C.34:1A-19) is amended to
45 read as follows:

46 19. There shall be within the Division of Employment Security a
47 Board of Review consisting of three members, who shall act as a
48 final appeals board in cases of benefit disputes, including appeals

1 from determinations with respect to demands by the deputy for
2 refunds of benefits ~~【under section 43:21-16(d) of the Revised~~
3 ~~Statutes】~~ pursuant to subsection (d) of R.S.43:21-16, and who shall
4 supervise the work of local appeal tribunals which may be
5 organized pursuant to the unemployment compensation law. The
6 members of the Board of Review shall be appointed by the director
7 of the Division of Employment Security, subject to the approval of
8 the commissioner, pursuant to the provisions of Title ~~【11】~~ 11A
9 of the ~~【Revised】~~ New Jersey Statutes, Civil Service. ~~【The first board~~
10 ~~constituted under this act shall consist of the members of the Board~~
11 ~~of Review constituted pursuant to section 43:21-10 of the Revised~~
12 ~~Statutes in office on the effective date of this act. No member of~~
13 ~~the Board of Review shall participate in any case in which he is an~~
14 ~~interested party.】~~ ¹No member of the Board of Review shall
15 participate in any case in which the member is an interested party.¹
16 The commissioner, at the commissioner's discretion, may on a
17 temporary basis appoint three additional members to the Board of
18 Review using either, or a combination of both, of the following two
19 methods: (1) interim appointment, pursuant to N.J.A.C. 4A:4-
20 1.6(d)3, of State employees who hold full-time primary
21 employment in State service, or (2) appointment, pursuant to
22 N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary
23 employment in State service to an intermittent title. If three
24 additional members of the Board of Review are appointed by the
25 commissioner on a temporary basis, increasing the membership of
26 the Board of Review from three to six, the commissioner shall
27 designate two separate panels from among the six members of the
28 Board of Review, and each of the two panels shall be empowered to
29 act independently of the other as a final appeals board in cases of
30 benefit disputes, including appeals from determinations with respect
31 to demands by the deputy for refunds of benefits pursuant to
32 subsection (d) of R.S.43:21-16. The commissioner may interchange
33 panel members from among the six members of the Board of
34 Review as operational needs dictate.

35 (cf: P.L.1948, c.446, s.19)

36

37 3. R.S.43:21-10 is amended to read as follows:

38 43:21-10. (a) Organization. There is hereby created a
39 commission to be known as the Unemployment Compensation
40 Commission of New Jersey. It shall consist of seven members who
41 shall be appointed by the Governor, with confirmation by the
42 Senate, not more than four of whom shall be of the same political
43 affiliation. Each member shall be reimbursed for his traveling and
44 other expenses actually and necessarily incurred by him in the
45 performance of his duties, and, in addition, shall receive a per diem
46 allowance of ~~【twenty-five dollars (\$25.00)】~~ \$25 for each day, or
47 part thereof, spent in the rendition of service to or for the

1 commission under this act; provided, however, that no member
2 shall in any case receive per diem compensation as such member in
3 an amount in excess of **【three thousand five hundred dollars**
4 **(\$3,500.00)】** \$3,500 for any one fiscal year. The payment
5 heretofore of any such per diem allowance to any member of the
6 commission for services performed under this chapter during the
7 period from April twentieth, one thousand nine hundred and forty-
8 five, to October seventh, one thousand nine hundred and forty-
9 seven, is hereby approved, ratified and confirmed; and the
10 payment hereafter of any such per diem allowance to any member
11 of the commission for services performed under this chapter, since
12 September first, one thousand nine hundred and forty-seven, and
13 for which no such per diem allowance was paid, is hereby
14 authorized. No person may be appointed who is an officer or
15 committee member of any political party organization. First
16 appointees to the commission shall serve as designated by the
17 Governor at the time of appointment, as follows: one for a term of
18 one year, one for a term of two years, one for a term of three years,
19 one for a term of four years, one for a term of five years, one for a
20 term of six years, and one for a term of seven years. At the
21 expiration of initial terms, appointments shall be made for a term of
22 seven years in each case. Any vacancies created by death,
23 resignation or removal shall be filled by appointment for the
24 unexpired portion of the term so vacated.

25 The Governor may, at any time after a fair public hearing,
26 remove any member of the commission for gross inefficiency,
27 neglect of duty, malfeasance, misfeasance or nonfeasance in office.

28 (b) Executive director. The commission shall appoint an
29 executive director who shall be the chief executive and approval
30 officer of the commission and its official agent for all purposes, and
31 who shall hold office at its pleasure. He shall give his full time to
32 the duties of his office, shall be paid a suitable salary to be fixed by
33 the commission and shall have general charge and supervision of
34 the work of all departments of the commission as well as any
35 subdivisions thereof.

36 It shall be the duty of the executive director to administer this
37 chapter with the advice of the commission; and to that end, the
38 executive director shall have the following duties and powers:

39 (1) To formulate necessary rules and regulations, subject to
40 approval by the commission.

41 (2) To appoint and fix the compensation of members of the
42 staff, subject to approval by the commission and subject to the
43 provisions of subsection (d) of **【section eleven of this chapter】**
44 R.S.43:21-11.

45 (3) To make such expenditures as are necessary in the discharge
46 of his functions hereunder as provided for in the budget to be
47 approved annually by the commission, to make requisitions for any
48 funds provided by the Federal Government for administration of

1 this chapter, and he is hereby authorized to draw vouchers on the
2 administration fund for the purpose of administering this chapter.

3 (4) To draw vouchers upon the unemployment compensation
4 fund and the appropriate accounts therein for the payment of
5 benefits.

6 (5) To delegate to other persons any of the powers conferred
7 upon him by this chapter, so far as is reasonably necessary.

8 (c) Divisions. The executive director shall establish such
9 administrative divisions as may be necessary to carry out the
10 purposes of this chapter, subject to approval of the commission.
11 Among such divisions shall be New Jersey State Employment
12 Service Division, established pursuant to **[section]** R.S. 43:21-12
13 **[of this Title]**. The New Jersey State Employment Service shall be
14 a separate administrative unit with respect to personnel, budget, and
15 duties, except insofar as the commission may find such separation
16 to be impracticable.

17 (d) Board of review. The executive director shall appoint,
18 subject to the provisions of Title **[11]** 11A of the New Jersey
19 Statutes, Civil Service, from civil service eligible lists, subject to
20 approval of the commission, a board of review, consisting of three
21 members whose duties shall be to act as a final appeals board in
22 cases of benefit disputes, including appeals from determinations
23 with respect to demands by the deputy for refunds of benefits
24 **[under section 43:21-16(d) of this chapter]** pursuant to subsection
25 (d) of R.S.43:21-16 and to whom shall be delegated the duty of
26 supervising the work of local appeal tribunals to be organized as
27 provided for elsewhere in this chapter. No member of the board of
28 review shall participate in any case in which he is an interested
29 party.

30 The commissioner, at the commissioner's discretion, may on a
31 temporary basis appoint three additional members to the Board of
32 Review using either, or a combination of both, of the following two
33 methods: (1) interim appointment, pursuant to
34 N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time
35 primary employment in State service, or (2) appointment, pursuant
36 to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time
37 primary employment in State service to an intermittent title. If
38 three additional members of the Board of Review have been
39 appointed by the commissioner on a temporary basis, increasing the
40 membership of the Board of Review from three to six, the
41 commissioner shall designate two separate panels from among the
42 six members of the Board of Review, and each of the two panels
43 shall be empowered to act independently of the other as a final
44 appeals board in cases of benefit disputes, including appeals from
45 determinations with respect to demands by the deputy for refunds of
46 benefits pursuant to subsection (d) of R.S.43:21-16. The
47 commissioner may interchange panel members from among the six
48 members of the Board of Review as operational needs dictate.

1 (e) Powers and duties. The commission shall have the
2 following specific powers and duties:

3 (1) To designate its chairman.

4 (2) To study the operation of this chapter and from time to time
5 prepare recommendations to the Governor and Legislature with
6 respect to any improvements which might be desirable.

7 (3) To make rules and regulations governing its own procedure.

8 (4) To advise the executive director and other members of the
9 commission staff with particular respect to policies and procedures.

10 (f) Quorum. Any four commissioners shall constitute a
11 quorum. No vacancies shall impair the right of the remaining
12 commissioners to exercise all of the powers of the commissioner.

13 (cf: P.L.1948, c.184, s.1)

14

15 4. This act shall take effect immediately.

16

17

18

19

20 _____
21 Permits temporary appointment of additional members to the
Board of Review in the Division of Employment Security.

CHAPTER 77

AN ACT concerning the Board of Review in the Division of Employment Security and amending various parts of the statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to read as follows:

C.34:13A-3 Definitions.

3. When used in this act:

The term "board" shall mean New Jersey State Board of Mediation.

The term "commission" shall mean New Jersey Public Employment Relations Commission.

The term "employer" includes an employer and any person acting, directly or indirectly, on behalf of or in the interest of an employer with the employer's knowledge or ratification, but a labor organization, or any officer or agent thereof, shall be considered an employer only with respect to individuals employed by such organization. This term shall include "public employers" and shall mean the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or a school district, or any special district, or any authority, commission, or board, or any branch or agency of the public service. The term shall also include the Delaware River Port Authority, established pursuant to R.S.32:3-1 et seq.

The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer unless this act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment. This term, however, shall not include any individual taking the place of any employee whose work has ceased as aforesaid, nor shall it include any individual employed by his parent or spouse, or in the domestic service of any person in the home of the employer, or employed by any company owning or operating a railroad or railway express subject to the provisions of the Railway Labor Act (45 U.S.C. s.151 et seq.). This term shall include any public employee, i.e., any person holding a position, by appointment or contract, or employment in the service of a public employer, including the Delaware River Port Authority, except elected officials, members of boards and commissions, managerial executives and confidential employees. The exclusion of members of boards and commissions from the definition of "employee" contained within this subsection shall not apply to members of the Board of Review established pursuant to section 19 of P.L.1948, c.446 (C.34:1A-19) and subsection (d) of R.S. 43:21-10.

The term "representative" is not limited to individuals but shall include labor organizations, and individual representatives need not themselves be employed by, and the labor organization serving as a representative need not be limited in membership to the employees of, the employer whose employees are represented. This term shall include any organization, agency or person authorized or designated by a public employer, public employee, group of public employees, or public employee association to act on its behalf and represent it or them.

"Managerial executives" of a public employer, in the case of the State of New Jersey, means persons who formulate management policies and practices, but shall not mean persons who are charged with the responsibility of directing the effectuation of such management policies and practices, except that, in the case of the Executive Branch of the State of New Jersey, "managerial executive" shall include only personnel at or above the level of assistant commissioner.

In the case of any public employer other than the State of New Jersey, "managerial executives" of a public employer means persons who formulate management policies and

practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices, except that in any school district this term shall include only the superintendent or other chief administrator, and the assistant superintendent of the district.

"Confidential employees" of a public employer means employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties.

"Confidential employees" of the State of New Jersey means employees who have direct involvement in representing the State in the collective negotiations process making their membership in any appropriate negotiating unit incompatible with their official duties.

2. Section 19 of P.L.1948, c.446 (C.34:1A-19) is amended to read as follows:

C.34:1A-19 Board of Review in Division of Employment Security.

19. There shall be within the Division of Employment Security a Board of Review consisting of three members, who shall act as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands by the deputy for refunds of benefits pursuant to subsection (d) of R.S.43:21-16, and who shall supervise the work of local appeal tribunals which may be organized pursuant to the unemployment compensation law. The members of the Board of Review shall be appointed by the director of the Division of Employment Security, subject to the approval of the commissioner, pursuant to the provisions of Title 11A of the New Jersey Statutes, Civil Service. No member of the Board of Review shall participate in any case in which the member is an interested party. The commissioner, at the commissioner's discretion, may on a temporary basis appoint three additional members to the Board of Review using either, or a combination of both, of the following two methods: (1) interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time primary employment in State service or (2) appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary employment in State service to an intermittent title. If three additional members of the Board of Review are appointed by the commissioner on a temporary basis, increasing the membership of the Board of Review from three to six, the commissioner shall designate two separate panels from among the six members of the Board of Review, and each of the two panels shall be empowered to act independently of the other as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands by the deputy for refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The commissioner may interchange panel members from among the six members of the Board of Review as operational needs dictate.

3. R.S.43:21-10 is amended to read as follows:

Unemployment compensation commission.

43:21-10. (a) Organization. There is hereby created a commission to be known as the Unemployment Compensation Commission of New Jersey. It shall consist of seven members who shall be appointed by the Governor, with confirmation by the Senate, not more than four of whom shall be of the same political affiliation. Each member shall be reimbursed for his traveling and other expenses actually and necessarily incurred by him in the performance of his duties, and, in addition, shall receive a per diem allowance of \$25 for each day, or part thereof, spent in the rendition of service to or for the commission under this act; provided,

however, that no member shall in any case receive per diem compensation as such member in an amount in excess of \$3,500 for any one fiscal year. The payment heretofore of any such per diem allowance to any member of the commission for services performed under this chapter during the period from April twentieth, one thousand nine hundred and forty-five, to October seventh, one thousand nine hundred and forty-seven, is hereby approved, ratified and confirmed; and the payment hereafter of any such per diem allowance to any member of the commission for services performed under this chapter, since September first, one thousand nine hundred and forty-seven, and for which no such per diem allowance was paid, is hereby authorized. No person may be appointed who is an officer or committee member of any political party organization. First appointees to the commission shall serve as designated by the Governor at the time of appointment, as follows: one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years. At the expiration of initial terms, appointments shall be made for a term of seven years in each case. Any vacancies created by death, resignation or removal shall be filled by appointment for the unexpired portion of the term so vacated.

The Governor may, at any time after a fair public hearing, remove any member of the commission for gross inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office.

(b) Executive director. The commission shall appoint an executive director who shall be the chief executive and approval officer of the commission and its official agent for all purposes, and who shall hold office at its pleasure. He shall give his full time to the duties of his office, shall be paid a suitable salary to be fixed by the commission and shall have general charge and supervision of the work of all departments of the commission as well as any subdivisions thereof.

It shall be the duty of the executive director to administer this chapter with the advice of the commission; and to that end, the executive director shall have the following duties and powers:

- (1) To formulate necessary rules and regulations, subject to approval by the commission.
- (2) To appoint and fix the compensation of members of the staff, subject to approval by the commission and subject to the provisions of subsection (d) of R.S.43:21-11.
- (3) To make such expenditures as are necessary in the discharge of his functions hereunder as provided for in the budget to be approved annually by the commission, to make requisitions for any funds provided by the Federal Government for administration of this chapter, and he is hereby authorized to draw vouchers on the administration fund for the purpose of administering this chapter.
- (4) To draw vouchers upon the unemployment compensation fund and the appropriate accounts therein for the payment of benefits.
- (5) To delegate to other persons any of the powers conferred upon him by this chapter, so far as is reasonably necessary.

(c) Divisions. The executive director shall establish such administrative divisions as may be necessary to carry out the purposes of this chapter, subject to approval of the commission. Among such divisions shall be New Jersey State Employment Service Division, established pursuant to R.S.43:21-12. The New Jersey State Employment Service shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find such separation to be impracticable.

(d) Board of review. The executive director shall appoint, subject to the provisions of Title 11A of the New Jersey Statutes, Civil Service, from civil service eligible lists, subject to approval of the commission, a board of review, consisting of three members whose duties shall

be to act as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands by the deputy for refunds of benefits pursuant to subsection (d) of R.S.43:21-16 and to whom shall be delegated the duty of supervising the work of local appeal tribunals to be organized as provided for elsewhere in this chapter. No member of the board of review shall participate in any case in which he is an interested party.

The commissioner, at the commissioner's discretion, may on a temporary basis appoint three additional members to the Board of Review using either, or a combination of both, of the following two methods: (1) interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time primary employment in State service or (2) appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary employment in State service to an intermittent title. If three additional members of the Board of Review have been appointed by the commissioner on a temporary basis, increasing the membership of the Board of Review from three to six, the commissioner shall designate two separate panels from among the six members of the Board of Review, and each of the two panels shall be empowered to act independently of the other as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands by the deputy for refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The commissioner may interchange panel members from among the six members of the Board of Review as operational needs dictate.

(e) Powers and duties. The commission shall have the following specific powers and duties:

- (1) To designate its chairman.
- (2) To study the operation of this chapter and from time to time prepare recommendations to the Governor and Legislature with respect to any improvements which might be desirable.
- (3) To make rules and regulations governing its own procedure.
- (4) To advise the executive director and other members of the commission staff with particular respect to policies and procedures.

(f) Quorum. Any four commissioners shall constitute a quorum. No vacancies shall impair the right of the remaining commissioners to exercise all of the powers of the commissioner.

4. This act shall take effect immediately.

Approved September 12, 2024.

ASSEMBLY, No. 2890

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

SYNOPSIS

Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A2890 VERRELLI

2

1 AN ACT concerning the Board of Review in the Division of
2 Employment Security and amending various parts of the
3 statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to
9 read as follows:

10 3. When used in this act:

11 (a) The term "board" shall mean New Jersey State Board of
12 Mediation.

13 (b) The term "commission" shall mean New Jersey Public
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the
23 State, or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public
25 service. The term shall also include the Delaware River Port
26 Authority, established pursuant to R.S.32:3-1 et seq.

27 (d) The term "employee" shall include any employee, and shall
28 not be limited to the employees of a particular employer unless this
29 act explicitly states otherwise, and shall include any individual
30 whose work has ceased as a consequence of or in connection with
31 any current labor dispute or because of any unfair labor practice and
32 who has not obtained any other regular and substantially equivalent
33 employment. This term, however, shall not include any individual
34 taking the place of any employee whose work has ceased as
35 aforesaid, nor shall it include any individual employed by his parent
36 or spouse, or in the domestic service of any person in the home of
37 the employer, or employed by any company owning or operating a
38 railroad or railway express subject to the provisions of the Railway
39 Labor Act (45 U.S.C. s.151 et seq.). This term shall include any
40 public employee, i.e., any person holding a position, by
41 appointment or contract, or employment in the service of a public
42 employer, including the Delaware River Port Authority, except
43 elected officials, members of boards and commissions, managerial
44 executives and confidential employees. The exclusion of members
45 of boards and commissions from the definition of "employee"

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 contained within this subsection, shall not apply to members of the
2 Board of Review established pursuant to section 19 of P.L.1948,
3 c.446 (C.34:1A-19) and subsection (d) of R.S. 43:21-10.

4 (e) The term "representative" is not limited to individuals but
5 shall include labor organizations, and individual representatives
6 need not themselves be employed by, and the labor organization
7 serving as a representative need not be limited in membership to the
8 employees of, the employer whose employees are represented. This
9 term shall include any organization, agency or person authorized or
10 designated by a public employer, public employee, group of public
11 employees, or public employee association to act on its behalf and
12 represent it or them.

13 (f) "Managerial executives" of a public employer, in the case of
14 the State of New Jersey, means persons who formulate management
15 policies and practices, but shall not mean persons who are charged
16 with the responsibility of directing the effectuation of such
17 management policies and practices, except that, in the case of the
18 Executive Branch of the State of New Jersey, "managerial
19 executive" shall include only personnel at or above the level of
20 assistant commissioner.

21 In the case of any public employer other than the State of New
22 Jersey, "managerial executives" of a public employer means persons
23 who formulate management policies and practices, and persons who
24 are charged with the responsibility of directing the effectuation of
25 such management policies and practices, except that in any school
26 district this term shall include only the superintendent or other chief
27 administrator, and the assistant superintendent of the district.

28 (g) "Confidential employees" of a public employer means
29 employees whose functional responsibilities or knowledge in
30 connection with the issues involved in the collective negotiations
31 process would make their membership in any appropriate
32 negotiating unit incompatible with their official duties.

33 "Confidential employees" of the State of New Jersey means
34 employees who have direct involvement in representing the State in
35 the collective negotiations process making their membership in any
36 appropriate negotiating unit incompatible with their official duties.
37 (cf: P.L.2009, c.314, s.1)
38

39 2. Section 19 of P.L.1948, c.446 (C.34:1A-19) is amended to
40 read as follows:

41 19. There shall be within the Division of Employment Security a
42 Board of Review consisting of three members, who shall act as a
43 final appeals board in cases of benefit disputes, including appeals
44 from determinations with respect to demands by the deputy for
45 refunds of benefits **【**under section 43:21-16(d) of the Revised
46 Statutes**】** pursuant to subsection (d) of R.S.43:21-16, and who shall
47 supervise the work of local appeal tribunals which may be
48 organized pursuant to the unemployment compensation law. The

1 members of the Board of Review shall be appointed by the director
2 of the Division of Employment Security, subject to the approval of
3 the commissioner, pursuant to the provisions of Title **[11]** 11A of
4 the **[Revised]** New Jersey Statutes, Civil Service. **[The first board**
5 **constituted under this act shall consist of the members of the Board**
6 **of Review constituted pursuant to section 43:21-10 of the Revised**
7 **Statutes in office on the effective date of this act. No member of**
8 **the Board of Review shall participate in any case in which he is an**
9 **interested party.]** The commissioner, at the commissioner's
10 discretion, may on a temporary basis appoint three additional
11 members to the Board of Review using either, or a combination of
12 both, of the following two methods: (1) interim appointment,
13 pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold
14 full-time primary employment in State service, or (2) appointment,
15 pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-
16 time primary employment in State service to an intermittent title. If
17 three additional members of the Board of Review are appointed by
18 the commissioner on a temporary basis, increasing the membership
19 of the Board of Review from three to six, the commissioner shall
20 designate two separate panels from among the six members of the
21 Board of Review, and each of the two panels shall be empowered to
22 act independently of the other as a final appeals board in cases of
23 benefit disputes, including appeals from determinations with respect
24 to demands by the deputy for refunds of benefits pursuant to
25 subsection (d) of R.S.43:21-16. The commissioner may interchange
26 panel members from among the six members of the Board of
27 Review as operational needs dictate.

28 (cf: P.L.1948, c.446, s.19)

29

30 3. R.S.43:21-10 is amended to read as follows:

31 43:21-10. (a) Organization. There is hereby created a
32 commission to be known as the Unemployment Compensation
33 Commission of New Jersey. It shall consist of seven members who
34 shall be appointed by the Governor, with confirmation by the
35 Senate, not more than four of whom shall be of the same political
36 affiliation. Each member shall be reimbursed for his traveling and
37 other expenses actually and necessarily incurred by him in the
38 performance of his duties, and, in addition, shall receive a per diem
39 allowance of **[twenty-five dollars (\$25.00)]** \$25 for each day, or
40 part thereof, spent in the rendition of service to or for the
41 commission under this act; provided, however, that no member
42 shall in any case receive per diem compensation as such member in
43 an amount in excess of **[three thousand five hundred dollars**
44 **(\$3,500.00)]** \$3,500 for any one fiscal year. The payment
45 heretofore of any such per diem allowance to any member of the
46 commission for services performed under this chapter during the
47 period from April twentieth, one thousand nine hundred and forty-

1 five, to October seventh, one thousand nine hundred and forty-
2 seven, is hereby approved, ratified and confirmed; and the
3 payment hereafter of any such per diem allowance to any member
4 of the commission for services performed under this chapter, since
5 September first, one thousand nine hundred and forty-seven, and
6 for which no such per diem allowance was paid, is hereby
7 authorized. No person may be appointed who is an officer or
8 committee member of any political party organization. First
9 appointees to the commission shall serve as designated by the
10 Governor at the time of appointment, as follows: one for a term of
11 one year, one for a term of two years, one for a term of three years,
12 one for a term of four years, one for a term of five years, one for a
13 term of six years, and one for a term of seven years. At the
14 expiration of initial terms, appointments shall be made for a term of
15 seven years in each case. Any vacancies created by death,
16 resignation or removal shall be filled by appointment for the
17 unexpired portion of the term so vacated.

18 The Governor may, at any time after a fair public hearing,
19 remove any member of the commission for gross inefficiency,
20 neglect of duty, malfeasance, misfeasance or nonfeasance in office.

21 (b) Executive director. The commission shall appoint an
22 executive director who shall be the chief executive and approval
23 officer of the commission and its official agent for all purposes, and
24 who shall hold office at its pleasure. He shall give his full time to
25 the duties of his office, shall be paid a suitable salary to be fixed by
26 the commission and shall have general charge and supervision of
27 the work of all departments of the commission as well as any
28 subdivisions thereof.

29 It shall be the duty of the executive director to administer this
30 chapter with the advice of the commission; and to that end, the
31 executive director shall have the following duties and powers:

32 (1) To formulate necessary rules and regulations, subject to
33 approval by the commission.

34 (2) To appoint and fix the compensation of members of the
35 staff, subject to approval by the commission and subject to the
36 provisions of subsection (d) of **[section eleven of this chapter]**
37 R.S.43:21-11.

38 (3) To make such expenditures as are necessary in the discharge
39 of his functions hereunder as provided for in the budget to be
40 approved annually by the commission, to make requisitions for any
41 funds provided by the Federal Government for administration of
42 this chapter, and he is hereby authorized to draw vouchers on the
43 administration fund for the purpose of administering this chapter.

44 (4) To draw vouchers upon the unemployment compensation
45 fund and the appropriate accounts therein for the payment of
46 benefits.

47 (5) To delegate to other persons any of the powers conferred
48 upon him by this chapter, so far as is reasonably necessary.

1 (c) Divisions. The executive director shall establish such
2 administrative divisions as may be necessary to carry out the
3 purposes of this chapter, subject to approval of the commission.
4 Among such divisions shall be New Jersey State Employment
5 Service Division, established pursuant to ~~section~~ R.S. 43:21-12
6 ~~of this Title~~. The New Jersey State Employment Service shall be
7 a separate administrative unit with respect to personnel, budget, and
8 duties, except insofar as the commission may find such separation
9 to be impracticable.

10 (d) Board of review. The executive director shall appoint,
11 subject to the provisions of Title ~~11~~ 11A of the New Jersey
12 Statutes, Civil Service, from civil service eligible lists, subject to
13 approval of the commission, a board of review, consisting of three
14 members whose duties shall be to act as a final appeals board in
15 cases of benefit disputes, including appeals from determinations
16 with respect to demands by the deputy for refunds of benefits
17 ~~under section 43:21-16(d) of this chapter~~ pursuant to subsection
18 (d) of R.S.43:21-16 and to whom shall be delegated the duty of
19 supervising the work of local appeal tribunals to be organized as
20 provided for elsewhere in this chapter. No member of the board of
21 review shall participate in any case in which he is an interested
22 party.

23 The commissioner, at the commissioner's discretion, may on a
24 temporary basis appoint three additional members to the Board of
25 Review using either, or a combination of both, of the following two
26 methods: (1) interim appointment, pursuant to
27 N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time
28 primary employment in State service, or (2) appointment, pursuant
29 to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time
30 primary employment in State service to an intermittent title. If
31 three additional members of the Board of Review have been
32 appointed by the commissioner on a temporary basis, increasing the
33 membership of the Board of Review from three to six, the
34 commissioner shall designate two separate panels from among the
35 six members of the Board of Review, and each of the two panels
36 shall be empowered to act independently of the other as a final
37 appeals board in cases of benefit disputes, including appeals from
38 determinations with respect to demands by the deputy for refunds of
39 benefits pursuant to subsection (d) of R.S.43:21-16. The
40 commissioner may interchange panel members from among the six
41 members of the Board of Review as operational needs dictate.

42 (e) Powers and duties. The commission shall have the
43 following specific powers and duties:

- 44 (1) To designate its chairman.
- 45 (2) To study the operation of this chapter and from time to time
46 prepare recommendations to the Governor and Legislature with
47 respect to any improvements which might be desirable.
- 48 (3) To make rules and regulations governing its own procedure.

1 (4) To advise the executive director and other members of the
2 commission staff with particular respect to policies and procedures.

3 (f) Quorum. Any four commissioners shall constitute a
4 quorum. No vacancies shall impair the right of the remaining
5 commissioners to exercise all of the powers of the commissioner.

6 (cf: P.L.1948, c. 184, s. 1)

7

8 4. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill permits the Commissioner of Labor and Workforce
14 Development to appoint on a temporary basis three additional
15 members to the Board of Review in the Division of Employment
16 Security using either, or a combination of both, of the following
17 two methods:

18 1. interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of
19 State employees who hold full-time primary employment in State
20 service; or

21 2. appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals
22 who do not hold full-time primary employment in State service to
23 an intermittent title.

24 If the commissioner appoints three additional members of the
25 Board of Review, increasing the board membership from three to
26 six, the commissioner shall designate two separate panels from
27 among the six board members, each of which shall be empowered
28 to act independently of the other as a final appeals board in cases of
29 benefit disputes, including appeals from determinations with respect
30 to demands for refunds of benefits pursuant to subsection (d) of
31 R.S.43:21-16. The commissioner may interchange panel members
32 from among the six board members as operational needs dictate.

33 The bill also removes the prohibition of any board member
34 participating in a case in which the member is an interested party.

[First Reprint]

ASSEMBLY, No. 2890

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

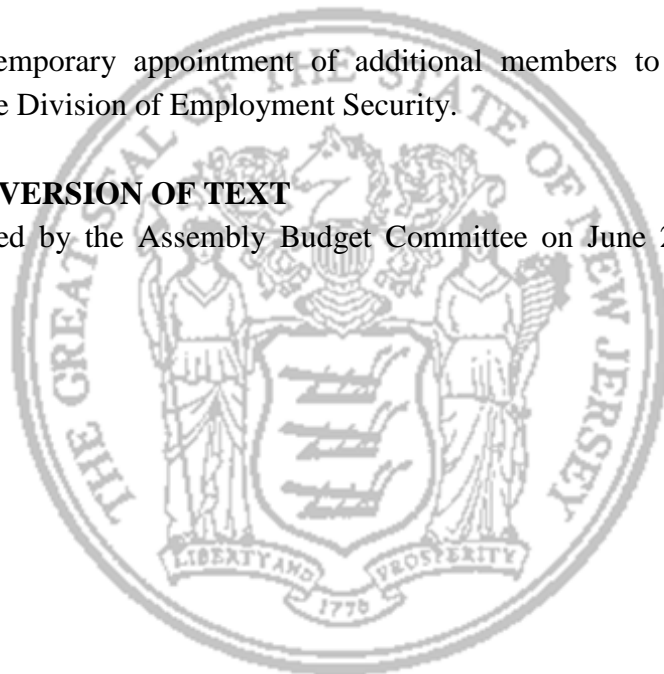
Assemblywoman Murphy, Assemblyman Freiman and Assemblywoman Speight

SYNOPSIS

Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 26, 2024, with amendments.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning the Board of Review in the Division of
2 Employment Security and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to
9 read as follows:

10 3. When used in this act:

11 (a) The term "board" shall mean New Jersey State Board of
12 Mediation.

13 (b) The term "commission" shall mean New Jersey Public
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the
23 State, or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public
25 service. The term shall also include the Delaware River Port
26 Authority, established pursuant to R.S.32:3-1 et seq.

27 (d) The term "employee" shall include any employee, and shall
28 not be limited to the employees of a particular employer unless this
29 act explicitly states otherwise, and shall include any individual
30 whose work has ceased as a consequence of or in connection with
31 any current labor dispute or because of any unfair labor practice and
32 who has not obtained any other regular and substantially equivalent
33 employment. This term, however, shall not include any individual
34 taking the place of any employee whose work has ceased as
35 aforesaid, nor shall it include any individual employed by his parent
36 or spouse, or in the domestic service of any person in the home of
37 the employer, or employed by any company owning or operating a
38 railroad or railway express subject to the provisions of the Railway
39 Labor Act (45 U.S.C. s.151 et seq.). This term shall include any
40 public employee, i.e., any person holding a position, by
41 appointment or contract, or employment in the service of a public
42 employer, including the Delaware River Port Authority, except
43 elected officials, members of boards and commissions, managerial
44 executives and confidential employees. The exclusion of members

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 26, 2024.

1 of boards and commissions from the definition of "employee"
2 contained within this subsection, shall not apply to members of the
3 Board of Review established pursuant to section 19 of P.L.1948,
4 c.446 (C.34:1A-19) and subsection (d) of R.S. 43:21-10.

5 (e) The term "representative" is not limited to individuals but
6 shall include labor organizations, and individual representatives
7 need not themselves be employed by, and the labor organization
8 serving as a representative need not be limited in membership to the
9 employees of, the employer whose employees are represented. This
10 term shall include any organization, agency or person authorized or
11 designated by a public employer, public employee, group of public
12 employees, or public employee association to act on its behalf and
13 represent it or them.

14 (f) "Managerial executives" of a public employer, in the case of
15 the State of New Jersey, means persons who formulate management
16 policies and practices, but shall not mean persons who are charged
17 with the responsibility of directing the effectuation of such
18 management policies and practices, except that, in the case of the
19 Executive Branch of the State of New Jersey, "managerial
20 executive" shall include only personnel at or above the level of
21 assistant commissioner.

22 In the case of any public employer other than the State of New
23 Jersey, "managerial executives" of a public employer means persons
24 who formulate management policies and practices, and persons who
25 are charged with the responsibility of directing the effectuation of
26 such management policies and practices, except that in any school
27 district this term shall include only the superintendent or other chief
28 administrator, and the assistant superintendent of the district.

29 (g) "Confidential employees" of a public employer means
30 employees whose functional responsibilities or knowledge in
31 connection with the issues involved in the collective negotiations
32 process would make their membership in any appropriate
33 negotiating unit incompatible with their official duties.

34 "Confidential employees" of the State of New Jersey means
35 employees who have direct involvement in representing the State in
36 the collective negotiations process making their membership in any
37 appropriate negotiating unit incompatible with their official duties.
38 (cf: P.L.2009, c.314, s.1)

39

40 2. Section 19 of P.L.1948, c.446 (C.34:1A-19) is amended to
41 read as follows:

42 19. There shall be within the Division of Employment Security a
43 Board of Review consisting of three members, who shall act as a
44 final appeals board in cases of benefit disputes, including appeals
45 from determinations with respect to demands by the deputy for
46 refunds of benefits **【**under section 43:21-16(d) of the Revised
47 Statutes**】** pursuant to subsection (d) of R.S.43:21-16, and who shall
48 supervise the work of local appeal tribunals which may be

1 organized pursuant to the unemployment compensation law. The
2 members of the Board of Review shall be appointed by the director
3 of the Division of Employment Security, subject to the approval of
4 the commissioner, pursuant to the provisions of Title ~~11~~ 11A
5 of the ~~Revised~~ New Jersey Statutes, Civil Service. ~~【The first board~~
6 ~~constituted under this act shall consist of the members of the Board~~
7 ~~of Review constituted pursuant to section 43:21-10 of the Revised~~
8 ~~Statutes in office on the effective date of this act. No member of~~
9 ~~the Board of Review shall participate in any case in which he is an~~
10 ~~interested party.】~~ ¹No member of the Board of Review shall
11 participate in any case in which the member is an interested party.¹
12 The commissioner, at the commissioner's discretion, may on a
13 temporary basis appoint three additional members to the Board of
14 Review using either, or a combination of both, of the following two
15 methods: (1) interim appointment, pursuant to N.J.A.C. 4A:4-
16 1.6(d)3, of State employees who hold full-time primary
17 employment in State service, or (2) appointment, pursuant to
18 N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary
19 employment in State service to an intermittent title. If three
20 additional members of the Board of Review are appointed by the
21 commissioner on a temporary basis, increasing the membership of
22 the Board of Review from three to six, the commissioner shall
23 designate two separate panels from among the six members of the
24 Board of Review, and each of the two panels shall be empowered to
25 act independently of the other as a final appeals board in cases of
26 benefit disputes, including appeals from determinations with respect
27 to demands by the deputy for refunds of benefits pursuant to
28 subsection (d) of R.S.43:21-16. The commissioner may interchange
29 panel members from among the six members of the Board of
30 Review as operational needs dictate.
31 (cf: P.L.1948, c.446, s.19)

32
33 3. R.S.43:21-10 is amended to read as follows:
34 43:21-10. (a) Organization. There is hereby created a
35 commission to be known as the Unemployment Compensation
36 Commission of New Jersey. It shall consist of seven members who
37 shall be appointed by the Governor, with confirmation by the
38 Senate, not more than four of whom shall be of the same political
39 affiliation. Each member shall be reimbursed for his traveling and
40 other expenses actually and necessarily incurred by him in the
41 performance of his duties, and, in addition, shall receive a per diem
42 allowance of ~~【twenty-five dollars (\$25.00)】~~ \$25 for each day, or
43 part thereof, spent in the rendition of service to or for the
44 commission under this act; provided, however, that no member
45 shall in any case receive per diem compensation as such member in
46 an amount in excess of ~~【three thousand five hundred dollars~~
47 ~~(\$3,500.00)】~~ \$3,500 for any one fiscal year. The payment

1 heretofore of any such per diem allowance to any member of the
2 commission for services performed under this chapter during the
3 period from April twentieth, one thousand nine hundred and forty-
4 five, to October seventh, one thousand nine hundred and forty-
5 seven, is hereby approved, ratified and confirmed; and the
6 payment hereafter of any such per diem allowance to any member
7 of the commission for services performed under this chapter, since
8 September first, one thousand nine hundred and forty-seven, and
9 for which no such per diem allowance was paid, is hereby
10 authorized. No person may be appointed who is an officer or
11 committee member of any political party organization. First
12 appointees to the commission shall serve as designated by the
13 Governor at the time of appointment, as follows: one for a term of
14 one year, one for a term of two years, one for a term of three years,
15 one for a term of four years, one for a term of five years, one for a
16 term of six years, and one for a term of seven years. At the
17 expiration of initial terms, appointments shall be made for a term of
18 seven years in each case. Any vacancies created by death,
19 resignation or removal shall be filled by appointment for the
20 unexpired portion of the term so vacated.

21 The Governor may, at any time after a fair public hearing,
22 remove any member of the commission for gross inefficiency,
23 neglect of duty, malfeasance, misfeasance or nonfeasance in office.

24 (b) Executive director. The commission shall appoint an
25 executive director who shall be the chief executive and approval
26 officer of the commission and its official agent for all purposes, and
27 who shall hold office at its pleasure. He shall give his full time to
28 the duties of his office, shall be paid a suitable salary to be fixed by
29 the commission and shall have general charge and supervision of
30 the work of all departments of the commission as well as any
31 subdivisions thereof.

32 It shall be the duty of the executive director to administer this
33 chapter with the advice of the commission; and to that end, the
34 executive director shall have the following duties and powers:

35 (1) To formulate necessary rules and regulations, subject to
36 approval by the commission.

37 (2) To appoint and fix the compensation of members of the
38 staff, subject to approval by the commission and subject to the
39 provisions of subsection (d) of **section eleven of this chapter**
40 R.S.43:21-11.

41 (3) To make such expenditures as are necessary in the discharge
42 of his functions hereunder as provided for in the budget to be
43 approved annually by the commission, to make requisitions for any
44 funds provided by the Federal Government for administration of
45 this chapter, and he is hereby authorized to draw vouchers on the
46 administration fund for the purpose of administering this chapter.

1 (4) To draw vouchers upon the unemployment compensation
2 fund and the appropriate accounts therein for the payment of
3 benefits.

4 (5) To delegate to other persons any of the powers conferred
5 upon him by this chapter, so far as is reasonably necessary.

6 (c) Divisions. The executive director shall establish such
7 administrative divisions as may be necessary to carry out the
8 purposes of this chapter, subject to approval of the commission.
9 Among such divisions shall be New Jersey State Employment
10 Service Division, established pursuant to **[section]** R.S. 43:21-12
11 **[of this Title]**. The New Jersey State Employment Service shall be
12 a separate administrative unit with respect to personnel, budget, and
13 duties, except insofar as the commission may find such separation
14 to be impracticable.

15 (d) Board of review. The executive director shall appoint,
16 subject to the provisions of Title **[11]** 11A of the New Jersey
17 Statutes, Civil Service, from civil service eligible lists, subject to
18 approval of the commission, a board of review, consisting of three
19 members whose duties shall be to act as a final appeals board in
20 cases of benefit disputes, including appeals from determinations
21 with respect to demands by the deputy for refunds of benefits
22 **[under section 43:21-16(d) of this chapter]** pursuant to subsection
23 (d) of R.S.43:21-16 and to whom shall be delegated the duty of
24 supervising the work of local appeal tribunals to be organized as
25 provided for elsewhere in this chapter. No member of the board of
26 review shall participate in any case in which he is an interested
27 party.

28 The commissioner, at the commissioner's discretion, may on a
29 temporary basis appoint three additional members to the Board of
30 Review using either, or a combination of both, of the following two
31 methods: (1) interim appointment, pursuant to
32 N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time
33 primary employment in State service, or (2) appointment, pursuant
34 to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time
35 primary employment in State service to an intermittent title. If
36 three additional members of the Board of Review have been
37 appointed by the commissioner on a temporary basis, increasing the
38 membership of the Board of Review from three to six, the
39 commissioner shall designate two separate panels from among the
40 six members of the Board of Review, and each of the two panels
41 shall be empowered to act independently of the other as a final
42 appeals board in cases of benefit disputes, including appeals from
43 determinations with respect to demands by the deputy for refunds of
44 benefits pursuant to subsection (d) of R.S.43:21-16. The
45 commissioner may interchange panel members from among the six
46 members of the Board of Review as operational needs dictate.

47 (e) Powers and duties. The commission shall have the
48 following specific powers and duties:

- 1 (1) To designate its chairman.
- 2 (2) To study the operation of this chapter and from time to time
- 3 prepare recommendations to the Governor and Legislature with
- 4 respect to any improvements which might be desirable.
- 5 (3) To make rules and regulations governing its own procedure.
- 6 (4) To advise the executive director and other members of the
- 7 commission staff with particular respect to policies and procedures.
- 8 (f) Quorum. Any four commissioners shall constitute a
- 9 quorum. No vacancies shall impair the right of the remaining
- 10 commissioners to exercise all of the powers of the commissioner.
- 11 (cf: P.L.1948, c.184, s.1)
- 12
- 13 4. This act shall take effect immediately.

ASSEMBLY, No. 2890

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee with technical review.



(Sponsorship Updated As Of: 6/6/2024)

1 AN ACT concerning the Board of Review in the Division of
2 Employment Security and amending various parts of the
3 statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to
9 read as follows:

10 3. When used in this act:

11 (a) The term "board" shall mean New Jersey State Board of
12 Mediation.

13 (b) The term "commission" shall mean New Jersey Public
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the
23 State, or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public
25 service. The term shall also include the Delaware River Port
26 Authority, established pursuant to R.S.32:3-1 et seq.

27 (d) The term "employee" shall include any employee, and shall
28 not be limited to the employees of a particular employer unless this
29 act explicitly states otherwise, and shall include any individual
30 whose work has ceased as a consequence of or in connection with
31 any current labor dispute or because of any unfair labor practice and
32 who has not obtained any other regular and substantially equivalent
33 employment. This term, however, shall not include any individual
34 taking the place of any employee whose work has ceased as
35 aforesaid, nor shall it include any individual employed by his parent
36 or spouse, or in the domestic service of any person in the home of
37 the employer, or employed by any company owning or operating a
38 railroad or railway express subject to the provisions of the Railway
39 Labor Act (45 U.S.C. s.151 et seq.). This term shall include any
40 public employee, i.e., any person holding a position, by
41 appointment or contract, or employment in the service of a public
42 employer, including the Delaware River Port Authority, except
43 elected officials, members of boards and commissions, managerial
44 executives and confidential employees. The exclusion of members
45 of boards and commissions from the definition of "employee"

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 contained within this subsection, shall not apply to members of the
2 Board of Review established pursuant to section 19 of P.L.1948,
3 c.446 (C.34:1A-19) and subsection (d) of R.S. 43:21-10.

4 (e) The term "representative" is not limited to individuals but
5 shall include labor organizations, and individual representatives
6 need not themselves be employed by, and the labor organization
7 serving as a representative need not be limited in membership to the
8 employees of, the employer whose employees are represented. This
9 term shall include any organization, agency or person authorized or
10 designated by a public employer, public employee, group of public
11 employees, or public employee association to act on its behalf and
12 represent it or them.

13 (f) "Managerial executives" of a public employer, in the case of
14 the State of New Jersey, means persons who formulate management
15 policies and practices, but shall not mean persons who are charged
16 with the responsibility of directing the effectuation of such
17 management policies and practices, except that, in the case of the
18 Executive Branch of the State of New Jersey, "managerial
19 executive" shall include only personnel at or above the level of
20 assistant commissioner.

21 In the case of any public employer other than the State of New
22 Jersey, "managerial executives" of a public employer means persons
23 who formulate management policies and practices, and persons who
24 are charged with the responsibility of directing the effectuation of
25 such management policies and practices, except that in any school
26 district this term shall include only the superintendent or other chief
27 administrator, and the assistant superintendent of the district.

28 (g) "Confidential employees" of a public employer means
29 employees whose functional responsibilities or knowledge in
30 connection with the issues involved in the collective negotiations
31 process would make their membership in any appropriate
32 negotiating unit incompatible with their official duties.

33 "Confidential employees" of the State of New Jersey means
34 employees who have direct involvement in representing the State in
35 the collective negotiations process making their membership in any
36 appropriate negotiating unit incompatible with their official duties.
37 (cf: P.L.2009, c.314, s.1)
38

39 2. Section 19 of P.L.1948, c.446 (C.34:1A-19) is amended to
40 read as follows:

41 19. There shall be within the Division of Employment Security a
42 Board of Review consisting of three members, who shall act as a
43 final appeals board in cases of benefit disputes, including appeals
44 from determinations with respect to demands by the deputy for
45 refunds of benefits **【**under section 43:21-16(d) of the Revised
46 Statutes**】** pursuant to subsection (d) of R.S.43:21-16, and who shall
47 supervise the work of local appeal tribunals which may be
48 organized pursuant to the unemployment compensation law. The

1 members of the Board of Review shall be appointed by the director
2 of the Division of Employment Security, subject to the approval of
3 the commissioner, pursuant to the provisions of Title **[11]** 11A of
4 the **[Revised]** New Jersey Statutes, Civil Service. **[The first board**
5 **constituted under this act shall consist of the members of the Board**
6 **of Review constituted pursuant to section 43:21-10 of the Revised**
7 **Statutes in office on the effective date of this act. No member of**
8 **the Board of Review shall participate in any case in which he is an**
9 **interested party.]** The commissioner, at the commissioner's
10 discretion, may on a temporary basis appoint three additional
11 members to the Board of Review using either, or a combination of
12 both, of the following two methods: (1) interim appointment,
13 pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold
14 full-time primary employment in State service, or (2) appointment,
15 pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-
16 time primary employment in State service to an intermittent title. If
17 three additional members of the Board of Review are appointed by
18 the commissioner on a temporary basis, increasing the membership
19 of the Board of Review from three to six, the commissioner shall
20 designate two separate panels from among the six members of the
21 Board of Review, and each of the two panels shall be empowered to
22 act independently of the other as a final appeals board in cases of
23 benefit disputes, including appeals from determinations with respect
24 to demands by the deputy for refunds of benefits pursuant to
25 subsection (d) of R.S.43:21-16. The commissioner may interchange
26 panel members from among the six members of the Board of
27 Review as operational needs dictate.

28 (cf: P.L.1948, c.446, s.19)

29

30 3. R.S.43:21-10 is amended to read as follows:

31 43:21-10. (a) Organization. There is hereby created a
32 commission to be known as the Unemployment Compensation
33 Commission of New Jersey. It shall consist of seven members who
34 shall be appointed by the Governor, with confirmation by the
35 Senate, not more than four of whom shall be of the same political
36 affiliation. Each member shall be reimbursed for his traveling and
37 other expenses actually and necessarily incurred by him in the
38 performance of his duties, and, in addition, shall receive a per diem
39 allowance of **[twenty-five dollars (\$25.00)]** \$25 for each day, or
40 part thereof, spent in the rendition of service to or for the
41 commission under this act; provided, however, that no member
42 shall in any case receive per diem compensation as such member in
43 an amount in excess of **[three thousand five hundred dollars**
44 **(\$3,500.00)]** \$3,500 for any one fiscal year. The payment
45 heretofore of any such per diem allowance to any member of the
46 commission for services performed under this chapter during the
47 period from April twentieth, one thousand nine hundred and forty-

1 five, to October seventh, one thousand nine hundred and forty-
2 seven, is hereby approved, ratified and confirmed; and the
3 payment hereafter of any such per diem allowance to any member
4 of the commission for services performed under this chapter, since
5 September first, one thousand nine hundred and forty-seven, and
6 for which no such per diem allowance was paid, is hereby
7 authorized. No person may be appointed who is an officer or
8 committee member of any political party organization. First
9 appointees to the commission shall serve as designated by the
10 Governor at the time of appointment, as follows: one for a term of
11 one year, one for a term of two years, one for a term of three years,
12 one for a term of four years, one for a term of five years, one for a
13 term of six years, and one for a term of seven years. At the
14 expiration of initial terms, appointments shall be made for a term of
15 seven years in each case. Any vacancies created by death,
16 resignation or removal shall be filled by appointment for the
17 unexpired portion of the term so vacated.

18 The Governor may, at any time after a fair public hearing,
19 remove any member of the commission for gross inefficiency,
20 neglect of duty, malfeasance, misfeasance or nonfeasance in office.

21 (b) Executive director. The commission shall appoint an
22 executive director who shall be the chief executive and approval
23 officer of the commission and its official agent for all purposes, and
24 who shall hold office at its pleasure. He shall give his full time to
25 the duties of his office, shall be paid a suitable salary to be fixed by
26 the commission and shall have general charge and supervision of
27 the work of all departments of the commission as well as any
28 subdivisions thereof.

29 It shall be the duty of the executive director to administer this
30 chapter with the advice of the commission; and to that end, the
31 executive director shall have the following duties and powers:

32 (1) To formulate necessary rules and regulations, subject to
33 approval by the commission.

34 (2) To appoint and fix the compensation of members of the
35 staff, subject to approval by the commission and subject to the
36 provisions of subsection (d) of **[section eleven of this chapter]**
37 R.S.43:21-11.

38 (3) To make such expenditures as are necessary in the discharge
39 of his functions hereunder as provided for in the budget to be
40 approved annually by the commission, to make requisitions for any
41 funds provided by the Federal Government for administration of
42 this chapter, and he is hereby authorized to draw vouchers on the
43 administration fund for the purpose of administering this chapter.

44 (4) To draw vouchers upon the unemployment compensation
45 fund and the appropriate accounts therein for the payment of
46 benefits.

47 (5) To delegate to other persons any of the powers conferred
48 upon him by this chapter, so far as is reasonably necessary.

1 (c) Divisions. The executive director shall establish such
2 administrative divisions as may be necessary to carry out the
3 purposes of this chapter, subject to approval of the commission.
4 Among such divisions shall be New Jersey State Employment
5 Service Division, established pursuant to ~~section~~ **R.S.** 43:21-12
6 **[of this Title]**. The New Jersey State Employment Service shall be
7 a separate administrative unit with respect to personnel, budget, and
8 duties, except insofar as the commission may find such separation
9 to be impracticable.

10 (d) Board of review. The executive director shall appoint,
11 subject to the provisions of Title ~~11~~ **11A** of the New Jersey
12 Statutes, Civil Service, from civil service eligible lists, subject to
13 approval of the commission, a board of review, consisting of three
14 members whose duties shall be to act as a final appeals board in
15 cases of benefit disputes, including appeals from determinations
16 with respect to demands by the deputy for refunds of benefits
17 **[under section 43:21-16(d) of this chapter]** pursuant to subsection
18 (d) of R.S.43:21-16 and to whom shall be delegated the duty of
19 supervising the work of local appeal tribunals to be organized as
20 provided for elsewhere in this chapter. No member of the board of
21 review shall participate in any case in which he is an interested
22 party.

23 The commissioner, at the commissioner's discretion, may on a
24 temporary basis appoint three additional members to the Board of
25 Review using either, or a combination of both, of the following two
26 methods: (1) interim appointment, pursuant to
27 N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time
28 primary employment in State service, or (2) appointment, pursuant
29 to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time
30 primary employment in State service to an intermittent title. If
31 three additional members of the Board of Review have been
32 appointed by the commissioner on a temporary basis, increasing the
33 membership of the Board of Review from three to six, the
34 commissioner shall designate two separate panels from among the
35 six members of the Board of Review, and each of the two panels
36 shall be empowered to act independently of the other as a final
37 appeals board in cases of benefit disputes, including appeals from
38 determinations with respect to demands by the deputy for refunds of
39 benefits pursuant to subsection (d) of R.S.43:21-16. The
40 commissioner may interchange panel members from among the six
41 members of the Board of Review as operational needs dictate.

42 (e) Powers and duties. The commission shall have the
43 following specific powers and duties:

- 44 (1) To designate its chairman.
- 45 (2) To study the operation of this chapter and from time to time
46 prepare recommendations to the Governor and Legislature with
47 respect to any improvements which might be desirable.
- 48 (3) To make rules and regulations governing its own procedure.

1 (4) To advise the executive director and other members of the
2 commission staff with particular respect to policies and procedures.

3 (f) Quorum. Any four commissioners shall constitute a
4 quorum. No vacancies shall impair the right of the remaining
5 commissioners to exercise all of the powers of the commissioner.

6 (cf: P.L.1948, c.184, s.1)

7

8 4. This act shall take effect immediately.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2890

STATE OF NEW JERSEY

DATED: MARCH 11, 2024

The Assembly Labor Committee reports favorably Assembly Bill No. 2890.

This bill permits the Commissioner of Labor and Workforce Development to appoint on a temporary basis three additional members to the Board of Review in the Division of Employment Security using either, or a combination of both, of the following two methods:

1. interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time primary employment in State service; or
2. appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary employment in State service to an intermittent title.

If the commissioner appoints three additional members of the Board of Review, increasing the board membership from three to six, the commissioner shall designate two separate panels from among the six board members, each of which shall be empowered to act independently of the other as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands for refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The commissioner may interchange panel members from among the six board members as operational needs dictate.

The bill also removes the prohibition of any board member participating in a case in which the member is an interested party.

This bill was prefiled for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2890

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 2890.

This bill permits the Commissioner of Labor and Workforce Development to appoint on a temporary basis three additional members to the Board of Review in the Division of Employment Security using either, or a combination of both, of the following two methods:

1. interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time primary employment in State service; or
2. appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary employment in State service to an intermittent title.

If the commissioner appoints three additional members of the Board of Review, increasing the board membership from three to six, the commissioner is required designate two separate panels from among the six board members, each of which is to be empowered to act independently of the other as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands for refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The commissioner may interchange panel members from among the six board members as operational needs dictate.

The bill also removes the prohibition of any board member participating in a case in which the member is an interested party.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2890

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2024

The Assembly Budget Committee reports favorably and with committee amendments Assembly Bill No. 2890.

As amended, this bill permits the Commissioner of Labor and Workforce Development to appoint on a temporary basis three additional members to the Board of Review in the Division of Employment Security using either, or a combination of both, of the following two methods:

1. interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time primary employment in State service; or
2. appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary employment in State service to an intermittent title.

If the commissioner appoints three additional members of the Board of Review, increasing the board membership from three to six, the commissioner shall designate two separate panels from among the six board members, each of which shall be empowered to act independently of the other as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands for refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The commissioner may interchange panel members from among the six board members as operational needs dictate.

COMMITTEE AMENDMENTS:

The committee amended the bill to reinsert existing statutory language prohibiting any board member from participating in a case in which the member is an interested party.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE, No. 3231

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 13, 2024

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the Board of Review in the Division of
2 Employment Security and amending various parts of the statutory
3 law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to read
9 as follows:

10 3. When used in this act:

11 (a) The term "board" shall mean New Jersey State Board of
12 Mediation.

13 (b) The term "commission" shall mean New Jersey Public
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the State,
23 or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public service.
25 The term shall also include the Delaware River Port Authority,
26 established pursuant to R.S.32:3-1 et seq.

27 (d) The term "employee" shall include any employee, and shall
28 not be limited to the employees of a particular employer unless this
29 act explicitly states otherwise, and shall include any individual whose
30 work has ceased as a consequence of or in connection with any
31 current labor dispute or because of any unfair labor practice and who
32 has not obtained any other regular and substantially equivalent
33 employment. This term, however, shall not include any individual
34 taking the place of any employee whose work has ceased as aforesaid,
35 nor shall it include any individual employed by his parent or spouse,
36 or in the domestic service of any person in the home of the employer,
37 or employed by any company owning or operating a railroad or
38 railway express subject to the provisions of the Railway Labor Act
39 (45 U.S.C. s.151 et seq.). This term shall include any public
40 employee, i.e., any person holding a position, by appointment or
41 contract, or employment in the service of a public employer,
42 including the Delaware River Port Authority, except elected officials,
43 members of boards and commissions, managerial executives and
44 confidential employees. The exclusion of members of boards and
45 commissions from the definition of "employee" contained within this

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 subsection, shall not apply to members of the Board of Review
2 established pursuant to section 19 of P.L.1948, c.446 (C.34:1A-19)
3 and subsection (d) of R.S. 43:21-10.

4 (e) The term "representative" is not limited to individuals but
5 shall include labor organizations, and individual representatives need
6 not themselves be employed by, and the labor organization serving
7 as a representative need not be limited in membership to the
8 employees of, the employer whose employees are represented. This
9 term shall include any organization, agency or person authorized or
10 designated by a public employer, public employee, group of public
11 employees, or public employee association to act on its behalf and
12 represent it or them.

13 (f) "Managerial executives" of a public employer, in the case of
14 the State of New Jersey, means persons who formulate management
15 policies and practices, but shall not mean persons who are charged
16 with the responsibility of directing the effectuation of such
17 management policies and practices, except that, in the case of the
18 Executive Branch of the State of New Jersey, "managerial executive"
19 shall include only personnel at or above the level of assistant
20 commissioner.

21 In the case of any public employer other than the State of New
22 Jersey, "managerial executives" of a public employer means persons
23 who formulate management policies and practices, and persons who
24 are charged with the responsibility of directing the effectuation of
25 such management policies and practices, except that in any school
26 district this term shall include only the superintendent or other chief
27 administrator, and the assistant superintendent of the district.

28 (g) "Confidential employees" of a public employer means
29 employees whose functional responsibilities or knowledge in
30 connection with the issues involved in the collective negotiations
31 process would make their membership in any appropriate negotiating
32 unit incompatible with their official duties.

33 "Confidential employees" of the State of New Jersey means
34 employees who have direct involvement in representing the State in
35 the collective negotiations process making their membership in any
36 appropriate negotiating unit incompatible with their official duties.

37 (cf: P.L.2009, c.314, s.1)

38

39 2. Section 19 of P.L.1948, c.446 (C.34:1A-19) is amended to
40 read as follows:

41 19. There shall be within the Division of Employment Security a
42 Board of Review consisting of three members, who shall act as a final
43 appeals board in cases of benefit disputes, including appeals from
44 determinations with respect to demands by the deputy for refunds of
45 benefits **【under section 43:21-16(d) of the Revised Statutes】**
46 pursuant to subsection (d) of R.S.43:21-16, and who shall supervise
47 the work of local appeal tribunals which may be organized pursuant
48 to the unemployment compensation law. The members of the Board

1 of Review shall be appointed by the director of the Division of
2 Employment Security, subject to the approval of the commissioner,
3 pursuant to the provisions of Title **[11]** 11A of the **[Revised]** New
4 Jersey Statutes, Civil Service. [The first board constituted under this
5 act shall consist of the members of the Board of Review constituted
6 pursuant to section 43:21-10 of the Revised Statutes in office on the
7 effective date of this act. No member of the Board of Review shall
8 participate in any case in which he is an interested party.] The
9 commissioner, at the commissioner's discretion, may on a temporary
10 basis appoint three additional members to the Board of Review using
11 either, or a combination of both, of the following two methods: (1)
12 interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State
13 employees who hold full-time primary employment in State service,
14 or (2) appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals
15 who do not hold full-time primary employment in State service to an
16 intermittent title. If three additional members of the Board of Review
17 are appointed by the commissioner on a temporary basis, increasing
18 the membership of the Board of Review from three to six, the
19 commissioner shall designate two separate panels from among the six
20 members of the Board of Review, and each of the two panels shall be
21 empowered to act independently of the other as a final appeals board
22 in cases of benefit disputes, including appeals from determinations
23 with respect to demands by the deputy for refunds of benefits
24 pursuant to subsection (d) of R.S.43:21-16. The commissioner may
25 interchange panel members from among the six members of the
26 Board of Review as operational needs dictate.

27 (cf: P.L.1948, c.446, s.19)

28

29 3. R.S.43:21-10 is amended to read as follows:

30 43:21-10. (a) Organization. There is hereby created a
31 commission to be known as the Unemployment Compensation
32 Commission of New Jersey. It shall consist of seven members who
33 shall be appointed by the Governor, with confirmation by the Senate,
34 not more than four of whom shall be of the same political affiliation.
35 Each member shall be reimbursed for his traveling and other
36 expenses actually and necessarily incurred by him in the performance
37 of his duties, and, in addition, shall receive a per diem allowance of
38 **[twenty-five dollars (\$25.00)]** \$25 for each day, or part thereof,
39 spent in the rendition of service to or for the commission under this
40 act; provided, however, that no member shall in any case receive per
41 diem compensation as such member in an amount in excess of **[three**
42 **thousand five hundred dollars (\$3,500.00)]** \$3,500 for any one fiscal
43 year. The payment heretofore of any such per diem allowance to any
44 member of the commission for services performed under this chapter
45 during the period from April twentieth, one thousand nine hundred
46 and forty-five, to October seventh, one thousand nine hundred and
47 forty-seven, is hereby approved, ratified and confirmed; and the

1 payment hereafter of any such per diem allowance to any member of
2 the commission for services performed under this chapter, since
3 September first, one thousand nine hundred and forty-seven, and for
4 which no such per diem allowance was paid, is hereby authorized.
5 No person may be appointed who is an officer or committee member
6 of any political party organization. First appointees to the
7 commission shall serve as designated by the Governor at the time of
8 appointment, as follows: one for a term of one year, one for a term
9 of two years, one for a term of three years, one for a term of four
10 years, one for a term of five years, one for a term of six years, and
11 one for a term of seven years. At the expiration of initial terms,
12 appointments shall be made for a term of seven years in each case.
13 Any vacancies created by death, resignation or removal shall be filled
14 by appointment for the unexpired portion of the term so vacated.

15 The Governor may, at any time after a fair public hearing, remove
16 any member of the commission for gross inefficiency, neglect of
17 duty, malfeasance, misfeasance or nonfeasance in office.

18 (b) Executive director. The commission shall appoint an
19 executive director who shall be the chief executive and approval
20 officer of the commission and its official agent for all purposes, and
21 who shall hold office at its pleasure. He shall give his full time to
22 the duties of his office, shall be paid a suitable salary to be fixed by
23 the commission and shall have general charge and supervision of the
24 work of all departments of the commission as well as any
25 subdivisions thereof.

26 It shall be the duty of the executive director to administer this
27 chapter with the advice of the commission; and to that end, the
28 executive director shall have the following duties and powers:

29 (1) To formulate necessary rules and regulations, subject to
30 approval by the commission.

31 (2) To appoint and fix the compensation of members of the staff,
32 subject to approval by the commission and subject to the provisions
33 of subsection (d) of **section eleven of this chapter** R.S.43:21-11.

34 (3) To make such expenditures as are necessary in the discharge
35 of his functions hereunder as provided for in the budget to be
36 approved annually by the commission, to make requisitions for any
37 funds provided by the Federal Government for administration of this
38 chapter, and he is hereby authorized to draw vouchers on the
39 administration fund for the purpose of administering this chapter.

40 (4) To draw vouchers upon the unemployment compensation
41 fund and the appropriate accounts therein for the payment of benefits.

42 (5) To delegate to other persons any of the powers conferred upon
43 him by this chapter, so far as is reasonably necessary.

44 (c) Divisions. The executive director shall establish such
45 administrative divisions as may be necessary to carry out the
46 purposes of this chapter, subject to approval of the commission.
47 Among such divisions shall be New Jersey State Employment
48 Service Division, established pursuant to **section** R.S. 43:21-12 **of**

1 this Title]. The New Jersey State Employment Service shall be a
2 separate administrative unit with respect to personnel, budget, and
3 duties, except insofar as the commission may find such separation to
4 be impracticable.

5 (d) Board of review. The executive director shall appoint, subject
6 to the provisions of Title ~~11~~ 11A of the New Jersey Statutes, Civil
7 Service, from civil service eligible lists, subject to approval of the
8 commission, a board of review, consisting of three members whose
9 duties shall be to act as a final appeals board in cases of benefit
10 disputes, including appeals from determinations with respect to
11 demands by the deputy for refunds of benefits ~~under section 43:21-~~
12 ~~16(d) of this chapter~~ pursuant to subsection (d) of R.S.43:21-16 and
13 to whom shall be delegated the duty of supervising the work of local
14 appeal tribunals to be organized as provided for elsewhere in this
15 chapter. No member of the board of review shall participate in any
16 case in which he is an interested party.

17 The commissioner, at the commissioner's discretion, may on a
18 temporary basis appoint three additional members to the Board of
19 Review using either, or a combination of both, of the following two
20 methods: (1) interim appointment, pursuant to
21 N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time
22 primary employment in State service, or (2) appointment, pursuant to
23 N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary
24 employment in State service to an intermittent title. If three
25 additional members of the Board of Review have been appointed by
26 the commissioner on a temporary basis, increasing the membership
27 of the Board of Review from three to six, the commissioner shall
28 designate two separate panels from among the six members of the
29 Board of Review, and each of the two panels shall be empowered to
30 act independently of the other as a final appeals board in cases of
31 benefit disputes, including appeals from determinations with respect
32 to demands by the deputy for refunds of benefits pursuant to
33 subsection (d) of R.S.43:21-16. The commissioner may interchange
34 panel members from among the six members of the Board of Review
35 as operational needs dictate.

36 (e) Powers and duties. The commission shall have the following
37 specific powers and duties:

38 (1) To designate its chairman.

39 (2) To study the operation of this chapter and from time to time
40 prepare recommendations to the Governor and Legislature with
41 respect to any improvements which might be desirable.

42 (3) To make rules and regulations governing its own procedure.

43 (4) To advise the executive director and other members of the
44 commission staff with particular respect to policies and procedures.

45 (f) Quorum. Any four commissioners shall constitute a quorum.
46 No vacancies shall impair the right of the remaining commissioners
47 to exercise all of the powers of the commissioner.

48 (cf: P.L.1948, c.184, s.1)

1 4. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill permits the Commissioner of Labor and Workforce
7 Development to appoint on a temporary basis three additional members
8 to the Board of Review in the Division of Employment Security using
9 either, or a combination of both, of the following two methods:

10 1. interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of
11 State employees who hold full-time primary employment in State
12 service; or

13 2. appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who
14 do not hold full-time primary employment in State service to an
15 intermittent title.

16 If the commissioner appoints three additional members of the Board
17 of Review, increasing the board membership from three to six, the
18 commissioner shall designate two separate panels from among the six
19 board members, each of which shall be empowered to act independently
20 of the other as a final appeals board in cases of benefit disputes,
21 including appeals from determinations with respect to demands for
22 refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The
23 commissioner may interchange panel members from among the six
24 board members as operational needs dictate.

25 The bill also removes the prohibition of any board member
26 participating in a case in which the member is an interested party.

[First Reprint]

SENATE, No. 3231

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 13, 2024

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 24, 2024, with amendments.



1 AN ACT concerning the Board of Review in the Division of
2 Employment Security and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to
9 read as follows:

10 3. When used in this act:

11 (a) The term "board" shall mean New Jersey State Board of
12 Mediation.

13 (b) The term "commission" shall mean New Jersey Public
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the
23 State, or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public
25 service. The term shall also include the Delaware River Port
26 Authority, established pursuant to R.S.32:3-1 et seq.

27 (d) The term "employee" shall include any employee, and shall
28 not be limited to the employees of a particular employer unless this
29 act explicitly states otherwise, and shall include any individual
30 whose work has ceased as a consequence of or in connection with
31 any current labor dispute or because of any unfair labor practice and
32 who has not obtained any other regular and substantially equivalent
33 employment. This term, however, shall not include any individual
34 taking the place of any employee whose work has ceased as
35 aforesaid, nor shall it include any individual employed by his parent
36 or spouse, or in the domestic service of any person in the home of
37 the employer, or employed by any company owning or operating a
38 railroad or railway express subject to the provisions of the Railway
39 Labor Act (45 U.S.C. s.151 et seq.). This term shall include any
40 public employee, i.e., any person holding a position, by
41 appointment or contract, or employment in the service of a public
42 employer, including the Delaware River Port Authority, except
43 elected officials, members of boards and commissions, managerial
44 executives and confidential employees. The exclusion of members
45 of boards and commissions from the definition of "employee"

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 24, 2024.

1 contained within this subsection, shall not apply to members of the
2 Board of Review established pursuant to section 19 of P.L.1948,
3 c.446 (C.34:1A-19) and subsection (d) of R.S. 43:21-10.

4 (e) The term "representative" is not limited to individuals but
5 shall include labor organizations, and individual representatives
6 need not themselves be employed by, and the labor organization
7 serving as a representative need not be limited in membership to the
8 employees of, the employer whose employees are represented. This
9 term shall include any organization, agency or person authorized or
10 designated by a public employer, public employee, group of public
11 employees, or public employee association to act on its behalf and
12 represent it or them.

13 (f) "Managerial executives" of a public employer, in the case of
14 the State of New Jersey, means persons who formulate management
15 policies and practices, but shall not mean persons who are charged
16 with the responsibility of directing the effectuation of such
17 management policies and practices, except that, in the case of the
18 Executive Branch of the State of New Jersey, "managerial
19 executive" shall include only personnel at or above the level of
20 assistant commissioner.

21 In the case of any public employer other than the State of New
22 Jersey, "managerial executives" of a public employer means persons
23 who formulate management policies and practices, and persons who
24 are charged with the responsibility of directing the effectuation of
25 such management policies and practices, except that in any school
26 district this term shall include only the superintendent or other chief
27 administrator, and the assistant superintendent of the district.

28 (g) "Confidential employees" of a public employer means
29 employees whose functional responsibilities or knowledge in
30 connection with the issues involved in the collective negotiations
31 process would make their membership in any appropriate
32 negotiating unit incompatible with their official duties.

33 "Confidential employees" of the State of New Jersey means
34 employees who have direct involvement in representing the State in
35 the collective negotiations process making their membership in any
36 appropriate negotiating unit incompatible with their official duties.
37 (cf: P.L.2009, c.314, s.1)

38
39 2. Section 19 of P.L.1948, c.446 (C.34:1A-19) is amended to
40 read as follows:

41 19. There shall be within the Division of Employment Security a
42 Board of Review consisting of three members, who shall act as a
43 final appeals board in cases of benefit disputes, including appeals
44 from determinations with respect to demands by the deputy for
45 refunds of benefits **【**under section 43:21-16(d) of the Revised
46 Statutes**】** pursuant to subsection (d) of R.S.43:21-16, and who shall
47 supervise the work of local appeal tribunals which may be
48 organized pursuant to the unemployment compensation law. The

1 members of the Board of Review shall be appointed by the director
2 of the Division of Employment Security, subject to the approval of
3 the commissioner, pursuant to the provisions of Title ~~11~~ 11A
4 of the ~~Revised~~ New Jersey Statutes, Civil Service. ~~【The first board~~
5 ~~constituted under this act shall consist of the members of the Board~~
6 ~~of Review constituted pursuant to section 43:21-10 of the Revised~~
7 ~~Statutes in office on the effective date of this act. No member of~~
8 ~~the Board of Review shall participate in any case in which he is an~~
9 ~~interested party.】~~ ¹No member of the Board of Review shall
10 participate in any case in which the member is an interested party.¹
11 The commissioner, at the commissioner's discretion, may on a
12 temporary basis appoint three additional members to the Board of
13 Review using either, or a combination of both, of the following two
14 methods: (1) interim appointment, pursuant to N.J.A.C. 4A:4-
15 1.6(d)3, of State employees who hold full-time primary
16 employment in State service, or (2) appointment, pursuant to
17 N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary
18 employment in State service to an intermittent title. If three
19 additional members of the Board of Review are appointed by the
20 commissioner on a temporary basis, increasing the membership of
21 the Board of Review from three to six, the commissioner shall
22 designate two separate panels from among the six members of the
23 Board of Review, and each of the two panels shall be empowered to
24 act independently of the other as a final appeals board in cases of
25 benefit disputes, including appeals from determinations with respect
26 to demands by the deputy for refunds of benefits pursuant to
27 subsection (d) of R.S.43:21-16. The commissioner may interchange
28 panel members from among the six members of the Board of
29 Review as operational needs dictate.
30 (cf: P.L.1948, c.446, s.19)

31

32 3. R.S.43:21-10 is amended to read as follows:

33 43:21-10. (a) Organization. There is hereby created a
34 commission to be known as the Unemployment Compensation
35 Commission of New Jersey. It shall consist of seven members who
36 shall be appointed by the Governor, with confirmation by the
37 Senate, not more than four of whom shall be of the same political
38 affiliation. Each member shall be reimbursed for his traveling and
39 other expenses actually and necessarily incurred by him in the
40 performance of his duties, and, in addition, shall receive a per diem
41 allowance of ~~【twenty-five dollars (\$25.00)】~~ \$25 for each day, or
42 part thereof, spent in the rendition of service to or for the
43 commission under this act; provided, however, that no member
44 shall in any case receive per diem compensation as such member in
45 an amount in excess of ~~【three thousand five hundred dollars~~
46 ~~(\$3,500.00)】~~ \$3,500 for any one fiscal year. The payment
47 heretofore of any such per diem allowance to any member of the

1 commission for services performed under this chapter during the
2 period from April twentieth, one thousand nine hundred and forty-
3 five, to October seventh, one thousand nine hundred and forty-
4 seven, is hereby approved, ratified and confirmed; and the
5 payment hereafter of any such per diem allowance to any member
6 of the commission for services performed under this chapter, since
7 September first, one thousand nine hundred and forty-seven, and
8 for which no such per diem allowance was paid, is hereby
9 authorized. No person may be appointed who is an officer or
10 committee member of any political party organization. First
11 appointees to the commission shall serve as designated by the
12 Governor at the time of appointment, as follows: one for a term of
13 one year, one for a term of two years, one for a term of three years,
14 one for a term of four years, one for a term of five years, one for a
15 term of six years, and one for a term of seven years. At the
16 expiration of initial terms, appointments shall be made for a term of
17 seven years in each case. Any vacancies created by death,
18 resignation or removal shall be filled by appointment for the
19 unexpired portion of the term so vacated.

20 The Governor may, at any time after a fair public hearing,
21 remove any member of the commission for gross inefficiency,
22 neglect of duty, malfeasance, misfeasance or nonfeasance in office.

23 (b) Executive director. The commission shall appoint an
24 executive director who shall be the chief executive and approval
25 officer of the commission and its official agent for all purposes, and
26 who shall hold office at its pleasure. He shall give his full time to
27 the duties of his office, shall be paid a suitable salary to be fixed by
28 the commission and shall have general charge and supervision of
29 the work of all departments of the commission as well as any
30 subdivisions thereof.

31 It shall be the duty of the executive director to administer this
32 chapter with the advice of the commission; and to that end, the
33 executive director shall have the following duties and powers:

34 (1) To formulate necessary rules and regulations, subject to
35 approval by the commission.

36 (2) To appoint and fix the compensation of members of the
37 staff, subject to approval by the commission and subject to the
38 provisions of subsection (d) of **[section eleven of this chapter]**
39 R.S.43:21-11.

40 (3) To make such expenditures as are necessary in the discharge
41 of his functions hereunder as provided for in the budget to be
42 approved annually by the commission, to make requisitions for any
43 funds provided by the Federal Government for administration of
44 this chapter, and he is hereby authorized to draw vouchers on the
45 administration fund for the purpose of administering this chapter.

46 (4) To draw vouchers upon the unemployment compensation
47 fund and the appropriate accounts therein for the payment of
48 benefits.

1 (5) To delegate to other persons any of the powers conferred
2 upon him by this chapter, so far as is reasonably necessary.

3 (c) Divisions. The executive director shall establish such
4 administrative divisions as may be necessary to carry out the
5 purposes of this chapter, subject to approval of the commission.
6 Among such divisions shall be New Jersey State Employment
7 Service Division, established pursuant to **[section]** R.S. 43:21-12
8 **[of this Title]**. The New Jersey State Employment Service shall be
9 a separate administrative unit with respect to personnel, budget, and
10 duties, except insofar as the commission may find such separation
11 to be impracticable.

12 (d) Board of review. The executive director shall appoint,
13 subject to the provisions of Title **[11]** 11A of the New Jersey
14 Statutes, Civil Service, from civil service eligible lists, subject to
15 approval of the commission, a board of review, consisting of three
16 members whose duties shall be to act as a final appeals board in
17 cases of benefit disputes, including appeals from determinations
18 with respect to demands by the deputy for refunds of benefits
19 **[under section 43:21-16(d) of this chapter]** pursuant to subsection
20 (d) of R.S.43:21-16 and to whom shall be delegated the duty of
21 supervising the work of local appeal tribunals to be organized as
22 provided for elsewhere in this chapter. No member of the board of
23 review shall participate in any case in which he is an interested
24 party.

25 The commissioner, at the commissioner's discretion, may on a
26 temporary basis appoint three additional members to the Board of
27 Review using either, or a combination of both, of the following two
28 methods: (1) interim appointment, pursuant to
29 N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time
30 primary employment in State service, or (2) appointment, pursuant
31 to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time
32 primary employment in State service to an intermittent title. If
33 three additional members of the Board of Review have been
34 appointed by the commissioner on a temporary basis, increasing the
35 membership of the Board of Review from three to six, the
36 commissioner shall designate two separate panels from among the
37 six members of the Board of Review, and each of the two panels
38 shall be empowered to act independently of the other as a final
39 appeals board in cases of benefit disputes, including appeals from
40 determinations with respect to demands by the deputy for refunds of
41 benefits pursuant to subsection (d) of R.S.43:21-16. The
42 commissioner may interchange panel members from among the six
43 members of the Board of Review as operational needs dictate.

44 (e) Powers and duties. The commission shall have the
45 following specific powers and duties:

46 (1) To designate its chairman.

1 (2) To study the operation of this chapter and from time to time
2 prepare recommendations to the Governor and Legislature with
3 respect to any improvements which might be desirable.

4 (3) To make rules and regulations governing its own procedure.

5 (4) To advise the executive director and other members of the
6 commission staff with particular respect to policies and procedures.

7 (f) Quorum. Any four commissioners shall constitute a
8 quorum. No vacancies shall impair the right of the remaining
9 commissioners to exercise all of the powers of the commissioner.

10 (cf: P.L.1948, c.184, s.1)

11

12 4. This act shall take effect immediately.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 3231

STATE OF NEW JERSEY

DATED: JUNE 3, 2024

The Senate Labor Committee reports favorably Senate Bill No. 3231.

This bill permits the Commissioner of Labor and Workforce Development to appoint on a temporary basis three additional members to the Board of Review in the Division of Employment Security using either, or a combination of both, of the following two methods:

1. interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time primary employment in State service; or
2. appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary employment in State service to an intermittent title.

If the commissioner appoints three additional members of the Board of Review, increasing the board membership from three to six, the commissioner shall designate two separate panels from among the six board members, each of which shall be empowered to act independently of the other as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands for refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The commissioner may interchange panel members from among the six board members as operational needs dictate.

The bill also removes the prohibition of any board member participating in a case in which the member is an interested party.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3231

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3231.

As amended, this bill permits the Commissioner of Labor and Workforce Development to appoint on a temporary basis three additional members to the Board of Review in the Division of Employment Security using either, or a combination of both, of the following two methods:

1. interim appointment, pursuant to N.J.A.C. 4A:4-1.6(d)3, of State employees who hold full-time primary employment in State service; or
2. appointment, pursuant to N.J.A.C. 4A:3-3.8, of individuals who do not hold full-time primary employment in State service to an intermittent title.

If the commissioner appoints three additional members of the Board of Review, increasing the board membership from three to six, the commissioner shall designate two separate panels from among the six board members, each of which shall be empowered to act independently of the other as a final appeals board in cases of benefit disputes, including appeals from determinations with respect to demands for refunds of benefits pursuant to subsection (d) of R.S.43:21-16. The commissioner may interchange panel members from among the six board members as operational needs dictate.

COMMITTEE AMENDMENTS:

The committee amended the bill to reinsert existing statutory language prohibiting any board member from participating in a case in which the member is an interested party.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.

Governor Murphy Takes Action on Legislation

09/12/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

S-721/A-2812 (Steinhardt, Sarlo/Greenwald, Swain, Egan) - Exempts sales of investment metal bullion and investment coins from sales and use tax

S-741/A-2608 (Diegnan/Karabinchak) - Authorizes State Treasurer to sell as surplus certain real property and improvements in City of Jersey City in Hudson County

SCS for S-2188/ACS for A-1970 (Ruiz, Greenstein/Speight, Karabinchak, Verrelli) – Requires DEP, DOH, owners or operators of certain public community water systems, and owners or operators of certain buildings or facilities to take certain actions to prevent and control cases of Legionnaires' disease

S-2311/A-1128 (Singleton, Singer/DiMaio, Matsikoudis) - Requires criminal history background check for individuals seeking licensure issued by boards regulating certain health care professions

S-2435/A-3537 (Greenstein, Mukherji/Stanley, McCoy, Murphy) - Revises certain requirements concerning eligibility for reimbursement from “Emergency Medical Technician Training Fund”

S-2607/A-3872 (Ruiz, McKnight/Pintor Marin, Calabrese, Speight) - Requires private bus operators to provide notice and hold public meetings for certain service changes

S-2810/A-3779 (Diegnan/DeAngelo, Karabinchak, Bagolie) - Changes membership of board of trustees of SPRS to remove requirement that two members be private citizens

S-3097/A-4226 (Pou, Sarlo/Wimberly, Sumter) - Modifies requirements for certain projects under Economic Redevelopment and Growth Grant program

S-3134/A-4192 (Diegnan, Moriarty/Calabrese, Carter) - Requires MVC to take certain action concerning commercial driver licenses and commercial learner’s permits

S-3235/A-4461 (Ruiz, Moriarty/Conaway, Miller, Sampson) – Regulates production and sale of certain intoxicating hemp products

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S-3368/A-4623 (Ruiz, McKnight/Calabrese, Stanley, Reynolds-Jackson) - Concerns law protecting residential tenants from lead-based paint hazards

S-3407/A-4540 (Lagana/Verrelli) - Requires payment of prevailing wage for projects financed through commercial property assessed clean energy program

A-2610/S-3203 (Karabinchak, Calabrese, Sauickie/Gopal) - Extends annual horse racing purse subsidies through State fiscal year 2029

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A-2890/S-3231 (Verrelli, Reynolds-Jackson, Quijano/Cryan) - Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security

A-4035/S-2809 (Dunn, Speight/Bucco, Pennacchio) - Requires State to sell as surplus property certain land and improvements in Morris County known as Central Park School

A-4533/S-3421 (Coughlin, Wimberly, Speight/Zwicker, Johnson) - Revises certain sections of law concerning financing mechanisms for school facilities projects of regular operating districts

A-4534/S-3439 (Coughlin, Wimberly, Schnall/Vitale, Mukherji) - Revises definition of qualified assistance fund expenses under UEZ program to include costs of transportation infrastructure projects and related debt service

Governor Murphy conditionally vetoed the following bills:

S-2864/A-4061 (Lagana/Verrelli, Swain, Venezia) – CONDITIONAL - Establishes working hours for certain minors employed as professional athletes

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S-3455/A-4597 (Sarlo, Burzichelli/Calabrese, Moen, Stanley) – CONDITIONAL - Provides for automatic renewal of off-track wagering licenses

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A-2180/S-3000 (Moen, Wimberly, Murphy/Beach, Polistina) – CONDITIONAL - Permits certain persons to operate Type S school buses

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A-2294/S-1443 (Lopez, Freiman, Tully/Singleton, Johnson) – CONDITIONAL - Establishes mortgage payment relief and foreclosure protection for certain homeowners impacted by the remnants of Hurricane Ida

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A-2607/S-360 (Karabinchak, Calabrese, Inganamort/Diegnan, Mukherji) – CONDITIONAL - Authorizes taxicabs, limousines, and transportation network companies to provide paratransit services for two-year period

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