

ASSEMBLY, No. 1865

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman HOLLY T. SCHEPISI

District 39 (Bergen and Passaic)

SYNOPSIS

Eliminates requirement that public body discuss prospective employee matter in public meeting when requested by employee.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the discussion of certain personnel matters
 2 involving prospective employees by public bodies and amending
 3 P.L.1975, c.231.

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

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 8 1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read
 9 as follows:

10 7. a. Except as provided by subsection b. of this section all
 11 meetings of public bodies shall be open to the public at all times.
 12 Nothing in this act shall be construed to limit the discretion of a
 13 public body to permit, prohibit, or regulate the active participation
 14 of the public at any meeting, except that a municipal governing
 15 body and a board of education shall be required to set aside a
 16 portion of every meeting of the municipal governing body or board
 17 of education, the length of the portion to be determined by the
 18 municipal governing body or board of education, for public
 19 comment on any governmental or school district issue that a
 20 member of the public feels may be of concern to the residents of the
 21 municipality or school district.

22 b. A public body may exclude the public only from that portion
 23 of a meeting at which the public body discusses any:

24 (1) matter which, by express provision of federal law, State
 25 statute, or rule of court shall be rendered confidential or excluded
 26 from the provisions of subsection a. of this section;

27 (2) matter in which the release of information would impair a
 28 right to receive funds from the Government of the United States;

29 (3) material the disclosure of which constitutes an unwarranted
 30 invasion of individual privacy such as any records, data, reports,
 31 recommendations, or other personal material of any educational,
 32 training, social service, medical, health, custodial, child protection,
 33 rehabilitation, legal defense, welfare, housing, relocation,
 34 insurance, and similar program or institution operated by a public
 35 body pertaining to any specific individual admitted to or served by
 36 an institution or program, including but not limited to, information
 37 relative to the individual's personal and family circumstances, and
 38 any material pertaining to admission, discharge, treatment,
 39 progress, or condition of any individual, unless the individual
 40 concerned (or, in the case of a minor or an incapacitated individual,
 41 the individual's guardian) shall request in writing that the material
 42 be disclosed publicly;

43 (4) collective bargaining agreement, or the terms and conditions
 44 which are proposed for inclusion in any collective bargaining
 45 agreement, including the negotiation of the terms and conditions

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.

31 (cf: P.L.2013, c.103, s.57)

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43 Under current law, a public body is not required to discuss
44 personnel matters of current or prospective public employees or
45 officers in meetings open to the public unless all affected current or
46 prospective employees or officers request the discussion to be
47 conducted in public. This bill would limit the requirement to

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- 1 comply with a request for public discussion to current public
- 2 employees and officers and would exclude prospective public
- 3 employees and officers from the requirement.