

ASSEMBLY, No. 2057

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

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District 21 (Morris, Somerset and Union)

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District 37 (Bergen)

Co-Sponsored by:

Assemblywomen B.DeCroke, Murphy, Downey and Dunn

SYNOPSIS

Applies law governing equal employment opportunity and affirmative action to gubernatorial transition staff members.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning the applicability of the laws governing equal
2 employment opportunity and affirmative action to gubernatorial
3 transition staff members and amending P.L.1969, c.213.

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.1969, c.213 (C.52:15A-3) is amended to
9 read as follows:

10 3. (a) The Director of the Division of Purchase and Property
11 referred to hereinafter in this act as "the director," is authorized to
12 provide, upon request, to each Governor-elect, for use in connection
13 with his preparations for the assumption of official duties as
14 Governor necessary services and facilities, including:

15 (1) Suitable office space appropriately equipped with furniture,
16 furnishings, office machines and equipment, and office supplies as
17 determined by the director, after consultation with the Governor-
18 elect, or his designee provided for in subsection (e) of this section,
19 at such place or places within the State of New Jersey as the
20 Governor-elect shall designate;

21 (2) Payment of the compensation of members of office staffs
22 designated by the Governor-elect at rates determined by him.
23 Provided, that any employee of any agency of any branch of the
24 State Government may be detailed to such staffs on a reimbursable
25 or nonreimbursable basis with the consent of the head of the
26 agency; and while so detailed such employee shall be responsible
27 only to the Governor-elect for the performance of his duties.
28 Provided further, that any employee so detailed shall continue to
29 receive the compensation provided pursuant to law for his regular
30 employment, and shall retain the rights and privileges of such
31 employment without interruption. Notwithstanding any other law,
32 persons receiving compensation as members of office staffs under
33 this subsection, other than those detailed from agencies, shall not be
34 held or considered to be employees of the State Government except
35 for purposes of the Public Employees' Retirement System (chapter
36 15A of Title 43) **【and】**, the "New Jersey Conflicts of Interest
37 Law," P.L.1971, c.182 (C.52:13D-12 et seq.) , and the provisions of
38 chapter 7 of Title 11A of the New Jersey Statutes concerning equal
39 employment opportunity and affirmative action and any rule,
40 regulation, or procedure adopted pursuant thereto;

41 (3) Payment of expenses for the procurement of services of
42 experts or consultants or organizations thereof for the Governor-
43 elect may be authorized at rates not to exceed \$100.00 per diem for
44 individuals;

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 (4) Payment of travel expenses and subsistence allowances,
2 including rental by the State Government of hired motor vehicles,
3 found necessary by the Governor-elect, as authorized for persons
4 employed intermittently or for persons serving without
5 compensation, as may be appropriate;

6 (5) Communications services found necessary by the Governor-
7 elect;

8 (6) Payment of expenses for necessary printing and binding.

9 (b) The director shall expend no funds for the provision of
10 services and facilities under this act in connection with any
11 obligations incurred by the Governor-elect before the day following
12 the date of the general elections.

13 (c) The term "Governor-elect" as used in this act shall mean
14 such person as is the apparent successful candidate for the office of
15 Governor, respectively, as ascertained by the Secretary of State
16 following the general election.

17 (d) Each Governor-elect shall be entitled to conveyance of all
18 mail matter, including airmail, sent by him in connection with his
19 preparations for the assumption of official duties as Governor.

20 (e) Each Governor-elect may designate to the director an
21 assistant authorized to make on his behalf such designations or
22 findings of necessity as may be required in connection with the
23 services and facilities to be provided under this act.

24 (f) In the case where the Governor-elect is the incumbent
25 Governor there shall be no expenditures of funds for the provision
26 of services and facilities to such incumbent under this act, and any
27 funds appropriated for such purposes shall be returned to the
28 general funds of the treasury.

29 (g) The salary of each person receiving compensation as a
30 member of the office staff under paragraph (2) subsection (a) of this
31 section, other than one detailed from an agency, shall be reported to
32 the State Ethics Commission and made available by the commission
33 to the public. Each such person shall complete the training program
34 required pursuant to section 2 of P.L.2005, c.382 (C.52:13D-21.1)
35 promptly after employment, and shall be provided by the
36 commission, and shall acknowledge receipt thereof, with all ethics
37 materials, forms, codes, guides, orders and notices required to be
38 distributed to State employees. The Governor-elect shall designate
39 which of these persons shall (1) file with the commission the
40 financial disclosure statement required of State officers and
41 employees by law, regulation or executive order and (2) certify that
42 the person is not in violation of ethical standards or conflicts of
43 interest restrictions or requirements.

44 (cf: P.L.2005, c.382, s.14)

45
46 2. This act shall take effect January 1 next following
47 enactment.

1 STATEMENT

2

3 This bill applies the laws governing equal employment
4 opportunity and affirmative action to gubernatorial transition staff.

5 In 1969, New Jersey enacted “The Gubernatorial Transition Act”
6 in order “to promote the orderly transfer of the executive power in
7 connection with the expiration of the term of office of a Governor
8 and the inauguration of a new Governor.” Although staff members
9 of the Governor-elect’s transition office receive compensation
10 through the Department of the Treasury, the act specifically states
11 that members of the gubernatorial transition staff are not considered
12 State employees, except with regard to the Public Employees’
13 Retirement System and the New Jersey Conflicts of Interest Law.
14 This bill would amend that law to also apply the laws governing
15 equal employment opportunity and affirmative action to
16 gubernatorial transition staff members.