

ASSEMBLY, No. 2091

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 38 (Bergen and Passaic)

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SYNOPSIS

Requires NJT to release bus driver's employee records to future bus company employers and to provide written response when complaint is filed against driver.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain government records exemptions,
2 amending P.L.2001, c.404, and supplementing Title 27 of the
3 Revised Statutes.

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

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8 1. Section 11 of P.L.2001, c. 404 (C.47:1A-10) is amended to
9 read as follows:

10 11. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-
11 1 et seq.) or any other law to the contrary, the personnel or pension
12 records of any individual in the possession of a public agency,
13 including but not limited to records relating to any complaint or
14 grievance filed by or against an individual, shall not be considered a
15 government record and shall not be made available for public
16 access, except that:

17 an individual's name, title, position, salary, payroll record, length
18 of service, date of separation and the reason therefor, and the
19 amount and type of any pension received shall be a government
20 record;

21 personnel or pension records of any individual, including but not
22 limited to records relating to any complaint or grievance filed
23 against an individual, shall be accessible when required to be
24 disclosed by another law, when disclosure is essential to the
25 performance of official duties of a person duly authorized by this
26 State or the United States, or when authorized by an individual in
27 interest; and

28 data contained in information which disclose conformity with
29 specific experiential, educational, or medical qualifications required
30 for government employment or for receipt of a public pension, but
31 not including any detailed medical or psychological information,
32 shall be a government record.

33 (cf: P.L.2001, c.404, s.11)
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35 2. (New section) a. The Executive Director of the New Jersey
36 Transit Corporation shall, upon request, provide the personnel
37 records of any individual, including but not limited to records
38 relating to any complaint or grievance filed against an individual
39 employed by the corporation to operate a motorbus providing
40 motorbus regular route service, as defined by section 3 of P.L.1979,
41 c.150 (C.27:25-3), or employed to operate any other vehicle
42 providing Access Link service or other paratransit services
43 implemented by the corporation for the purposes of complying with
44 the "Americans with Disabilities Act of 1990," Pub.L.101-
45 336 (42 U.S.C. s.12101 et seq.), to the owner of an autobus as
46 defined in R.S.48:4-1, school bus as defined in R.S.39:1-1, or other
47 vehicle that provides paratransit service or other transportation

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 services pursuant to P.L.1983, c.578 (C.27:25-25 et seq.), who
2 seeks to employ the individual as an operator.

3 b. The Executive Director of the New Jersey Transit
4 Corporation shall issue a written response to any individual who
5 files a complaint or grievance with the corporation against an
6 individual employed by the corporation to operate a motorbus
7 providing motorbus regular route service, as defined by section 3 of
8 P.L.1979, c.150 (C.27:25-3), or employed to operate any other
9 vehicle providing Access Link service or other paratransit service
10 implemented by the corporation for the purposes of complying with
11 the “Americans with Disabilities Act of 1990,” Pub.L.101-
12 336 (42 U.S.C. s.12101 et seq.), which outlines the results of the
13 investigation into the complaint or grievance and the resolution of
14 the complaint or grievance, including but not limited to, any
15 disciplinary action taken by the corporation against an individual or
16 any corrective measures taken by the corporation.

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18 3. This act shall take effect immediately.

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STATEMENT

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23 This bill requires the New Jersey Transit Corporation (NJ
24 Transit) to provide, upon request, the personnel records of any
25 individual, including but not limited to records relating to any
26 complaint or grievance filed against an individual, employed by NJ
27 Transit to operate a bus providing motorbus regular route service or
28 other vehicle providing Access Link service or other paratransit
29 services, to the owner of a bus, school bus, or other vehicle that
30 provides paratransit service, who seeks to employ the individual as
31 an operator.

32 The bill also requires NJ Transit to issue a written response to
33 any individual who files a complaint or grievance with NJ Transit
34 against an individual employed by NJ Transit to operate a bus
35 providing motorbus regular route service or other vehicle providing
36 Access Link service or other paratransit service, which outlines the
37 results of the investigation into the complaint or grievance and the
38 resolution of the complaint or grievance, including but not limited
39 to, any disciplinary action taken by NJ Transit against an individual
40 or any corrective measures taken by NJ Transit.