

ASSEMBLY, No. 4194

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 1, 2020

Sponsored by:

Assemblyman GERARD SCHARFENBERGER

District 13 (Monmouth)

SYNOPSIS

Requires DOLWD to develop and execute information technology stress test and emergency telework plan for employees.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT directing the Department of Labor and Workforce
2 Development to develop an Information Technology stress test
3 and an emergency telework plan for employees and
4 supplementing Title 34 of the Revised Statutes.

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

8
9 1. As used in this act:

10 “Department” means the Department of Labor and Workforce
11 Development.

12 “Office of Information Technology” means the Office of
13 Information Technology established by section 9 of P.L.2007, c.56
14 (C.52:18A-227) in but not of the Department of the Treasury.

15 “Stress test” means a process of determining the ability of an
16 Information Technology infrastructure to maintain a certain level of
17 effectiveness under unfavorable conditions.

18 “Telecommuting” or “teleworking” means the employee’s
19 performing of normal and regular work functions on a workday that
20 ordinarily would be performed at the employer’s principal place of
21 business at a different location, thereby eliminating or substantially
22 reducing the physical commute to and from that employee’s
23 principal place of business. “Telecommuting” or “teleworking” shall
24 not include home based businesses, extensions of the workday, or
25 work performed on a weekend or holiday.

26 “Telecommuting program” or “telework program” means a
27 written program containing specific criteria or procedures for
28 promoting and encouraging telecommuting or teleworking during a
29 national or State emergency.

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31 2. a. The department shall conduct an Information Technology
32 stress test analysis of the resources currently employed by the
33 department. The analysis method adopted by the department shall
34 be a method recommended by the Chief Technology Officer in the
35 Office of Information Technology.

36 b. The analysis shall identify, including but not be limited to,
37 key technological failure or problematic Information Technology
38 issues that were brought to light by the coronavirus disease 2019
39 pandemic with the goal of developing proposed solutions to
40 address, repair, update, and modernize the department’s overall
41 technological infrastructure within the five years next following the
42 determination by the Governor that a public health emergency, as
43 determined by Executive Order 103 of 2020 and as extended by
44 subsequent executive orders, no longer exists.

45 c. The department shall conduct subsequent Information
46 Technology stress test analyses every 15 years next following the
47 completion of the initial analysis, as established by subsections a.

1 and b. of this section with the goal of adjusting as needed the
2 proposed solutions generated by the initial analysis.

3
4 3. Upon completion of the initial Information Technology
5 stress test analysis as established by subsection a. of section 2 of
6 this act, the department shall adopt a telecommuting or telework
7 program to be applied consistently throughout the department. The
8 program shall require the department, in exercising its discretion, to
9 consider an employee request to engage in telecommuting in
10 relation to the agency's operating and service needs.

11
12 4. No later than six months following the completion of each
13 Information Technology stress test analysis, the department shall
14 report to the Governor and the Legislature pursuant to section 2 of
15 P.L.1991, c.164 (C.52:14-19.1), with the proposed solutions
16 generated during each stress test and the cost estimates of these
17 solutions.

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19 5. This act shall take effect immediately.

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22 STATEMENT

23
24 This bill requires the Department of Labor and Workforce
25 Development to develop an Information Technology stress test and
26 to develop an emergency telework plan for its employees.

27 The department is required to conduct an Information
28 Technology stress test analysis of the resources currently employed
29 by the department. The analysis method adopted by the department
30 must be a method recommended by the Chief Technology Officer in
31 the Office of Information Technology.

32 Under the bill, the analysis must identify key technological
33 failure or problematic Information Technology issues that were
34 brought to light from the coronavirus disease 2019 pandemic with
35 the goal of developing proposals as how to address, repair, update,
36 and modernize the department's overall technological infrastructure
37 within the next five years next following the determination by the
38 Governor that a public health emergency, as determined by
39 Executive Order 103 of 2020 and as extended by subsequent
40 executive orders, no longer exists.

41 This bill requires the department to conduct subsequent
42 technological stress test analyses every 15 years next following the
43 completion of the initial analysis with the goal of adjusting, as
44 needed, the proposals generated by the initial analysis.

45 Under the bill, subsequently to the initial Information
46 Technology stress test analysis, the department shall adopt a
47 telecommuting or telework program to be applied consistently
48 throughout the department. The program shall require the

1 department, in exercising its discretion, to consider an employee
2 request to engage in telecommuting in relation to the agency's
3 operating and service needs.

4 The bill defines "stress test" as a process of determining the
5 ability of a computer, network, program, or device to maintain a
6 certain level of effectiveness under unfavorable conditions, and
7 "telecommuting program" or "telework program" as a written
8 program containing specific criteria or procedures for promoting
9 and encouraging telecommuting or teleworking during a national or
10 State emergency.