

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4446

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2020

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 4446.

This bill requires that any contract entered into or renewed by the Department of Human Services or the Department of Children and Families with a private contractor for the provision of mental health, behavioral health, or addiction services will contain a commitment that the contracted services will not be disrupted or delayed by labor disputes. The commitment may be satisfied by: (1) an agreement between the contractor and any exclusive representative labor organization representing the employees performing the contracted services that contains a provision prohibiting economic or industrial action on the part of all parties and includes a process for the resolution of disputes between them; (2) an agreement between the contractor and any labor organization seeking to represent the employees performing the contracted services that includes a provision prohibiting the parties from causing, promoting, or encouraging economic, industrial, or other disruptive activity on the part of the contractor or employees performing services under the contract, and includes a procedure for resolution of disputes between parties; or (3) any other agreement or binding obligation to be maintained through the term of the contract that provides a comparable commitment as paragraphs (1) or (2). The bill provides the departments the opportunity to discover prior disruptions in service from contractors and a means to address any disputes through the State Treasurer.

The bill also adds a temporary section requiring State contracts to contain a COVID-19 containment and mitigation commitment. The section allows for additional protections concerning COVID-19 in such contracts or a review of past failures to implement appropriate COVID-19 safety guidelines.

The bill would take effect on the 91st day following enactment and the section concerning contracts requiring a COVID-19 containment and mitigation commitment would expire one year following the end of the public health emergency and state of emergency declared by the Governor.