

SENATE, No. 2570

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

SYNOPSIS

Requires public body to provide advance written notice to employees when employment status is to be considered at meeting.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning an advance notice by public bodies to
2 prospective and current employees and amending P.L.1975, c.231.

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

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

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

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

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

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

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

42 (4) collective bargaining agreement, or the terms and conditions
43 which are proposed for inclusion in any collective bargaining
44 agreement, including the negotiation of the terms and conditions
45 thereof with employees or representatives of employees of the public
46 body;

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 (5) matter involving the purchase, lease, or acquisition of real
2 property with public funds, the setting of banking rates, or investment
3 of public funds, if it could adversely affect the public interest if
4 discussion of the matters were disclosed;

5 (6) tactics and techniques utilized in protecting the safety and
6 property of the public, provided that their disclosure could impair
7 that protection, or investigations of violations or possible violations
8 of the law;

9 (7) pending or anticipated litigation or contract negotiation other
10 than in subsection b. (4) herein in which the public body is, or may
11 become, a party, or matters falling within the attorney-client
12 privilege, to the extent that confidentiality is required in order for the
13 attorney to exercise his ethical duties as a lawyer;

14 (8) matter involving the employment, appointment, termination
15 of employment, terms and conditions of employment, evaluation of
16 the performance of, promotion, or disciplining of any specific
17 prospective public officer or employee or current public officer or
18 employee employed or appointed by the public body, unless all the
19 individual employees or appointees whose rights could be adversely
20 affected request in writing that the matter or matters be discussed at
21 a public meeting; or

22 (9) deliberations of a public body occurring after a public hearing
23 that may result in the imposition of a specific civil penalty upon the
24 responding party or the suspension or loss of a license or permit
25 belonging to the responding party as a result of an act or omission for
26 which the responding party bears responsibility.

27 c. A public body shall provide a written advance notice to
28 individual employees or appointees any time the public body places
29 on its agenda for discussion or action any matter involving the
30 employment, appointment, termination of employment, terms and
31 conditions of employment, evaluation of the performance,
32 promotion, or discipline of any specific prospective public officer or
33 employee or current public officer or employee employed or
34 appointed by the public body. The written advance notice shall be
35 provided within a reasonable timeframe to enable the employees or
36 appointees to determine whether a public discussion is desirable and
37 to prepare and present an appropriate request in writing in accordance
38 with paragraph (8) of section b. of this section.

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

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41 2. This act shall take effect immediately.

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44 STATEMENT

45
46 Under current law, a public body may exclude the public from a
47 meeting at which the public body is discussing a matter involving
48 employment, appointment, termination, discipline, or other

1 personnel item of any prospective employee or appointee or current
2 employee or appointee unless all individual employees or appointees
3 whose rights could be adversely affected request in writing that the
4 matter be discussed at a public meeting.

5 This bill requires a public body to provide a written advance notice
6 to any individual employee or appointee any time it places on its
7 agenda for discussion or action any matter that involves the
8 employment, appointment, termination, discipline, or other
9 personnel item of any specific prospective public officer or employee
10 or current public officer or employee employed or appointed by the
11 public body. The bill requires the public body to provide a
12 reasonable advance notice to enable the employee or appointee to
13 determine whether a public discussion is desirable and to prepare and
14 present an appropriate request in writing.

15 This bill codifies in the statutes the recent decision of the Appellate
16 Division of the Superior Court in Kean Federation of Teachers v.
17 Morell, 448 N.J. Super. 520 (App. Div. 2017).