



## TRENTON WATCH

**March 30, 2018**

### Tracking Legislation and Other Items Important to the Business Community:

#### **ECONOMIC DEVELOPMENT**



**Urban Enterprise Zones Extension - [A-3549](#) (Pintor Marin/D-29; Mukherji/D-33; Gusciora/D-15):** Assembly amended on the floor. Extends the duration of each designated urban enterprise zone (UEZ) by 10 years beyond the date that each zone is set to expire. The bill authorizes qualifying businesses within urban enterprise zones to continue charging and collecting the state sales and use tax at 50 percent of its normal rate. This bill also describes the permissible use of funds collected from the sales tax, and amends the current law to restrict the use of funds to economic development and job creation purposes. **Contact:** [Michael Egenton](#)



**Joint Committee on Economic Justice and Equal Employment Opportunity - [ACR-105](#) (Wimberly/D-35)/[SCR-25](#) (Rice/D-28; Brown/D-2):** Assembly passed 67-7. Reconstitutes the Joint Committee on Economic Justice and Equal Employment Opportunity, which was first established in 2014. The resolution give the joint committee authorization to conduct a study of issues concerning economic justice and equal employment opportunity in New Jersey. The committee will report the results of its studies to the Legislature on a routine basis. The State Chamber recently provided recommendations to the Joint Committee on economic development and transportation. **Contact:** [Michael Egenton](#)

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#### **IMMIGRATION**

##### ***Senate State Government, Wagering, Tourism and Historic Preservation Committee***



**Deferred Action for Childhood Arrivals - [SR-17](#) (Pou/D-35; Vitale/D-19; Ruiz/D-29):** Senate committee passed. Urges Congress to enact legislation to codify the Deferred Action for Childhood Arrivals (DACA) program. DACA allows certain immigrants to obtain renewable, two-year work programs. There are more than 22,000 DACA recipients in New Jersey. It is estimated that New Jersey will lose the \$66 million that DACA recipients contribute in state and local taxes each year. **Contact:** [Michael Egenton](#)

**Senate State Government, Wagering, Tourism and Historic Preservation Committee SR-17**  
**Vote:** Beach, James (C) - Yes; Turner, Shirley K. (V) - Yes; Brown, Chris A. - Yes; Gill, Nia H. - Yes; Thompson, Samuel D. - Abstain

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#### **LABOR**



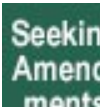
**Mandated Paid Sick Leave - [A-1827](#) (Lampitt/D-6; Mukherji/D-33; Green/D-22; Wimberly/D-35; Sumter/D-35; Moriarty/D-4):** Assembly passed 50-24-1. Requires all employers to provide earned sick leave to each worker it employs in New Jersey.

Employees will receive one hour of earned sick leave for every 30 hours worked. The State Chamber and other business groups worked with the sponsors to amend the legislation, such as prohibiting counties and municipalities from setting new requirements regarding earned sick leave, and pre-empting existing local requirements after the effective date of the bill. Additional changes include reducing the required hours of annual paid sick leave from 72 to 40 hours and permitting employers to prohibit employees from using earned sick leave on certain dates. **Contact:** [Michael Egenton](#)



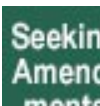
**Diane B. Allen Equal Pay Act - [S-104](#) (Weinberg/D-37; Sweeney/D-3; Cunningham/D-31) and [A-1](#) (Lampitt/D-6; Downey/D-11; Vainieri Huttie/D-37):** Senate passed 35-0. Assembly passed 74-2-0. Amends the Law Against Discrimination (LAD) to make it an unlawful employment practice for an employer to discriminate against an employee

because the employee is a member of a class protected against discrimination by the LAD. The legislation also provides the award of treble damages for violations of the bill. The State Chamber supported the federal standard established under the Lilly Ledbetter Fair Pay Act of 2009 which limited recovery of back pay to two years. The State Chamber and other business groups worked with the sponsors to amend the legislation, limiting the period of time that an aggrieved person may obtain back pay to six years. Additional amendments alter certain reporting requirements and remove the requirement to report upon certain specified significant changes in employee status. The State Chamber respectfully requests an additional amendment that would limit treble damages to knowing and willful violations. **Contact:** [Michael Egenton](#)



**Prohibits Employer Credit Check - [S-545](#) (Gill/D-34; Turner/D15):** Senate passed 23-

14. Prevents an employer from requiring a credit check on a current or prospective employee. The bill does not prevent an employer from performing a credit inquiry or taking an employment action if credit history is a bona fide occupational qualification of a particular position or employment classification, including a managerial position which involves setting the financial direction or control of the business; a position which involves access to customers', employees', or employers' personal belongings or financial assets or financial information, other than information customarily provided in a retail transaction; a position which involves a fiduciary responsibility to the employer, including, but not limited to, the authority to issue payments, transfer money or enter into contracts or involves leases of real property; a position which provides an expense account for travel; or a law enforcement officer for a law enforcement agency, or a governmental or non-governmental security personnel position, including security personnel in a homeland security agency. The State Chamber respectfully requests an additional amendment that would provide employers with more flexibility to conduct credit checks similar to states like California, Connecticut and Maryland. **Contact:** [Michael Egenton](#)



**Wage and Salary Information - [S-559](#) (Gill/D-34; Weinberg/D-37):** Senate passed 28-

10. This bill prohibits any employer from seeking information on the wage or salary history of a prospective employee. The State Chamber and other business groups worked with the sponsors to amend the legislation. The provisions in the Senate committee's substitute bill does not apply to applications for internal transfer or promotion with an employee's current employer; actions taken by an employer due to federal requirements regarding disclosure; employer attempts to obtain or verify non-salary related information when conducting a background checks; or inquiries about applicant experience with incentive and commission plans, but not about earnings in connection with the plans. The committee substitute also does not prohibit a job applicant from providing salary history information employment agencies and authorizing the agencies to share the information with potential employers. The State Chamber respectfully requests an additional amendment that would add a provision that indicates that no employer shall inquire about a job applicant's current or previous salaries unless and until an employer has made a conditional offer of

employment, including an explanation of the overall compensation package to the applicant.

**Contact:** [Michael Egenton](#)

### **Senate Judiciary Committee**



**Workers' Compensation Attorney Fees - [S-2145](#) (Scutari/D-22; Sweeney/D-3):** Senate committee passed. The bill seeks to amend the formula for calculating attorneys' fees to be awarded in workers' compensation cases in a manner that discourages settlement and encourages parties to take cases that could be resolved outside the already overburdened judicial system to trial. The existing statute provides for fees based only on the portion of the judgment in excess of whatever compensation was promptly offered and paid to an employee. The proposed amendment would instead base the formula for attorneys' fees on the full amount of the recovery, regardless of how much of that recovery was achieved absent any attorney involvement, and would actually deduct that full amount from the employee's recovery. The existing formula fosters good public policy and encourages prompt, good faith payments to injured employees.

**Contact:** [Michael Egenton](#)

**Senate Judiciary Committee S-2145 Vote:** Scutari, Nicholas P. (C) - Yes; Gill, Nia H. (V) - Yes; Bateman, Christopher - No; Cardinale, Gerald - No; Corrado, Kristin M. - No; Doherty, Michael J. - No; Pou, Nellie - Yes; Smith, Bob - Yes; Stack, Brian P. - Yes; Sweeney, Stephen M. - Yes; Weinberg, Loretta - Yes

### **Senate Labor Committee**



**Mandated Paid Sick Leave - [S-2171](#) (Weinberg/D-37):** Senate committee passed. Requires all employers to provide earned sick leave to each worker it employs in New Jersey. Employees will receive one hour of earned sick leave for every 30 hours worked.

The State Chamber and other business groups worked with the sponsors to amend the legislation, such as prohibiting counties and municipalities from setting new requirements regarding earned sick leave and preempts existing local requirements after the effective date of the bill. Additional changes include reducing the required hours of annual paid sick leave from 72 to 40 hours and permitting employers to prohibit employees from using earned sick leave on certain dates. **Contact:** [Michael Egenton](#)

**Senate Labor Committee S-2171 Vote:** Madden, Fred H., Jr. (C) - Yes; Addiego, Dawn Marie - Not Voting; Bucco, Anthony R. - No; Cunningham, Sandra B. - Yes; Weinberg, Loretta - Yes

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## **TAXATION**



**Garden State Film and Digital Media Jobs Act - [S-122](#) (Weinberg/D-37; Sarlo/D-36):** Senate passed 29-5. Provides corporation business tax and gross income tax credit for certain expenses incurred for production of certain films and digital media content; designated as Garden State Film and Digital Media Jobs Act. **Contact:** [Michael Egenton](#)



**Tax Credits for Airports - [S-250](#) (Van Drew/D-1):** Senate passed 38-0. Businesses located within the boundaries of general aviation airports operated by an interstate authority and located in a county that has no more than 125,000 residents would be able to receive tax credits for job creation and retention under the Grow NJ program. This bill will help spur growth in and near Atlantic City's burgeoning aviation industry. **Contact:** [Michael Egenton](#)

[Egenton](#)

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## **WORKFORCE DEVELOPMENT**



**Outreach and Training for Minorities and Women in Construction - [S-347](#) (Cruz-Perez/D-5; Cunningham/D-31):** Senate passed 35-0. Expands the funded activities of certain construction project funds set aside for women and minority group members to include outreach, as well as training. It also stipulates that these efforts should include other occupations in the construction industry, such as management and engineering. **Contact:** [Michael Egenton](#)

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Thumbs up and down indicates the chamber's support or opposition to issues. Call the State Chamber Government Relations Department at (609) 989-7888 with questions or comments.