

SENATE, No. 2169

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 9, 2014

Sponsored by:

Senator PETER J. BARNES, III

District 18 (Middlesex)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Exempts school district employees in certain counties from requirement to reside in State as pilot project; requires DOE report.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2014)

1 AN ACT concerning an exemption for certain school district
2 employees to the State residency requirement and amending
3 R.S.52:14-7.

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

7
8 1. R.S.52:14-7 is amended to read as follows:

9 52:14-7. a. Every person holding an office, employment, or
10 position

11 (1) in the Executive, Legislative, or Judicial Branch of this
12 State, or

13 (2) with an authority, board, body, agency, commission, or
14 instrumentality of the State including any State college, university,
15 or other higher educational institution, and, to the extent consistent
16 with law, any interstate agency to which New Jersey is a party, or

17 (3) with a county, municipality, or other political subdivision of
18 the State or an authority, board, body, agency, district, commission,
19 or instrumentality of the county, municipality, or subdivision, or

20 (4) with a school district or an authority, board, body, agency,
21 commission, or instrumentality of the district,

22 shall have his or her principal residence in this State and shall
23 execute such office, employment, or position.

24 This residency requirement shall not apply to any person (a) who
25 is employed on a temporary or per-semester basis as a visiting
26 professor, teacher, lecturer, or researcher by any State college,
27 university, or other higher educational institution, or county or
28 community college, or in a full or part-time position as a member of
29 the faculty, the research staff, or the administrative staff by any
30 State college, university, or other higher educational institution, or
31 county or community college, that the college, university, or
32 institution has included in the report required to be filed pursuant to
33 this subsection, or (b) who is employed full-time by the State who
34 serves in an office, employment, or position that requires the person
35 to spend the majority of his or her working hours in a location
36 outside of this State.

37 For the purposes of this subsection, a person may have at most
38 one principal residence, and the state of a person's principal
39 residence means the state (1) where the person spends the majority
40 of his or her nonworking time, and (2) which is most clearly the
41 center of his or her domestic life, and (3) which is designated as his
42 or her legal address and legal residence for voting. The fact that a
43 person is domiciled in this State shall not by itself satisfy the
44 requirement of principal residency hereunder.

45 A person, regardless of the office, employment, or position, who

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 holds an office, employment, or position in this State on the
2 effective date of P.L.2011, c.70 but does not have his or her
3 principal residence in this State on that effective date shall not be
4 subject to the residency requirement of this subsection while the
5 person continues to hold office, employment, or position without a
6 break in public service of greater than seven days.

7 Any person may request an exemption from the provisions of
8 this subsection on the basis of critical need or hardship from a five-
9 member committee hereby established to consider applications for
10 such exemptions. The committee shall be composed of three
11 persons appointed by the Governor, a person appointed by the
12 Speaker of the General Assembly, and a person appointed by the
13 President of the Senate, each of whom shall serve at the pleasure of
14 the person making the appointment and shall have a term not to
15 exceed five years. A vacancy on the committee shall be filled in the
16 same manner as the original appointment was made. The Governor
17 shall make provision to provide such clerical, secretarial and
18 administrative support to the committee as may be necessary for it
19 to conduct its responsibilities pursuant to this subsection.

20 The decision on whether to approve an application from any
21 person shall be made by a majority vote of the members of the
22 committee, and those voting in the affirmative shall so sign the
23 approved application. If the committee fails to act on an application
24 within 30 days after the receipt thereof, no exemption shall be
25 granted and the residency requirement of this subsection shall be
26 operative. The head of a principal department of the Executive
27 Branch of the State government, a Justice of the Supreme Court,
28 judge of the Superior Court and judge of any inferior court
29 established under the laws of this State shall not be eligible to
30 request from the committee an exemption from the provisions of
31 this subsection.

32 The exemption provided in this subsection for certain persons
33 employed by a State college, university, or other higher educational
34 institution, or a county or community college, other than those
35 employed on a temporary or per-semester basis as a visiting
36 professor, teacher, lecturer, or researcher, shall apply only to those
37 persons holding positions that the college, university, or institution
38 has included in a report of those full or part-time positions as a
39 member of the faculty, the research staff, or the administrative staff
40 requiring special expertise or extraordinary qualifications in an
41 academic, scientific, technical, professional, or medical field or in
42 administration, that, if not exempt from the residency requirement,
43 would seriously impede the ability of the college, university, or
44 institution to compete successfully with similar colleges,
45 universities, or institutions in other states. The report shall be
46 compiled annually and shall also contain the reasons why the
47 positions were selected for inclusion in the report. The report shall
48 be compiled and filed within 60 days following the effective date of

1 P.L.2011, c.70. The report shall be reviewed, revised as necessary,
2 and filed by January 1 of each year thereafter. Each report shall be
3 filed with the Governor and, pursuant to section 2 of P.L.1991,
4 c.164 (C.52:14-19.1), with the Legislature, and a report may be
5 revised at any time by filing an amendment to the report with the
6 Governor and Legislature.

7 As used in this section, "school district" means any local or
8 regional school district established pursuant to chapter 8 or chapter
9 13 of Title 18A of the New Jersey Statutes and any jointure
10 commission, county vocational school, county special services
11 district, educational services commission, educational research and
12 demonstration center, environmental education center, and
13 educational information and resource center.

14 b. If any person holding any office, employment, or other
15 position in this State shall attempt to let, farm out or transfer such
16 office, employment, or position or any part thereof to any person,
17 he shall forfeit the sum of fifteen hundred dollars (\$1,500.00), to be
18 recovered with costs by any person who shall sue for the same, one-
19 half to the prosecutor and the other half to the treasurer for the use
20 of the State.

21 c. No person shall be appointed to or hold any position in this
22 State who has not the requisite qualifications for personally
23 performing the duties of such position in cases where scientific
24 engineering skill is necessary to the performance of the duties
25 thereof.

26 d. Any person holding or attempting to hold an office,
27 employment, or position in violation of this section shall be
28 considered as illegally holding or attempting to hold the same;
29 provided that a person holding an office, employment, or position in
30 this State shall have one year from the time of taking the office,
31 employment, or position to satisfy the requirement of principal
32 residency, and if thereafter such person fails to satisfy the
33 requirement of principal residency as defined herein with respect to
34 any 365-day period, that person shall be deemed unqualified for
35 holding the office, employment, or position. The Superior Court
36 shall, in a civil action in lieu of prerogative writ, give judgment of
37 ouster against such person, upon the complaint of any officer or
38 citizen of the State, provided that any such complaint shall be
39 brought within one year of the alleged 365-day period of failure to
40 have his or her principal residence in this State.

41 e. (1) A person employed to hold an office, employment, or
42 position with a school district and, at the time of employment, does
43 not have his or her principal residence in this State shall be exempt
44 from the requirement in subsection a. of this section to have his or
45 her principal residence in this State. This exemption shall apply
46 only: (a) during the course of the employment; (b) if the person
47 commenced the employment with the employing school district
48 after the effective date of P.L. , c. (pending before the

1 Legislature as this bill) or commenced the employment prior to that
2 effective date but had not complied as of that effective date with the
3 requirement; and (c) to a person employed in a school district
4 located in Bergen, Hudson, Passaic, Essex, Sussex, Warren,
5 Hunterdon, Mercer, Burlington, or Camden County.

6 (2) The exemption provided in this subsection shall be
7 considered a pilot project to ascertain the impact on the
8 administrative and instructional needs of the school districts in the
9 specified counties. For this purpose, each school district shall
10 submit reports in writing to the Department of Education on the
11 impact of paragraph (1) of this subsection on the impact of the
12 exemption on employment within the district. Each school district
13 shall submit a report at the end of each of the three consecutive full
14 school years that follow the effective date of P.L. , c. (now
15 pending before the Legislature as this bill). Each report by a school
16 district shall specify, and compare to the eight-year period before
17 the availability of the exemption, the number of candidates applying
18 for positions to be filled, the types of positions to be filled, changes
19 in the number of candidates, the number of persons newly
20 employed, the State of residence of the candidates and those
21 employed, retention rates of newly employed persons, the
22 difficulties experienced in finding qualified candidates for certain
23 positions, and such other information as the department may
24 require. The Department of Education shall compile and analyze
25 the information provided in the reports of the school districts and
26 prepare a written report detailing that information, describing its
27 findings, and setting forth its conclusions, along with any
28 recommendations on this matter that the department determines to
29 be appropriate and necessary. The report shall be submitted to the
30 Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
31 19.1), to the Legislature, within three months following the end of
32 the third full school year following the effective date of P.L. ,
33 c. (pending before the Legislature as this bill). The report may be
34 used by the Governor and the Legislature in making a determination
35 to retain the exemption or to amend the statute to eliminate it.

36 (cf: P.L.2011, c.70, s.2)

37
38 2. This act shall take effect immediately.
39
40

41 STATEMENT

42
43 This bill provides an exemption for school district employees,
44 during the course of their employment, from the requirement that all
45 public employees have their principal residence in this State. An
46 employee who is not a State resident will be exempt from the State
47 residency requirement if employment is commenced after the
48 effective date of this bill or commenced prior to that effective date

1 but the employee had not yet complied with the residency
2 requirement.

3 This exemption will apply only to employees in school districts
4 located in Bergen, Hudson, Passaic, Essex, Sussex, Warren,
5 Hunterdon, Mercer, Burlington, or Camden County.

6 The purpose of this bill is to create a pilot project to ascertain the
7 impact of the exemption on the administrative and instructional
8 needs of the school districts in the specified counties. For this
9 purpose, each school district will submit periodic reports in writing
10 to the Department of Education on the impact of the exemption on
11 employment within the district. Each report by a school district
12 must specify, and compare to the eight-year period before the
13 availability of the exemption, the number of candidates applying for
14 positions to be filled, the types of positions to be filled, changes in
15 the number of candidates, the number of new employees, the State
16 of residence of the candidates and those employed, retention rates
17 of newly employed employees, the difficulties experienced in
18 finding qualified candidates for certain positions, and such other
19 information as the department may require.

20 The Department of Education will compile and analyze the
21 information provided in the reports of the school districts and
22 prepare a written report detailing that information, describing its
23 findings and setting forth its conclusions, along with any
24 recommendations on this matter that the department determines to
25 be appropriate and necessary. The report will be submitted to the
26 Governor and to the Legislature after the end of the third full school
27 year following the effective date of the bill. The Governor and
28 Legislature may then make a determination to retain the exemption
29 or amend the statute to eliminate it.

30 "School district" is defined in the current law as any local or
31 regional school district established pursuant to chapter 8 or chapter
32 13 of Title 18A of the New Jersey Statutes and any jointure
33 commission, county vocational school, county special services
34 district, educational services commission, educational research and
35 demonstration center, environmental education center, and
36 educational information and resource center.