

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2459

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly Labor Committee reports favorably and with committee amendments, Assembly Bill No. 2459.

This bill restricts individuals convicted of certain crimes from holding office or serving in other positions of influence in public employee labor organizations. It is designed to mirror the federal law governing private-sector labor organization, section 504 of the "Labor-Management Reporting and Disclosure Act of 1959" (29 U.S.C. §504).

Specifically, the bill prohibits any individual who has been convicted of robbery, theft, extortion, embezzlement, burglary, arson, violation of narcotics laws, murder, sexual assault, aggravated and simple assault, certain violations of the federal "Labor-Management Reporting and Disclosure Act of 1959," any felony involving abuse or misuse of the individual's position or employment with a public or private sector labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of an organization or the beneficiaries of the plan, conspiracy to commit any of these crimes, or a crime in which any of the foregoing crimes is an element, from serving:

1. As a consultant or adviser to any public employee labor organization;
2. As an officer, director, trustee, member of any governing body, business agent, manager, organizer, employee, or representative of a public employee labor organization;
3. As a labor relations consultant or adviser to any public employer, or as an officer, director, agent or employee of any public employer organization, or in a position with collective bargaining authority or responsibility in the area of labor-management relations for a public employer;
4. In a position which permits the individual to share in the proceeds of providing goods or services to any public employee labor organization, or as an officer, executive or administrative employee of any entity with a significant involvement in providing the goods or services to a public employee labor organization; or

5. In any capacity involving decision making authority over, or custody or control of the moneys, funds, assets, or property of a public employee labor organization.

The bill requires that the prohibition stay in effect for 13 years following the individual's conviction or imprisonment, whichever is later, unless the sentencing court sets a shorter period of time, following the conviction or imprisonment, or unless the Public Employment Relation Commission determines that the prohibition is unnecessary. The bill provides that the prohibition applies from the time of conviction even if an appeal is filed, but that any salary to which the individual is entitled during the appeal period will be held in escrow until the appeal is resolved.

The committee amendments are technical in nature.