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October 1, 2021

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Municipal Clerks: Please forward to your Mayor, Governing Body, and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. State Issues

a. Substantial Expansion of Power for Public Sector Labor Unions

With the lame-duck session fast approaching and the Legislature is likely to reconsider the Responsible Collective Negotiations Act ([S-3810/A-5862](#)). It would substantially expand the power and influence of public sector labor unions to negotiate previously non-negotiable items at the expense of local governing bodies and property taxpayers across the state. We urge all municipalities to adopt the [sample resolution](#) opposing S-3810/A-5862.

This legislation would eliminate a long-established precedent in public sector labor negotiations by creating permissive issues of negotiations that would broaden the category to include all collective bargaining units, eliminate the category's temporary nature, and subject previously non-negotiable items to binding arbitration. The long-term practical consequences of permissive issues of negotiations would be enormous and would undoubtedly unravel 50 years of clearly defined standards promulgated by statutory law, the courts, and the Public Employees Relations Commission (PERC).

S-3810/A-5862 permits all terms and conditions of employment that are not otherwise mandatorily negotiable and “intimately and directly affect employee work and welfare” to be subject to collective negotiations. Any dispute about whether a matter is within the scope of collective negotiations can be submitted to the PERC.

The legislation also requires grievance procedures to provide for binding arbitration as a means for resolving disputes. Furthermore, S-3810/A-5862 mandates that binding arbitration be the final say for any dispute regardless if there is just cause for a disciplinary action, including reprimands, withholding of increments, termination or non-renewal of an employment contract, expiration or lapse of an employment contract or term, or lack of continuation of employment, irrespective of the reason for the employer’s action or failure to act. The burden of proof will now be on management even where labor is the moving party.

This legislation would ignore the multilayered and unparalleled protections already afforded public sector workers in the State of New Jersey by the Civil Service Commission, PERC, the "Workplace Democracy Enhancement Act," the collective bargaining process, and more. Local governing bodies negotiate with property taxpayer dollars and the public's vested interest in limiting the scope of labor negotiations.

The League joins the New Jersey Municipal Managers Association (NJMMA), the Government Finance Officers Association (GFOA), the New Jersey Association of Counties (NJAC), New Jersey Association of County Finance Officers (NJACFO), and New Jersey Association of County Administrators (NJACA) in strongly opposing S-3810/A-5862 as it will not only infringe upon the ability of public sector management to manage but it will drive up costs borne by local government and, ultimately, our taxpayers.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

b. Governor Murphy Establishes the Office of Diversity, Equity, Inclusion and Belonging

On Tuesday, September 28, Governor Phil Murphy signed [Executive Order No. 265](#) (EO 265), which establishes the Office of Diversity, Equity, Inclusion, and Belonging to be led by newly appointed Jayne Johnson. The Office will be responsible for developing and overseeing a statewide equity capacity building infrastructure for all State agencies, personnel, and recipients of State funds. It provides direction and guidance to diversity officers and offices within the Executive Branch of State government, and, to the extent practicable, to diversity officers and offices of nongovernmental entities receiving State funds.

A high-level accountability structure is developed to support the work toward improving diversity, equity, inclusion, and belonging in the State. Assessments of such policies will be conducted, monitoring their progress and supporting the development of new policies. It oversees the placement of anti-discrimination statements and goals in public policy or guidance documents issued by State agencies. A strategic plan will be established for measurable outcomes in implementation and growth in these areas, and, to the extent necessary, convene stakeholders such as State partners, personnel, contractors, and subject matter experts toward developing recommendations for the formation of policies that support diversity, equity, inclusion, and belonging in non-governmental entities.

Guidelines will be issued to effectuate the above.

In [announcing](#) Jayne Johnson's appointment, Governor Murphy noted that the office "aims to dismantle inequity within State government based on race, ethnicity, and other protected characteristics and to expand opportunities for communities of color and other underserved New Jerseyans. The office will also be committed to fostering greater inclusion and understanding of issues of diversity, equity, and belonging."

Contact: Andrew LaFevre, Legislative Analyst, alafevre@njlm.org, 609-695-3481, x116.

c. New Law Shields Municipal Land Use Decisions Made at Virtual Meetings

Last Friday, Governor Murphy signed League supported bill [A-4881](#) into law. The new law prohibits the appeal of land use decisions on grounds attributable to convening the meeting by virtual means, provided that reasonable public notice and provision for public input were made under the circumstances.

The new law strikes a fair balance, ensuring residents' due process rights are protected while preventing costly challenges to land use decisions made during the COVID-19 public health emergency. The new law took effect on September 24, 2021, and applies to any meetings or proceedings conducted by a municipality on or after March 9, 2020. The League would like to thank Assemblyman Greenwald and Senator Beach for their leadership on this important issue.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481, x137.

d. New Jersey Announces Tax Payment Delays for those Affected by Hurricane Ida

The New Jersey [Division of Taxation announced](#) they are following the federal guidelines for tax relief for victims of Hurricane Ida that the [Internal Revenue Service announced](#) at the end of August.

Affected taxpayers include businesses and individuals located in the disaster areas, those whose tax records are in the disaster areas, and relief workers. The IRS has extended deadlines for certain taxpayers affected by Ida who have a responsibility to:

- File returns (except information only returns);
- Pay taxes; and
- Perform certain other time-sensitive acts.

Individuals who had a valid extension to file their 2020 returns, scheduled to run out on October 15, will now have until January 3, 2022 to file their New Jersey tax returns and submit payments. This includes estimated payments, which have either an original or extended due date between August 26, 2021, and January 3, 2022.

In addition, taxpayers may be eligible for abatement of penalty and interest on underpaid tax that would normally accrue during the period of the postponement.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

e. Appellate Panel Reinforces Municipal Authority to Mandate Employee COVID Vaccination

Earlier this month, we alerted you to an [interim relief order](#) issued by the Public Employment Relation Commission (PERC) regarding a municipality implementing a COVID-19 vaccination mandate for municipal employees. The PERC ruling determined that a public employer has a managerial prerogative to mandate full vaccinations against COVID-19 of all municipal employees. However, the enforcement aspects of the mandate, such as discipline, timing, costs and privacy concerns, were terms of employment that must be negotiated.

This week, [an appellate panel reviewed the PERC order](#); affirming the portion of the order allowing the municipality to implement its vaccination mandate and reversing and vacating the portion of the order that imposed restraints on the municipality or required any negotiations concerning the implementation, timing, or enforcement of the municipality's vaccination mandate.

For an additional resource on this topic, the NJ Municipal Excess Liability Joint Insurance Fund offers a [Bulletin](#) to its members regarding mandatory vaccination of employees and recommends reviewing such policies with your municipal attorney prior to implementation.

You should review this matter with your municipal labor counsel and your business administrator for more information.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481, x137.

f. 2021 Municipal Best Practices Inventory Due November 3

Today the Division of Local Government Services issued the 2021 Municipal Best Practices Inventory. [Local Finance Notice 2021-17](#) provides guidance on this year's process. All municipalities, including State Fiscal Year, must submit their [Best Practices Inventory](#) by Wednesday, November 3, 2021.

The inventory consists of 48 questions in three categories as follows: 19 questions in Core Competencies, 8 questions in Best Practices, and 21 Unscored Survey questions. The inventory's scoring threshold is based on the number of Core Competencies questions. Each municipality must receive a minimum score of 15 to receive their full final aid payment. Final aid payment will be reduced by 25% if the score is between 11-14; by 50% if the score is between 7-10; and a score between 0-6 will lose 100% final aid payment.

A municipality may appeal its score to the Division of Local Government Services Director by November 3, but not before submitting their inventory.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

g. Division Issues E-Procurement Final Regulations

The Division of Local Government Services has issued [Local Finance Notice 2021-18](#) detailing the E-Procurement Regulations for goods, services and public works contracts. We suggest you review this Local Finance Notice with the procurement official.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

II. Federal Issues

a. Federal Budget

The Federal fiscal year begins today, October 1. Yesterday, the Senate and House passed a Continuing Resolution to fund the government through December 3 with \$27 billion in new funding for disaster relief and refugee resettlement. President Joe Biden [signed the measure](#) on Thursday.

Debt Ceiling

Earlier this week in a [letter to congressional leaders](#), Treasury Secretary Janet Yellin stated the government has limited borrowing authority after October 18 and urged an immediate increase in the debt ceiling. The Senate minority refuses to increase the debt limit and has left the majority party looking for alternatives that require only 50 votes and then have the House concur.

Infrastructure

Negotiations are ongoing to pass the Infrastructure Investment and Jobs Act (IIJA) in the House of Representatives, it passed the Senate this past summer. Congressional leaders are trying to find a workable framework for the Human Infrastructure bill among the majority in both the House and Senate that can be passed through budget reconciliation, which only requires 51 votes to pass. Speaker Nancy Pelosi agreed to post the IIJA for a vote by the end of September to garner support of House moderates to start the budget reconciliation process. The IIJA vote is expected today.

Moderate members of the House want to pass the IIJA first and the House progressives want the reverse. President Biden has been working, but as of this writing, unsuccessfully, to come to a framework agreement that members of the Senate majority can all accept. Late yesterday, there was some progress and specific negotiations between the Senate, House, and Administration on what to include in a \$1.5 trillion framework over a 10- year budget reconciliation process.

The League supports and thanks the several members of the New Jersey delegation that have advocated for inclusion of the removal of the State and Local Taxes (SALT) deduction cap and have indicated they will not support the bill.

We will continue to keep you posted on the quickly changing federal budget negotiations and process.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

b. Utilizing Federal Funds? Tell Us How!

Over the past year, there has been ample federal funding for local governments.

Whether it was the Coronavirus Relief Fund (CRF) in the CARES Act or the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) in the American Rescue Plan, municipalities have utilized these funds to fight the effects of the pandemic, replace lost municipal revenue, support community groups, and many other worthwhile endeavors.

Utilizing these funds requires ample planning, and we ask that you share how your community has allocated these funds to date. This information will not only assist your colleagues but will provide our representatives in Washington with information to fight for more federal funding and programs for New Jersey municipalities.

Please [use this form](#) to share how your municipality has used your federal funding.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

c. American Rescue Plan Reporting Requirement Change

This week, Treasury alerted us that they have sent notification to Non Entitlement Units of government (NEUs), which generally are municipalities that have a population less than 50,000 residents, about updated timelines for reporting.

NEU municipalities have new deadlines for reporting. Project and expenditure data must be reported next on January 31, 2022 instead of Oct 31, 2021. The first reporting deadline for NEUs will be April 30, 2022 instead of Oct 31, 2021.

The state should be notifying NEUs regarding the updated deadline. Treasury will provide recipients with user guides prior to the reporting deadlines at a later date.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

III. COVID-19 Weekly Update

Earlier this week the Governor Phil Murphy announced a website information hub for mental health support resources for youth, parents and educators; unveiled the Return and Earn program; and noted that boosters are available for certain Pfizer recipients who completed their initial two-shot course at least six months ago.

COVID Data for Friday, October 1, 2021:

- 1,642 new positive cases for a total of 1,055,006 confirmed cases
- 16 new confirmed deaths for a total of 24,656 confirmed deaths
- The rate of transmission is at 0.92
- 219 cases have been linked to 39 school outbreaks, which is defined as 3 or more laboratory confirmed cases among students or staff within a 14 day period.
- 11,682,192 vaccine doses have been administered, including 6,456,865 who have received at least one dose, and 5,670,012 who are fully vaccinated. 58% are Pfizer, 39% Moderna, and 4% J&J. In addition, 93,315 have received an additional

dose of Pfizer and 46,893 have received an additional dose of Moderna.

Vaccine Information

Boosters are available for all Pfizer recipients who completed their initial two-shot course at least six months ago and who are ages 65 and over, individuals ages 18 and older who have underlying medical conditions which may make them more susceptible to the virus, or whose employment situation may also put them at higher risk, including first responders and healthcare workers, educators and daycare employees, correctional facility workers, those whose jobs are along our public transit system, food and agricultural workers including grocery store employees, manufacturing workers, and correction workers.

As a reminder, the Department of Health provides access to individuals' COVID vaccination records through [NJ Docket, a secure and free smartphone app](#), which is CDC approved.

Homebound residents who have not yet connected with their local health department, or a home health agency, and who need an in-home vaccination should visit www.covid19.nj.gov/homeboundvax or contact the call center at 855-568-0545.

To find a vaccine site visit www.covid19.nj.gov/vaccine.

Mental Health Resources

Recently the Department of Children and Families has seen an increase in the numbers of calls received by its Children's System of Care hotline. These calls are covering a whole host of mental health issues and triggers, but unsurprisingly, many of these calls are coming early in the morning from parents concerned with the signs of stress their kids are exhibiting as they prepare for their school day.

They have put together a new page on their COVID information hub with a wealth of mental health support resources for youth, parents, and educators. This all can be found at that website, www.covid19.nj.gov/youthhelp.

Return and Earn Program

The New Jersey Department of Labor and Workforce Development is implementing the [Return and Earn program](#). This new initiative will provide a \$500 incentive for unemployed workers reentering the workforce and receiving job training from businesses with 100 or fewer employees and the positions filled pay at least \$15 per hour.

Return and Earn is a two-track program with parallel rails. For employers, up to \$10,000 in wage subsidies to help cover wages for new employees for up to their first six months on the job. For new employees, a direct \$500 return to work benefit is provided in their first paycheck in addition to any other hiring bonus or benefit provided by their employer.

Return and Earn will reimburse employers for half of the wages paid for regular hours worked. The total reimbursement again will be capped at \$10,000 per new employee and at \$40,000 per employer. The reimbursement will be valid whether this training occurs in-person at the job site or virtually.

The \$500 Return and Earn incentive and On-the-Job Training subsidy will be funded by \$10 million in American Rescue Plan Act (ARPA) funds. Additional related supportive

services will be funded by Workforce Innovation and Opportunity Act (WIOA) funds.

Contacts:

- Mike Cerra, Executive Director, mcerra@njlm.org, 609-695-3481, x120.
- Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

IV. Also of Interest

a. Workshop for Local Officials: NJ's New Statewide Municipal Electric Vehicle Ordinance

Today, Friday, October 1, from 2:30 to 3:30 p.m. in the SW corner of the Princeton Shopping Center, 301 N. Harrison Street, Princeton, NJ 08540 (near the Verizon store).

You are invited to a workshop hosted by ChargeVC, in partnership with the NJLM, the New Jersey Department of Environmental Protection (DEP), the New Jersey Department of Community Affairs (DCA), and the New Jersey Coalition of Automotive Retailers (NJCAR).

Join **Maria Connolly**, Principal Planner at NJDCA and **Peg Hanna**, Assistant Director at NJDEP to learn more about New Jersey's [new statewide municipal ordinance which streamlines the local approval process for installing electric vehicle charging infrastructure](#) and incentives that may be available to your town. Participants will have the opportunity to ask questions about statewide incentives and municipal ordinance as it begins to go into effect in their municipalities.

[Registration to Pre-Register for the Workshop](#)

Following the workshop, Sustainable Princeton will be holding [An Electric EVening at the Princeton Shopping Center](#) from 4 to 7 p.m. We invite you to stay to check out some of your favorite electric vehicle models and participate in a ride-and-drive.

COVID-19 PRECAUTIONS: Learning session will take place outdoors, under a tent, with spacing between participants.

Contact: Mike Cerra, Executive Director, mcerra@njlm.org, 609-695-3481, x120.

b. State Comptroller Webinar on Best Practices for Using ARP

On **Thursday, October 7, 2021 from 10:00 a.m. to 11:30 a.m.**, the State Comptroller's Office will be hosting a free webinar on the Best Practices for Using Local Fiscal Recovery Funds. The webinar will include best practices for compliance, procurement, sub-recipient monitoring, and internal controls when using the American Rescue Plan Act's Local Fiscal Recovery Funds. To register, email covid.oversight@osc.nj.gov with "Local Government Training" in the subject line.

c. The League is Extending the Deadline for the Innovation in Governance Program – Submit Your Applications Now!

The New Jersey Department of Community Affairs (DCA) and the New Jersey League of Municipalities (NJLM) will again acknowledge and promote Innovation in Governance through our annual recognition program. This is a great opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or overtime – in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising.

The deadline is extended to **Friday, October 15, 2021**, and is fast approaching.

[Visit our awards page](#) to see previous years of impressive ideas created by our winning municipalities as well as the full invitation and application to this year's program.

Contact: Ciara Bradley, Legislative Administrator, CBradley@njlm.org, 609-695-3481, x128.



New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608
Phone: 609-695-3481 Web: www.njlm.org

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