



September 18, 2024

NJSBA Position Statement

Opposing A-4625 (Danielsen)

Requires employers to include in job posting whether posting is for existing position and sets additional job posting requirements.

The NJSBA believes the authority for management of public schools should rest with local boards of education and State authority over school districts should not exceed the scope necessary to fulfill the constitutional mandate for a thorough and efficient system of free public education. Further, the NJSBA believes that all legislation that seeks to impose additional mandates on boards of education should have an identified funding source or appropriation.

The NJSBA's concerns regarding A-4625 are as follows:

- **Fines for failure to remove postings.** A-4625 imposes fines between \$1000 and \$5000 against any person who violates the provisions of this act. The amount of these fines seems excessive, especially since this legislation neither enhances civil rights nor worker health and safety. Under this bill, a simple administrative oversight could result in the imposition of financial penalties on employers. For our members – local boards of education – this would cause a diversion of public funds away from important educational spending priorities, which would do a disservice to both students and taxpayers.
- **Third-party postings.** A-4625 places a responsibility on the employer to notify third parties of which “it is aware or should reasonably be aware” that the position has been filled to remove the posting. To make the employers liable for third-party postings over which it may have no control makes little sense. Employers should only be responsible for the posting actions of their employees or their vendors, not over third parties with whom they have no relationship.
- **Notification of applicant.** A-4625 should be amended to clarify that an employer need only notify interviewed candidates that they are still under consideration or that the position has been filled. Employers should have no affirmative duty to applicants generally. Furthermore, the requirement that employers provide applicants and interviewees with an estimated timeframe of when the position will be filled is impractical. Hiring can often be a fluid and unpredictable process that necessitates flexibility that is constrained by this bill.
- **New Mandate.** A-4625 imposes a new mandate on boards of education to ensure the removal of outdated job postings from its website and from third party websites of which it is aware. However, this bill lacks a funding mechanism to implement with fidelity its proposed requirements. In the case of local school districts, this bill will impose additional affirmative duties on board of education employees to remove postings within two weeks of the position being filled.

The NJSBA urges the Assembly Labor Committee to oppose A-4625. For the reason summarized above, the NJSBA must respectfully oppose A-4625 in its current form. Thank you for your consideration of our perspective on the bill. Any questions or comments may be directed to John J. Burns, Esq., Senior Legislative Counsel, at 609-278-5275.