MINUTES OF COMMISSION MEETING

May 18, 2023

Present at the meeting of the New Jersey Law Revision Commission, held remotely, were: Chairman Vito A. Gagliardi, Jr.; Vice-Chair Andrew Bunn; Commissioner Virginia Long; Commissioner Louis N. Rainone; Professor Bernard W. Bell, attending on behalf of Dean Rose Cuison-Villazor; Professor Edward Hartnett, attending on behalf of Interim Dean John Kip Cornwell; and Grace Bertone, of Bertone Piccini, LLP, attending on behalf of Dean Kimberly Mutcherson.

Minutes

The Minutes of the April 20, 2023, Commission Meeting were unanimously approved on the motion of Commissioner Long, seconded by Commissioner Bell.

In Attendance

Alex R. Daniel, Esq., an attorney with the New Jersey Civil Justice Institute, was in attendance.

Recreational or Social Activities Defense to Workers' Compensation Coverage

Whitney Schlimbach discussed a Revised Draft Final Report recommending modifications to clarify the scope of the recreational or social activities defense to workers' compensation set forth in N.J.S. 34:15-7.

Ms. Schlimbach stated that the Commission released its Final Report in March 2023. After the release of the Commission's Final Report, Staff received a comment from the New Jersey Self-Insurer's Association ("NJSIA"). Ms. Schlimbach stated that the NJSIA's comments were dated and postmarked January 10, 2023, within the public comment period for the project. The letter was not received, however, until April 6, 2023, after the release of the Final Report.

In their letter the NJSIA expressed that there is "no need to revisit the statute due to recent case law" and indicated that "the provision seems quite clear to the undersigned workers' compensation practitioners." They further elaborated that the decision in *Goulding v. Friendship House, Inc.*, 245 N.J. 157 (2021), did not provide a definition for the term "recreational or social activities," rather it determined that "as to [the *Goulding* claimant] she was not enjoying any of the activities taking place." Based on this analysis, the NJSIA concluded that there was no need to clarify the language contained in N.J.S. 34:15-7.

Except for the addition of the NJSAI's comments, the Revised Draft Final Report was otherwise identical to the March 2023 Final Report.

Commissioner Hartnett proposed a modification to subsection (b)(4)(B) to clarify the language in this subsection. In place of the phrase "other participants' engagement" he recommended the use of the phrase "participation of others." The other Commissioners agreed with this modification.

With the modification suggested by Commissioner Hartnett, and on the motion of Commissioner Bertone, seconded by Commissioner Bell, the Commission unanimously released the Revised Final Report.

Unemployment Benefits for Individuals Who Were Wrongfully Incarcerated

In Haley v. Board of Review, Department of Labor, 245 N.J. 511 (2021), the New Jersey Supreme Court examined "whether pretrial detention premised on charges that are subsequently dismissed is, automatically, a disqualifying separation from work within the meaning of the Act."

Samuel Silver discussed the fact that the absence of statutory language to address the loss of employment due to wrongful incarceration leaves open the possibility that "one arm of the government can cause the loss of a person's job by detaining him on charges later dismissed by a grand jury, and that another arm can find that the exonerated worker 'voluntarily' left his position without good cause, thus disabling him from receiving unemployment benefits."

He discussed the Commission's proposed modifications to N.J.S. 43:21-5, noting that the proposed modifications aim to achieve three objectives: (1) clarify that separation from employment as a result of wrongful incarceration is reviewed as if the employee left work voluntarily; (2) include a statutory presumption that the dismissal of the individual's charges, the grand jury's decision not to indict, or a finding of not guilty after a trial, shall be presumptive evidence that the individual did not voluntarily leave work; and (3) indicate that this presumption may be rebutted through an examination of the totality of the circumstances surrounding the individual's separation from employment.

Following the initial outreach conducted in this matter, the Commission sought comments from additional knowledgeable individuals and organizations. Allan Marrain, Esq. "urged recommendation of legislation that adopted Justice Albin's dissent" in *Haley*. In lieu of the proposed language set forth in the Appendix, Mr. Marrain proposed that the following language be added to subsection a. of the existing statute: "[a]bsences from work due solely to the individual being wrongfully incarcerated shall not constitute a disqualification under this subsection. No employer's account shall be charged for the payment of benefits to an individual absent from work solely on account of wrongful incarceration." He also proposed that wrongful incarceration be defined as "incarceration solely on account of charges that are dismissed, or the grand jury's decision not to indict, or a finding of not guilty after a trial."

Mr. Silver noted that the Commission had not received any opposition to the proposed modifications.

In advance of the May meeting, Commissioner Bell provided comments to Staff and other Commissioners, including a recommendation to add a sentence to footnote fifty-seven on page eight of the Report. The suggested comment proposed that the Report clarify that the Commission chose not to incorporate Mr. Marain's recommendation, not because the Commission agrees or disagrees with his position, but because it is not consistent with the Commission's practice of not adopting a dissenting opinion. Laura Tharney expressed some concern regarding the inclusion of such language in a Commission Report. She explained that including this sentence could be

interpreted as reflecting a "bright-line" rule regarding dissenting opinions, which might be seen as limiting the Commission's flexibility in the future. In response, Commissioner Bell stated that the Report should still convey that the Commission is not dismissing Mr. Marain's comments based on their merits. Chairman Gagliardi proposed the inclusion of language in the footnote clarifying that the Commission did not adopt Mr. Marain's suggestion, because it was inconsistent with the majority's opinion, rather than being based on its merits.

Chairman Gagliardi indicated that the first sentence of the third paragraph in the Project Summary – "the Commission proposes modifications to N.J.S. 43:21-5 to clarify that separation from employment as a result of wrongful incarceration is reviewed as if the employee left work voluntarily" – might be confusing because wrongful incarceration is not treated as a voluntary departure. Laura Tharney suggested eliminating the first part of the sentence which begins "[t]he Commission proposes modifications to N.J.S. 43:21-5 to clarify that separation. . . ." Chairman Gagliardi also requested the word "that" be replaced by the word "whether."

Commissioner Hartnett stated his concern regarding the list of circumstances derived from the New Jersey Administrative Code (Code) and incorporated into subsection (a)(1)(A). He noted that, in the future, the administrative agency could modify the Code provisions concerning circumstances that trigger the "voluntarily leaving work" inquiry. He said that he is hesitant to codify the Code references because doing so might constrain the administrative agency. He further stated that the Commission's focus is the *Haley* decision requiring consideration of the totality of the circumstances and suggested the elimination of subsection (A) altogether.

Commissioner Long agreed with Commissioner Harnett's concerns regarding the enumeration of the list of circumstances to be considered as voluntarily leaving work. She stated that each of the categories was derived from the case law and that codifying them restricts the flexibility of the agency to subsequent make changes to the list. Commissioners Rainone, Bell, and Bertone all agreed. Vice-Chairman Bunn also agreed and noted that if subsection (A) is eliminated, the statute should explain what is considered "voluntarily leaving work." Chairman Gagliardi agreed with Vice-Chairman Bunn. Commissioner Harnett noted that by deleting section (A) there would be cross-references that would also need to be eliminated.

Ms. Tharney asked how to ensure that incarceration was examined based on the totality of the circumstances. Commissioner Hartnett suggested incorporating it into section (C) Presumptive Evidence.

Chairman Gagliardi directed Staff to revise the Report to incorporate the proposed modifications discussed and bring the work back to the Commission for consideration during a future meeting.

Transfer of Jurisdiction in Tax Assessment Challenges

Whitney Schlimbach discussed with the Commission a Draft Final Report recommending modifications to N.J.S. 54:3-21 to clarify the procedural mechanism for transferring jurisdiction to the Tax Court as discussed in *30 Journal Square Partners, LLC, v. City of Jersey City*, 32 N.J. Tax 91 (N.J. Tax 2020). Ms. Schlimbach noted that N.J.S. 54:3-21 provides that if either party to

a tax property assessment challenge files in the Tax Court, the Tax Court has exclusive jurisdiction over the entire matter.

When a taxpayer or taxing district disputes a property assessment of one million dollars or more, N.J.S. 54:3-21 provides a choice of forum between the County Board of Taxation or the New Jersey Tax Court. The statute also provides that if one party files directly in the Tax Court, the Tax Court has exclusive jurisdiction over the entire matter. The statute does not, however, provide a procedure or mechanism for transferring jurisdiction to the Tax Court when opposing parties have filed in different forums.

The Tax Court considered this issue in *30 Journal Square Partners, LLC v. City of Jersey City*, in which Jersey City challenged property assessments by filing in the County Board and the property owner challenged the same assessments by filing directly in the Tax Court one month later. The *30 Journal Square* Court indicated that the procedure for transferring jurisdiction must recognize that the County Board's jurisdiction is extinguished by the filing in the Tax Court and also vindicate the statute's clear mandate that each party has an independent right to appeal from a property tax assessment.

To balance these interests, the Tax Court approved of the County Board's common practice of dismissing petitions without prejudice, as described by the New Jersey Handbook for County Boards of Taxation. The effect of a dismissal without prejudice is that the matter proceeds to the Tax Court without the presumption of correctness which usually attaches to county board judgments.

In January of 2023, the Commission released a Tentative Report that proposed modifications to N.J.S. 54:3-21 setting forth the procedure to transfer jurisdiction to the Tax Court from the County Board in the event of a dual filing. Commission outreach resulted in responses from knowledgeable and interested commenters, including the New Jersey Division of Taxation and several County Tax Boards.

The New Jersey Division of Taxation ("Division") expressed support for the clarification of N.J.S. 54:3-21. The Division indicated that a specific "judgment code" should not be included in the statute because doing so would limit future amendments to the 'Memorandum of Judgment' code used by the county boards if a revision of the codes or the numbering system is necessary.

The Division opposed the modification that replaced the language "feeling discriminated against" with "feeling aggrieved," because the two terms are specifically and separately used to differentiate between the legal bases for appeals. The term "aggrieved" is applicable to a taxpayer challenging their own property assessment and "discriminated against" is applicable when the challenge involves the property of another and is akin to an enforcement action under the Uniformity Clause of the New Jersey Constitution.

The Monmouth County Board of Taxation supported the Commission's proposed modifications regarding the procedure for resolving the mismatched filing. The Monmouth County Board also noted four additional issues that could be addressed by the Commission. These issues include: (1) whether there is a filing fee refund at the County level; (2) providing a date by which

the challenge must be filed in the Tax Court; (3) mandating who covers the Tax Court filing fees; and (4) indicating that the second chronological filing is the "cross-appeal." Finally, the Monmouth County Board indicated that the statute should provide an exception for counties that currently use the "Alternative Assessment Calendar."

The Union County Board of Taxation also supported the Commission's proposed modifications. The Board's Tax Administrator indicated that his experience with dual filings is similar to what occurred in *30 Journal Square.* The Passaic County Board of Taxation also supported the Commission's proposed modifications.

Ms. Schlimbach stated that the proposed modifications to N.J.S. 54:3-21 are largely the same as those set forth in the January 2023 Tentative Report with minor alterations. First, she noted that subsection (a)(1)(A) has been split into two subsections - (i) and (ii) - to make clear that the April 1 or 45-day deadline applies to both county board and tax filings. Next, the original statutory language set forth in subsections (a)(1) and (a)(2) – "feeling aggrieved" and "feeling discriminated against" – has been restored in light of the different causes of action each term represents. Finally, the specific judgment code has been removed from the proposed language that describes the process for transferring jurisdiction in subsection (a).

Commissioner Bell submitted written comments to the Commission in advance of the meeting. In these comments, he recommended the addition of a notation to make it clear to the reader that the threshold for filing in the Tax Court has not been updated to account for inflation since 2009.

Commissioner Hartnett stated that this is an unusual "work-around" that may be questioned by New Jersey's appellate courts. He suggested that the statute should provide that the County Board shall transfer the matter to the Tax Court, rather than requiring the party to appeal the dismissal without prejudice. Vice-Chairman Bunn added that the order of transfer should specify that it terminates jurisdiction. Commissioner Rainone stated that this is an unusual fact pattern and that the matter should be transferred and not dismissed. Commissioner Hartnett opined that whether and how the transaction is designated is for the court to determine.

The Commission asked Staff to modify the Appendix to reflect Commissioner Hartnett's proposed transfer language and then to distribute the proposed language to potential commenters and bring any responses back to the Commission for additional consideration.

Time to File Notice of Claim for Damages Suffered as a Result of Injury to Minor Child

Pursuant to the New Jersey Tort Claims Act, N.J.S. 59:8-8, a party must file a notice of claim against a public entity within ninety days of the accrual of the cause of action. Whitney Schlimbach explained that the statute also provides that a minor may commence a Tort Claims action within ninety days of reaching the age of majority.

A "cause of action" for an injury caused by a wrongful act, neglect or default must be commenced within two years of the accrual date pursuant to N.J.S. 2A:14-2. Further, N.J.S. 2A:14-2.1 provides that a parent may commence legal action for damages suffered due to an injury to a

minor child within the same period of time as provided by law with respect to the minor child's cause of action.

Ms. Schlimbach advised the Commission that in *Estate of Dunmore v. Pleasantville Board of Education*, 470 N.J. Super. 382 (App. Div. 2022), the Appellate Division addressed whether the ninety-day time limit to serve a notice of claim was tolled when a mother filed a claim for negligent infliction of emotional distress arising out of the shooting death of her son, which, under N.J.S. 2A:14-2.1, could be commenced within the same period of time as an action by the child.

The *Dunmore* case involved the shooting death of a ten-year-old boy at a football game he attended with his mother. An individual shot into the stands and struck the child. Five days later, the child died from the injuries he sustained. The child's estate and family served timely notices of wrongful death and survivorship claims. Each notice had been served within ninety days of the accrual of each cause of action – the date of the child's death. In accordance with the New Jersey Supreme Court case of *Portee v. Jaffe*, 84 N.J. 88 (1980), the child's mother also served a notice of a negligent infliction of emotional distress. Her *Portee* claim was filed ninety-one days after the shooting and eighty-six days after her son's death.

The Board of Education argued that the *Portee* claim accrued on the day of the shooting and the notice was therefore untimely pursuant to the ninety-day deadline set forth in N.J.S. 59:8-8. The child's mother contended that the notice provision in N.J.S. 59:8-8 should be tolled because the statute governing the *Portee* claim, N.J.S. 2A:14-2.1, permits a parent to commence an action for damages suffered as a result of injury to the child within the same period of time as the child's cause of action, and therefore that the notice provision should also be tolled for her claim.

The Appellate Division acknowledged that there is no New Jersey case law that addresses this issue. The Court examined two prior decisions which provided the principles on which its holding was based. In *Rost v. Board of Education of Fair Lawn*, 137 N.J. Super. 79 (App. Div. 1975), the court addressed a claim by a parent for consequential damages related to an injury sustained by his child while at school. In *Rost*, the notice was filed more than ninety days after the child was injured and the court determined that the notice provision in N.J.S. 59:8-8 was tolled for a parent claim qualifying for the tolling provision in N.J.S. 2A:14-2.1.

In *Mansour v. Leviton Manufacturing Co.*, 382 N.J. Super. 594 (App. Div. 2006), a products liability suit against private parties was filed thirteen years after a minor child was injured. The child's father also sued his attorney for professional negligence for failing to advise him to file a *Portee* claim within the two-year statute of limitations applicable to negligence claims. The Appellate Division determined that N.J.S. 2A:14-2.1 tolled a parent's *Portee* claim when it was derivative of a child's product liability claim and therefore, that the father was able to bring the *Portee* claim at the same time as the child's products liability suit which could be commenced at any time until the child reached majority pursuant to N.J.S. 2A:14-21.

The *Dunmore* Court concluded that because N.J.S. 2A:14-2.1 preserves a parent's claim until the child brings their claim, the failure to simultaneously toll the notice provision in N.J.S. 59:8-8 would result in the absurd situation that the parent's cause of action would likely be brought years or decades before the child's lawsuit was initiated. The court acknowledged the purposes of

the ninety-day notice provision in N.J.S. 59:8-8, but found that the Legislature had already determined those policies were not paramount in the instance of a minor's claim when it enacted the statute.

Commissioner Bell provided the Commission and Staff with comments in advance of the meeting. In his comments, he suggested that Staff conduct a fifty-state survey of the basic provisions of the Tort Claims Act. He further expressed concern that parents may rely on the *Dunmore* decision in situations in which they do not have qualifying claims and therefore miss filing deadlines. Commissioner Bell also pointed out that the *Dunmore* decision is in tension with *McDade v. Siazon*, 208 N.J. 463 (2011), which provided that waivers of sovereign immunity are to be construed strictly. He opined that *Dunmore* reads an exception into the statute which has no textual support and noted that the express terms of statute limit the tolling provision to claims of minor children. The Court in *McDade* sets forth the four purposes of the tolling provision which *Dunmore* severely undermines.

Commissioner Bell questioned why the *Dunmore* Court did not use the extraordinary circumstances standard set forth in the statute to permit the late filing of the parent's notice of claim. Finally, he noted that maintaining the ninety-day deadline for the parent claims would "serve the statutory purposes" because early filing of the parent's claim would provide notice that the public entity needs to preserve evidence and presumably make the entity aware of the child's claim which may end up being asserted earlier as a result.

Chairman Gagliardi concurred with Commissioner Bell that the court could have used the exceptional circumstances exception in this case. The Chairman further noted that this case appears to be an aberration and that the Commission should not react to this particular opinion.

Commissioner Bell noted that the New Jersey Supreme Court could take a position that undoes this decision. Vice-Chairman Bunn suggested that the Commission wait to see how other New Jersey Courts rule on this issue. He continued that if this case is an outlier, that there is no reason to codify it. Chairman Gagliardi concurred.

Commissioner Bell suggested that a report could be issued that reflects the Appellate Division decision with comments identifying the issues that result from such an interpretation. Commissioner Bertone recommended that the Commission defer consideration to see how the common law in this area develops.

Based on the discussion of the Commission, no project will be undertaken in this area based on this case.

Waiver of Rights in an Employment Contract

Mr. Silver discussed a Memorandum addressing the pre-emption of N.J.S. 10:5-12.7 ("Section 12.7") by the Federal Arbitration Act ("FAA"). In *Antonucci v. Curvature Newco, Inc.*, 470 N.J. Super. 553 (App. Div. 2022), the Appellate Division considered as a matter of first impression whether Section 12.7 was pre-empted when applied to an arbitration agreement governed by the FAA.

In *Antonucci*, an employee received employment-related documents, which included an arbitration agreement enforceable under the Federal Arbitration Act (FAA). Although the employee accepted the documents without signing them, he later filed a lawsuit alleging discrimination and wrongful termination after being terminated by the employer. In response, the employer filed a motion to dismiss instead of filing an answer, and requested that arbitration be compelled. The court subsequently dismissed the complaint with prejudice, since the signed employment agreement obligated the parties to engage in arbitration.

Mr. Silver stated that the Appellate Division found that an agreement to arbitrate is a contract matter. Since the agreement met New Jersey's requirements for a valid contract, the clearly stated terms that the parties were giving up the right to pursue employment-related claims in court were valid and enforceable. The Appellate Division also addressed whether the FAA pre-empted the Law Against Discrimination's ("LAD") prohibition on discrimination claims.

The LAD does not use the term "arbitration" in Section 12.7, which prohibits pre-dispute agreements that prospectively waive the right to court action for a LAD claim. The Court explained that state law is pre-empted if its application covertly accomplishes the same objective by disfavoring contracts that have defining features of arbitration agreements. Therefore, the *Antonucci* Court held that, because Section 12.7 singles out arbitration agreements for disfavored treatment, it is pre-empted by the FAA.

Mr. Silver noted that Commissioner Bell had submitted comments prior to the meeting. These comments proposed the inclusion of a statutory provision that precludes employers from requiring employees to sign agreements to arbitrate as a condition of employment. Mr. Silver noted that in *Nau v. Chung*, No. A-5315-17T1, 2019 WL 2573281 (N.J. Super. Ct. App. Div. June 24, 2019), the Court found that an employee was bound by the arbitration clause in the employee handbook which he agreed to abide by when he signed the employment agreement. Similarly, Mr. Silver noted that in *Chamber of Commerce of the United States v. Bonta*, 62 F.4th 473 (9th Cir. 2023), the Ninth Circuit struck down a proposed bill that sought to prohibit an employer from forcing an employee to waive any right as a condition of employment, because such a statute would be pre-empted by the FAA.

Mr. Silver indicated that written comments had also been received from Alex R. Daniel, an attorney with the New Jersey Civil Justice Institute ("NJCJI"). In those comments Mr. Daniel conveyed the NJCJI position that no amendments or modifications to Section 12.7 are necessary. Additionally, Mr. Silver stated that the NJCJI recommends that the Commission not take any further action regarding Section 12.7.

Mr. Daniels added that Section 12.7 provides other procedural and substantive protections which should not be disturbed. He directed Staff to the decision of *New Jersey Civil Justice Institute v. Grewal*, 2021 WL 1138144 (D.N.J. 2021) in which the court enjoined the Attorney General from enforcing Section 12.7 in the very narrow circumstances addressed in the *Antonucci* decision.

Commissioner Rainone stated that the Commission should not wade into a policy area. He noted that the Law Against Discrimination is remedial legislation intended to drive conduct by

providing access to the courts and that modifications in this context would be a policy decision that should be made by the Legislature.

Commissioner Hartnett added that he does not think that state law should be amended to reflect pre-emption, because if there is a subsequent change in the federal law the state law would again be effective. He added that attempting to modify Section 12.7 may be too complicated given the many technical aspects of its application.

Vice-Chairman Bunn added that even if pre-empted by the FAA, Section 12.7 fills in gaps left by the federal statute and serves a function that supports the policy underlying the statute. He noted that he does not support eliminating Section 12.7 but does not object to looking into the area further to determine whether there is anything to be done. Commissioner Bell agreed but noted that the doctrine of unconscionability could be used by the courts to address this issue.

Commissioners Bertone and Long agreed with Commissioner Hartnett that there is not anything to do at the moment. Based on the discussion of the Commission, no project will be undertaken in this area based on this case.

Development and Installation of EVSE or "Make-Ready" Parking

Mr. Silver discussed a Memorandum addressing an Act to promote and require the expansion of electric vehicle charging station infrastructure in New Jersey. At the request of a member of the public, the potential project focuses on the requirements set forth in N.J.S. 40:55D-66.19 and -66.20, which govern applications for the installation of "electric vehicle supply equipment" ("EVSE") or "Make-Ready" parking spaces in the context of existing and new commercial and residential buildings. These issues were brought to Mr. Silver's attention by Peter Vignuolo, Esq., a zoning board attorney, who asked whether the statutes allow municipalities to mandate that an applicant install universal EVSE.

Mr. Silver noted that N.J.S. 40:55D-66.19 and 66.20 are applicable in three contexts: (1) existing gasoline or service stations, retail establishments, or buildings; (2) as a condition of preliminary site plan approval for multiple dwelling projects under certain types of ownership; and (3) parking lots or garages not covered by a multiple dwelling application.

Mr. Silver's preliminary research in this area raised four questions that do not seem to be addressed by current law: (1) what happens when the requirements of the Act are not met; (2) whether the "construction official" is part of the review process prior to the issuance of a zoning permit; (3) the time frame between the satisfaction of the requirements for the issuance of a zoning permit and approval; and (4) whether a municipality can require an applicant to install a specific type of EVSE or universal charging equipment.

In addition, the term "retailer" is not defined by the Act, and the absence of a definition makes it unclear whether the term exempts small office buildings or restaurants if they have fewer than twenty-five on-site parking spaces. Further, the statute defines multiple-dwellings as five or more units and exempts developers of single-family homes from installing electric vehicle charging stations. However, the statute does not specify whether the developer of a two-, three-, or four-family home is exempt.

Commissioner Bell provided comments prior to the meeting and questioned whether the gaps in the statute are best filled by an expert administrative agency. Mr. Silver noted that the Department of Community Affairs ("DCA") is referenced in the Act, but has only been authorized to promulgate "a model land use ordinance to address installation, sightline, setback requirements and other health and safety related specifications" of EVSE parking spaces.

Subject to the discussion of the Commission, Mr. Silver requested authorization to conduct additional research and outreach to determine whether the Act might benefit from additional clarification and modification.

Vice-Chairman Bunn indicated that he is interested in how other jurisdictions have addressed the issue of what type of electric charging equipment is required. He noted that the interstate nature of electric vehicles means that uniformity is a goal in this area.

Commissioner Hartnett noted that he would expect that most of the work in this area is driven by federal funding requirements, which may require interoperability of electric charging equipment. Vice-Chairman Bunn concurred and said that Staff should investigate what the federal government is doing in this area, as well. Commissioner Bell noted that international standards are also likely relevant to this issue and should be considered.

Commissioner Hartnett and Vice-Chairman Bunn suggested that Staff also look into whether the current rate structure has any impact on the installation of EVSE or "Make Ready" parking spaces, as this may be an issue that should be brought to the Legislature's attention.

The Commission authorized Staff to conduct further outreach and research.

Miscellaneous

Laura Tharney advised the Commission that the Office of Legislative Services ("OLS") has asked Commission Staff to present a continuing legal education ("CLE") seminar later this year or early next year. The Commission's last presentation to OLS was in 2021. Ms. Tharney advised the OLS that Staff would be delighted to present a CLE later this year.

Ms. Tharney stated that Legislative outreach has been ongoing. She indicated that there are currently twelve bills based upon seven different NJLRC projects pending in the New Jersey Legislature. These bills have nineteen different sponsors and co-sponsors. Two of the bills, those based on the Commission's work on elective spousal share and unemployment benefits when the employee's promise of employment has been rescinded, were already passed by the Assembly and are now pending in the Senate.

Adjournment

On the motion of Commissioner Bell, seconded by Commissioner Bertone, the meeting was unanimously adjourned.

The next meeting of the Commission is scheduled for June 15, 2023, at 4:30 p.m. at the Commission's Office located at 153 Halsey Street, Newark, New Jersey 07102. As a result of scheduling conflicts, a remote meeting – held using Zoom – is contemplated for July.