

OCTOBER 2018

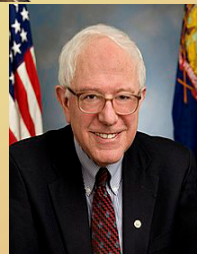
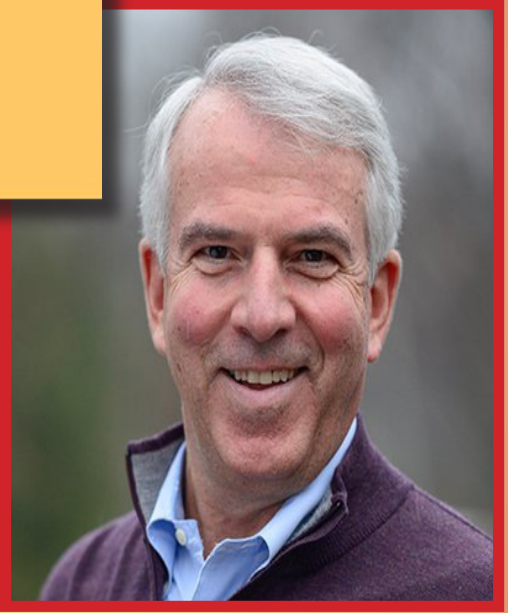
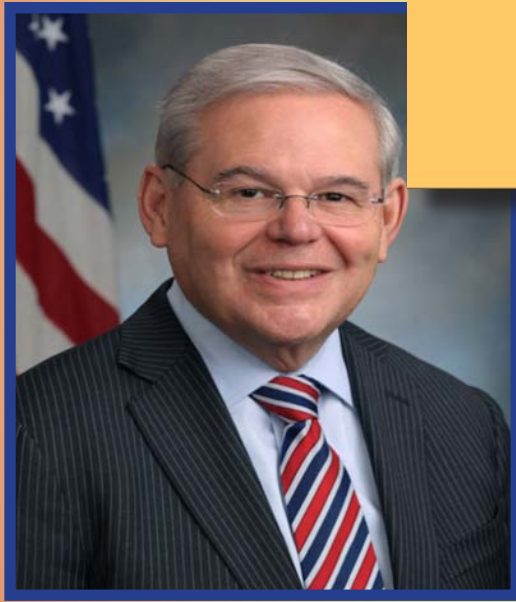


VOLUME 10 - ISSUE 3

ON THE ROAD

THE OFFICIAL COMMUNICATION OF THE NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION
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NJGCA ON THE ROAD
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Message From Executive Director Sal Risalvato

Elections are Ugly, Disruptions are Too

Just when you thought that things couldn't get worse, they do. I'm struggling to maintain the election theme of this issue because the partisan nature of politics is worse than it was last year, and certainly worse than years previous to then. Polarizing, divisive, and destructive are all adjectives that can be used to describe how policy is decided in both Trenton and Washington. Elections seem to make these adjectives more pronounced. Here's what I wrote in last year's Voter Guide edition, "I always refer to this time of year between Labor Day in September, and Election Day in November, as the Silly Season. It is when highly intelligent and otherwise honest men and women devolve into silly, ugly and often dishonest people."

So why do I think that the political climate is worse? For one thing, as bad as silly season is, it seems as if the partisan divisiveness and posturing is extended beyond the normal season. It's as if Major League Baseball expanded the season by having Opening Day on February 1 and the World Series in December. Although worse during the period of September through November, the political silliness and nastiness now permeates the entire legislative year. The "my team versus your team" mentality is worse than ever. Legislators feel less free to vote their conscience and more beholden to vote for what is in the best interest of their respective parties. Name calling is now tolerated and even expected. Lying is commonplace. Leaders who should evoke respect and reverence from their office dismiss any form of statesmanship, and in some cases simple decency. Class and character get tossed out the window if it means scoring a victory for one's own political party.

NJGCA tries very hard to help you make an informed decision when you go in to the voting booth. It is our most important responsibility to our members to advocate for public policy that will benefit you, and advocate against public policy that will be harmful to you. We are in the arena fighting and too often what seems like a bad law is actually a victory. Why? Because if we weren't in the arena fighting, then a bad law would have been much worse.

Please read through this guide and learn about the candidates that are up for election. Much work goes into compiling the data and we are very proud of the information that we present to you.

Please also read my article regarding the White House Conference on Small Business. For those of you who feel strongly about issues that our Congress and President should or should not enact, the WHCSB is a great opportunity for you to take part in a process to influence Washington. It was a

tremendous experience for me 23 years ago, and still plays a big part in how I approach lawmakers today on your behalf.

Besides the upcoming election, I simply cannot ignore how often I think about the future of our industry, and your future in it. In recent issues of the OTR, we have begun to shed light on the "Disruptions" you will face. Since I am all over this state on any given day in meetings with legislators, or forums, I visit many gas stations. Some are members and some are not. I can't help but to carefully survey a facility and calculate how the location will adapt to the upcoming industry disruptions. I am always checking out the repair bays to determine if the owner is taking steps to deal with future technologies like electric and hydrogen fueled cars, and especially autonomous vehicles.

I look at the entire site and calculate where electric charging stations or hydrogen fueling points can be installed without interfering with the convenience store operation. I check out the store to determine how well the floor plan will work with expanded food service and new products. How clean and well lit is the location?

I asked in a recent writing, "Do you think Amazon has disrupted Toys "R" Us? or Sears? Or J.C. Penny? How much of their failure (or imminent failure) was due to Amazon? How much of their failure was due to themselves?"

Author Frank Beard recently wrote, "Amazon might have put the final nail in the giraffe colored coffin that contains the corpse of what once was Toys "R" Us, but Amazon didn't build the coffin."

"In other words," he continues, "Toys "R" Us managed to make shopping for toys an experience wholly devoid of anything resembling an actual experience. It was merely a giant, dirty box."

He's right, and nobody has to visit a dirty, boring, or unexceptional store when the same products are available with free two-day shipping from Amazon—often at lower prices—or available with same-day pickup at a handful of other retailers around town.

How does that line up with your store? It is up to you to make the buying experience something special or at least pleasant for your customer. Too many competitors provide spotless, clean, pleasant stores, and soon will have the most updated payment technologies that you will have to match. If you match them, then they disrupted you. If you assess your location and calculate how you will become attractive and utilize the newest technologies, then you will

be the disruptor by making that customer experience pleasant or even special.

Gas pumps fit this as well. The customer of the future is going to need, and be looking for a place to re-fuel their car. It doesn't matter what that fuel is because if you don't sell it then that customer will become a competitor's customer. It goes without saying that a customer that drives somewhere else to fuel up will likely be buying their morning coffee and afternoon sandwiches there too.

It is my responsibility to make sure that NJGCA members get as much information and understanding to determine their own vision of the future....and to be informed when they vote in the election in November.



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We were thrilled to have Senate candidate Bob Hugin at our offices this summer

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Contact Gene Nace
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gnace@ppclubricants.com



UST New Regulations on Operation and Maintenance Walkthrough Inspection Checklist

By: Debbie Hill

NJDEP Guidance on Walkthrough Inspections:

<https://www.state.nj.us/dep/enforcement/docs/om-walkthrough-form.pdf>

Operators must begin performing **30-day** and **annual** walkthrough inspections. First inspections are **due by October 13th, 2018**. NJDEP has a form available online, and it breaks down your new requirements for 30 day walkthrough inspections, and the new required annual inspections.

Required EVERY 30 Days:

1. Visually check all spill prevention equipment for damage. Remove liquid or debris.
2. Check for and remove obstructions in fill pipe.
3. Check fill cap to ensure it is securely on fill pipe.
4. For spill prevention equipment with interstitial monitoring, Check each device for leaks in the interstitial area.
5. Check release detection equipment to ensure it is on and operating with no alarms or unusual operating conditions.
6. Review and keep current release detection records.
7. Open and visually inspect UST system equipment in all areas without containment systems, such as submersible turbine pumps or piping connections/transitions for damage or releases to the environment.
8. Open and visually inspect the fuel dispenser system equipment in all areas without a containment device, check for malfunctions, damager or releases.

Required Annual Inspections:

1. Visually check all containment devices/sumps for damage and leaks to the containment area or releases to the environment.
2. Remove liquid or debris from containment areas.
3. For a containment device/sump with interstitial monitoring check each for leaks in the interstitial area.
4. Check devices, such as ground water bailers and tank gauge sticks, for operability and serviceability.

NJDEP provides a document you can use and keep records of your inspections. The form also includes a section on an "issue discovered and the corrective action taken."

NOTE Exception to Rule: UST Systems receiving deliveries at intervals greater than 30 days may check spill prevention equipment prior to each delivery.

Emergency Release Response Plans

The owner or operator shall prepare, and update as necessary to reflect changes to the facility and to regulations governing response plans, release response plan which includes the following information:

1. Site name, address, and facility ID number
2. Owner and manager's name and phone numbers
3. A & B Operator name and phone numbers
4. Emergency telephone numbers; local Police, Fire, EMS, Health department; and NJDEP hotline: 1-877-WARN DEP, or 1-877-927-6337
5. Petroleum contractor name and phone number
6. Licensed Site Remediation Professional (LSRP) name and phone number
7. List of procedures to be followed in the event of a leak or discharge of a hazardous substance

The owner or operator shall ensure that the release response plan is available for onsite inspection.

Any release response plan that is required by and is in compliance with the NJ spill Compensation and Control Act and the discharges of petroleum and other hazardous substances rules NJAC 7:1E shall suffice for this requirement.

Need More Resources?

Find these resources on our website:

1. EPA's "Musts for USTS" November 2015 edition
2. Operating and Maintaining UST Systems: Practical Help and Checklists
3. Release Detection for USTs and Piping - Straight Talk on Tanks

UST Compliance points: by NJDEP

Contact UST enforcement at 609-943-3019 for more information:

1. Registration - current and accurate
2. Release Detection Monitoring
3. For tanks:
 - a. Functional and passing method of release detection
 - b. 0.2 passing and or interstitial sensors normal/no alarms
4. For pressurized lines:
 - a. Functional and passing method of release detections
 - b. Mechanical line leak detectors - annual passing test
 - c. Pressure monitoring lines- 2gph monthly test = pass
 - d. Annual line tightness test
 - e. Interstitial monitoring
 - i. Test boots loose
 - ii. Sensors mounted in correct position
 - iii. Sump must be free of liquid
5. Suction piping - what type do you have?
 - a. American requires either monthly monitoring or a three-year test
6. Corrosion protection
 - a. Required test one time every three years
 - b. Less than .850 passing test results
 - c. 60 day rectifier inspection (if applicable)
 - d. Proof of tank construction - UL1746 Compliant
7. Spill Prevention:
 - a. Spill Buckets
 - b. Clean and Dry - no liquid
 - c. Inspect for holes
 - d. Three year test
8. Overfill Prevention:
 - a. Present and functional
 - b. Contractor overfill certification
9. Monthly Containment Device Inspection Log
10. Air Permit Issues:
 - a. Current and Accurate Air Permit
 - b. Check all Stage 1 and 2 hardware
 - c. Ensure all required testing is completed and passing
11. Emergency Release Response Plan
12. DEP Hotline: 1-877-927-6337



Legislative Roundup

Important Issues Affecting Your Business

By: Eric Blomgren

GAS TAX INCREASE

On October 1st the Treasury raised the petroleum products gross receipts tax by 4.3¢ a gallon for gasoline and diesel fuel. The legislation that increased the tax in 2016 included a provision that requires the Treasurer to increase the PPGRT annually in order for the State to collect the \$2 billion per year it wants for transportation funding. It was originally expected that these annual increases would only amount to a few tenths of a cent per year, and that the tax rate at the end of the program (2024) would only be about 2¢ a gallon higher. However, they did not account for just how much volume would be lost from going from the second lowest fuel taxes in the nation to among the highest. NJGCA explained to various government leaders the downsides of a dramatic increase in the tax, noting that choosing not to raise the tax would have less money for road construction unless spending was reduced. The Governor and Treasurer were not willing to reduce spending. We then argued in favor of a plan we developed that would have raised the tax only one cent per year for the next six years and would have still generated the same amount of revenue, but ultimately the Treasurer chose to raise the tax all at once. This tax rate, 59.8¢ per gallon for gas and 72.9¢ for diesel (state and federal taxes), will be in effect until October 1, 2019 when it will be adjusted based on how much fuel has been sold. If less is sold then the tax will be increased to compensate, if more fuel is sold then the rate is supposed to be lowered.

PLASTIC BAGS AND STRAWS

In June, the Legislature passed a bill to create a 5¢ tax on plastic and paper bags, with the retailer allowed to keep 1¢. It also would have prevented local governments from enacting their own local policies for which bags are allowed and which are not. The bill narrowly passed both houses of the Legislature but the Governor vetoed it after most environmental groups announced they opposed it for not being restrictive enough. They have now rallied around S-2776, which passed the Senate Environment Committee in September. This bill completely bans plastic straws, styrofoam cups and containers, and plastic bags. It also mandates a 10¢ tax on paper bags, of which retailers get to keep 5¢. The plastic straw ban would be particularly disruptive, since the only alternative to them is paper straws which do not function nearly as well. One alternative to this bill is the law that was just signed in California, which requires restaurants to only give out a plastic straw if a customer specifically requests one. The bill is now in the Senate Budget & Appropriations Committee. NJGCA opposes this ban.

TAX ON VAPING LIQUID

As part of the budget process, the Governor signed into law in July a bill to extend the tobacco products wholesales tax (currently applied to all non-cigarette tobacco products) to nicotine-containing vaping liquid at a rate of 10¢ per milliliter. The bill also included a “floor stocks tax”, which required retailers to take an inventory of all the liquid nicotine they had in stock when the tax went into effect on September 29th, and then pay the State 10¢/mL. The date that this money was due was originally set at October 20th, but has since been moved to December 20th, giving retailers more time to sell through their stocks and collect the tax from their customers. Going forward the tax will be collected by wholesalers, as it is with other tobacco products.

There is however, a proposal to replace this tax with a new 3.5% tax on vaping liquid that retailers would be required to calculate and collect. This plan would lower the tax on large bottles of fluid typically sold at vape shops and increase the tax on the types of products typically sold at c-stores, in addition to adding a new burden on retailers. NJGCA opposes this change.

MINIMUM WAGE INCREASE

In October, DOL announced the minimum wage will increase to \$8.85 per hour on January 1 2019. While Governor Murphy, Senate President Sweeney, and Assembly Speaker Coughlin all say they support a \$15 minimum wage, they continue to have serious disagreements over what, if any, exemptions there should be, as well as over how long a time period it should be phased in. NJGCA continues to advocate for a long phase in period before the full \$15 per hour is in effect, and a small business exemption, as well as a training wage exemption for high school employees and those working less than six months. Expectations have been for an agreement to be struck and the bill passed sometime before the end of the year, although there is increasing speculation it may take until next year.

TAX AMNESTY

As part of the Budget process, the Governor signed a bill creating the first tax amnesty in nearly a decade. The exact dates for the amnesty have not been determined by the Division of Taxation yet, but it will start sometime after November 1st and end by January 15, 2019. If you owe any state taxes which were due between February 1, 2009 and September 1, 2017, you will be able to pay them back with only half the interest due; the other half of the interest owed, all penalties, and all collection fees will be waived. If the money is not paid back during the amnesty period then when the State

catches up not only will there be the usual penalties, but also an extra 5% penalty for not taking advantage of the amnesty.

VEHICLE WARRANTY RIGHTS AWARENESS

NJGCA continues to work with our allies to promote a bill that would require every consumer who purchases a new car to be mailed a simple statement informing them of their rights under the Magnuson-Moss Warranty Act. The Magnuson-Moss Act is a federal law that guarantees consumers the right to have their car fixed where they want, with aftermarket parts if they choose, without it automatically voiding their manufacturer warranty. Too many consumers are unaware of their rights and go to dealerships for maintenance even when they would prefer not to. To make matters worse, there have been numerous cases of manufacturers giving their customers false information. The car dealers and manufacturers are pushing back hard on this legislation, and our sponsors have asked for more examples of situations in which small businesses like yours have lost out on business because your customers told you they couldn't have come to your shop because they were afraid of voiding their warranty. Please email any examples of this to Eric@njgca.org.

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Decision 2018



The NJGCA Voter Guide

By: Eric Blomgren

On Tuesday November 6th, voters across the nation will head to the polls to determine who will be elected to the 116th Congress and which party will control the two houses of Congress for the next two years. All 435 members of the House of Representatives will be on the ballot as well as about one third of US Senate seats. All 50 states have two US Senators, and the number of Representatives is determined by population, New Jersey has twelve. Senators are elected to a six year term, House members are elected to a two year term.

Currently, both houses of Congress are controlled by Republicans, 51-49 in the Senate and 240-195 in the House. Democrats need a net gain of 23 House seats and 2 Senate seats in order to take control of those chambers. Pundits are now generally expecting Democrats to take control of the House for the first time since 2010 but to fail to take control of the Senate, although there is a reasonable chance that either party will control either chamber. A huge number of House districts are very competitive this year, reflecting the changing nature of the political party coalitions. In 2016, Donald Trump made huge gains among non-college educated white voters, but at the same time did worse than previous Republican nominees among college educated whites, especially among women. The worst case scenario for Republicans is that the blue-collar Trump voters stay home because their loyalty is to Trump and not the Republican Party, while college-educated whites vote for a Democratic Congress that will provide greater oversight of the President. The hope among Republicans is that their traditional voters who are unhappy with the President's behavior will still show up and vote for their local member of Congress. Trump's national approval ratings are lower than Obama's were in 2010 when Democrats suffered a huge landslide, however the national economy is much stronger than it was then, giving Republicans a chance.

While the current margin in the Senate is closer than in the House, it is a much harder challenge for Democrats to take control because of the specific seats which are up. The Senate seats on the ballot this year are the same ones that were up in 2012, when President Obama was reelected and Democrats won most competitive races. There are ten Democratic Senators up for reelection in states Trump won in 2016 (five in states he won by double digits) compared to just one Republican Senator running in a state Hillary won. While the national environment will play a key role in voters' decisions, at the end of the day they are going to the polls and voting for one person or another. There will be people who walk into the ballot box deeply unhappy with President Trump and hoping for a Democratic Congress, but will vote to reelect their Republican member of Congress because they are happy with that person's individual performance. There will be voters who go to the polls glad they voted Trump in 2016 and hoping for a Senate that approves his nominees, but will nevertheless vote to reelect their Democratic Senator because they think they are doing

a good job and should stay in office. The question that will decide control of Congress is how many of these types of voters will there be?

While in many past elections New Jersey has not had more than one competitive Congressional race, this year is different. Our Senate race and half of our House districts are competitive to some degree. This is due in part to the fact that two longtime Congressmen, Frank LoBiondo and Rodney Frelinghuysen, are both retiring. What happens in New Jersey may be decisive in who controls the US Congress.

Congressional races are where everyone's attention is focused, though there will be some other interesting races down the ballot. There are multiple special elections this year for races in the Assembly. Voters who live in Legislative District 5 (parts of Gloucester and Camden) will choose between Asm. William Spearman (D) and Nick Kush (R). In LD 15 (parts of Mercer) between Asw. Verlina Reynolds-Jackson (D) and Tracy Sinatra (R) as well as between Asm. Anthony Verrelli (D) and Justin Tibbetts (R). In LD 22 (parts of southern Union) between Asw. Linda Carter (D) and John Quattrocchi (R). In LD 34 (parts of Essex and Passaic) between Asw. Britnee Timberlake (D) and Irene DeVita (R). In LD 36 (parts of southern Bergen) between Asm. Clinton Calabrese (D) and Marc Marsi (R). Finally, voters in LD 38 (parts of central Bergen) will choose between Asm. Chris Tully (D) and Jayme Ouellette (R), between Asw. Lisa Swain (D) and Gail Horton (R), and will select a state Senator between Sen. Joe Lagana (D) and Daisy Ortiz Berger (R).

There will also be a variety of races for Freeholders (county government) and local municipal races. At the bottom of the ballot, there will be a special Public Question, the "Securing Our Children's Future Bond Act." If it is approved by the public, it will authorize the State to issue bonds for \$500 million, which will be required to be spent on expanding and upgrading county vocational schools and county colleges, as well as security and water infrastructure upgrades to public schools. In 2017, 17,000 NJ students were turned away from vocational schools because there wasn't enough space for them.

In order to properly use this guide, first determine which district you live in. Then check out who the candidates running for office are in that district. We encourage you to visit their websites and do some research online yourself, especially to find out more about their positions on the issues which matter to you personally and are not listed in the NJGCA Voter Guide. After that, we have provided information on how the incumbents have voted on various issues important to your business, as well as any answers they provided to our candidate survey.

Voting is one of the most important things you can do as a citizen, make sure you are informed when you do it!

WHAT DISTRICT DO I LIVE IN?

ATLANTIC COUNTY -- **2nd District:** Entire County

BERGEN COUNTY -- **5th District:** Allendale, Alpine, Bergenfield, Bogota, Closter, Demarest, Dumont, Emerson, Fair Lawn, Franklin Lakes, Glen Rock, Hackensack, Harrington Park, Haworth, Hillsdale, Ho-Ho-Kus, Lodi, Mahwah, Maywood, Midland Park, Montvale, New Milford, Northvale, Norwood, Oakland, Old Tappan, Oradell, Paramus, Park Ridge, Ramsey, Ridgewood, River Edge, River Vale, Rochelle Park, Rockleigh, Saddle River, Teaneck (part), Upper Saddle River, Waldwick, Washington, Westwood, Woodcliff Lake, and Wyckoff. **8th District:** Fairview. **9th District:** Carlstadt, Cliffside Park, Cresskill, East Rutherford, Edgewater, Elmwood Park, Englewood Cliffs, Englewood, Fort Lee, Garfield, Hasbrouck Heights, Leonia, Little Ferry, Lyndhurst, Moonachie, North Arlington, Palisades Park, Ridgefield, Ridgefield Park, Rutherford, Saddle Brook, South Hackensack, Teaneck (part), Tenafly, Teterboro, Wallington, and Wood-Ridge.

BURLINGTON COUNTY -- **1st District:** Maple Shade and Palmyra. **2nd District:** Bass River and Washington. **3rd District:** Beverly, Bordentown City, Bordentown Township, Burlington City, Burlington Township, Chesterfield, Cinnaminson, Delanco, Delran, Eastampton, Edgewater Park, Evesham, Fieldsboro, Florence, Hainesport, Lumberton, Mansfield, Medford Lakes, Medford Township, Moorestown, Mount Holly, Mount Laurel, New Hanover, North Hanover, Pemberton Borough, Pemberton Township, Riverside, Riverton, Shamong, Southampton, Springfield, Tabernacle, Westampton, Willingboro, Woodland, and Wrightstown.

CAMDEN COUNTY -- **1st District:** Entire County except Waterford. **2nd District:** Waterford.

CAPE MAY COUNTY -- **2nd District:** Entire County.

CUMBERLAND COUNTY -- **2nd District:** Entire County.

ESSEX COUNTY -- **7th District:** Millburn. **8th District:** Belleville and Newark (part). **10th District:** Bloomfield (part), City of Orange, East Orange, Glen Ridge, Irvington, Maplewood, Montclair (part), Newark (part), South Orange, and West Orange (part). **11th District:** Bloomfield (part), Caldwell, Cedar Grove, Essex Fells, Fairfield, Livingston, Montclair (part), North Caldwell, Nutley, Roseland, Verona, West Caldwell, and West Orange (part).

GLOUCESTER COUNTY -- **1st District:** Deptford, East Greenwich (part), Glassboro, Greenwich, Logan, Monroe, National Park, Paulsboro, Washington, Wenonah, West Deptford, Westville, Woodbury, and Woodbury Heights. **2nd District:** Clayton, East Greenwich (part), Elk, Franklin, Harrison, Mantua, Newfield, Pitman, South Harrison, Swedesboro, and Woolwich.

HUDSON COUNTY -- **8th District:** Bayonne (part), East Newark, Guttenberg, Harrison, Hoboken, Jersey City (part), Kearny (part), North Bergen, Union City, Weehawken, and West New York. **9th District:** Kearny (part) and Secaucus. **10th District:** Bayonne (part) and Jersey City (part).

HUNTERDON COUNTY -- **7th District:** Entire County

MERCER COUNTY -- **4th District:** Hamilton and Robbinsville. **12th District:** East Windsor, Ewing, Hightstown, Hopewell Borough, Hopewell Township, Lawrence, Pennington, Princeton, Trenton, and West Windsor.



Decision 2018



The NJGCA Voter Guide

MIDDLESEX COUNTY -- **6th District:** Carteret, Edison, Highland Park, Metuchen, New Brunswick, Old Bridge (part), Perth Amboy, Piscataway, Sayreville, South Amboy, South Plainfield, and Woodbridge. **12th District:** Cranbury, Dunellen, East Brunswick, Helmetta, Jamesburg, Middlesex Township, Milltown, Monroe, North Brunswick, Old Bridge (part), Plainsboro, South Brunswick, South River, and Spotswood.

MONMOUTH COUNTY -- **4th District:** Allentown, Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Colts Neck, Eatontown, Englishtown, Fair Haven, Farmingdale, Freehold Borough, Freehold Township, Holmdel, Howell, Lake Como, Little Silver, Manalapan, Manasquan, Middletown (part), Millstone, Neptune City, Neptune Township, Ocean Township, Red Bank, Roosevelt, Rumson, Sea Girt, Shrewsbury Borough, Shrewsbury Township, Spring Lake, Spring Lake Heights, Tinton Falls, Upper Freehold, and Wall. **6th District:** Aberdeen, Allenhurst, Asbury Park, Atlantic Highlands, Deal, Hazlet, Highlands, Interlaken, Keansburg, Keyport, Loch Arbor, Long Branch, Marlboro, Matawan, Middletown (part), Monmouth Beach, Oceanport, Sea Bright, Union Beach, and West Long Branch.

MORRIS COUNTY -- **7th District:** Chester Borough, Chester Township, Dover, Long Hill, Mine Hill, Mount Arlington, Mount Olive, Netcong, Roxbury, Washington, and Wharton. **11th District:** Boonton Town, Boonton Township, Butler, Chatham Borough, Chatham Township, Denville, East Hanover, Florham Park, Hanover, Harding, Jefferson, Kinnelon, Lincoln Park, Madison, Mendham Borough, Mendham Township, Montville, Morris Township, Morris Plains, Morristown, Mountain Lakes, Parsippany-Troy Hills, Pequannock, Randolph, Riverdale, Rockaway Borough, Rockaway Township, and Victory Gardens.

OCEAN COUNTY -- **2nd District:** Barnegat Light, Beach Haven, Eagleswood, Harvey Cedars, Little Egg Harbor, Long Beach Township, Ship Bottom, Stafford (part), Surf City, and Tuckerton. **3rd District:** Barnegat, Beachwood, Berkeley, Brick, Island Heights, Lacey, Lavallette, Mantoloking, Ocean Gate, Ocean Township, Pine Beach, Point Pleasant (part), Seaside Heights, Seaside Park, South Toms River, Stafford (part), and Toms River. **4th District:** Bay Head, Jackson, Lakehurst, Lakewood, Manchester, Plumsted, Point Pleasant Beach, and Point Pleasant (part).

PASSAIC COUNTY -- **5th District:** Ringwood and West Milford. **9th District:** Clifton, Haledon, Hawthorne, Passaic, Paterson, and Prospect Park. **11th District:** Bloomingdale, Little Falls, North Haledon, Pompton Lakes, Totowa, Wanaque, Wayne, and Woodland Park.

SALEM COUNTY -- **2nd District:** Entire County

SOMERSET COUNTY -- **7th District:** Bedminster, Bernards, Bernardsville, Branchburg, Bridgewater, Far Hills, Green Brook, Hillsborough, Millstone, Montgomery, North Plainfield, Peapack & Gladstone, Raritan, Rocky Hill, Somerville, Warren, and Watchung. **12th District:** Bound Brook, Franklin, Manville, and South Bound Brook.

SUSSEX COUNTY -- **5th District:** Andover Borough, Andover Township, Branchville, Frankford, Franklin, Fredon, Green, Hamburg, Hardyston, Lafayette, Montague, Newton, Sandyston, Stillwater, Sussex Township, Vernon, Walpack, and Wantage. **11th District:** Byram, Hopatcong, Ogdensburg, Sparta, and Stanhope.

UNION COUNTY -- **7th District:** Berkeley Heights, Clark, Cranford, Garwood, Kenilworth, Mountainside, New Providence, Scotch Plains (part), Springfield, Summit, Union Township (part), Westfield, and Winfield. **8th District:** Elizabeth. **10th District:** Hillside, Linden, Rahway, Roselle, Roselle Park, and Union Township (part). **12th District:** Fanwood, Plainfield, and Scotch Plains (part).

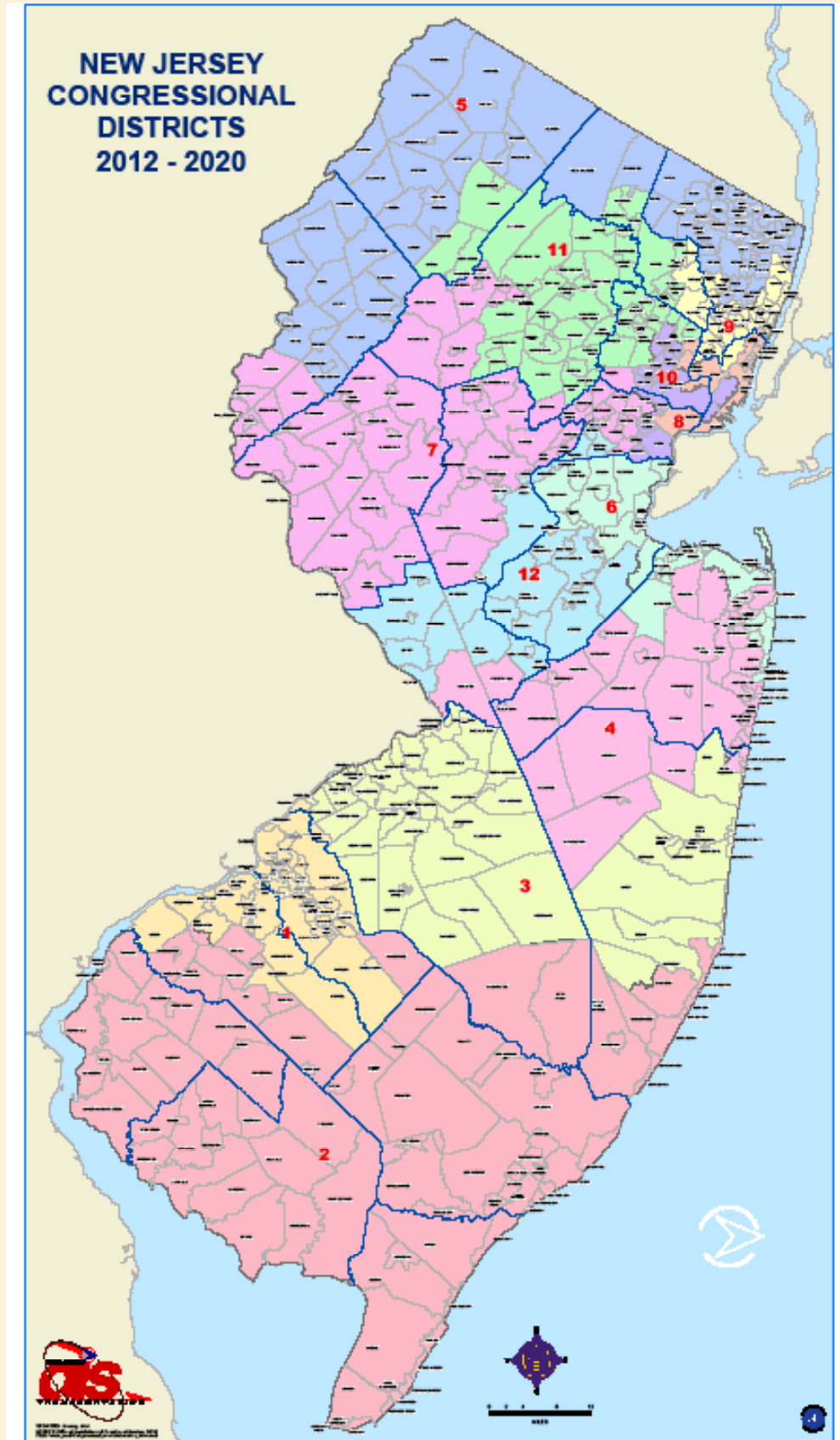
WARREN COUNTY -- **5th District:** Allamuchy, Belvidere, Blairstown, Frelinghuysen, Hackettstown, Hardwick, Hope, Independence, Knowlton, Liberty, Mansfield, Oxford, Washington Borough, Washington Township, and White. **7th District:** Alpha, Franklin, Greenwich, Harmony, Lopatcong, Phillipsburg, and Pohatcong.



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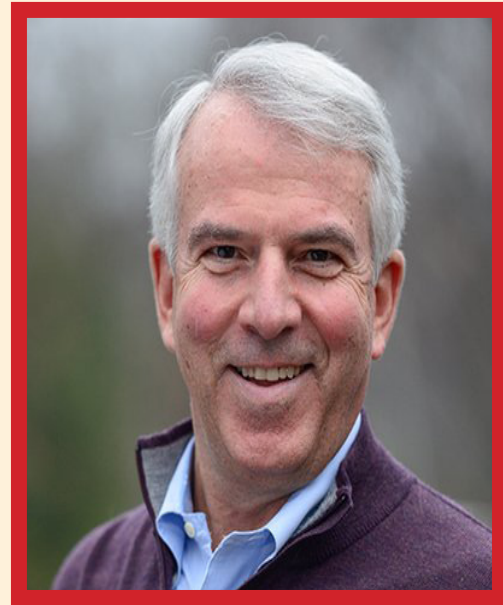
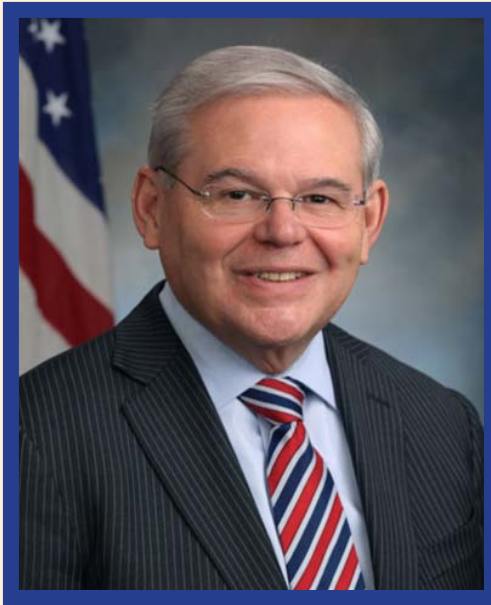
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WHO ARE THE CANDIDATES?

US Senate

Sen. Robert Menendez (D) -- <https://menendezforj.com/>

Bob Hugin (R) -- <https://bobhugin.com/>



2016 Presidential Results: 55% D—41% R

2012 Presidential Results: 58% D—41% R

2012 Senate Results: 59% D—39% R

The top of the ticket race this year is the battle between the two Bobs from Union City: incumbent Bob Menendez and businessman Bob Hugin. Sen. Menendez has spent his career in public office, originally as Mayor of Union City and then as a Congressman from Hudson County for twelve years. In 2005, Sen. Jon Corzine became Gov. Jon Corzine and appointed Menendez to the now open Senate seat. Menendez won election in 2006 and was reelected in 2012. Mr. Hugin spent seven years on active duty in the US Marine Corps. For the last nineteen years he has been the Chairman and CEO of Celgene, a major pharmaceutical company based in NJ.

In 2015, Sen. Menendez was indicted by the US Justice Department on charges that he used his office to benefit a major campaign donor and Florida resident in exchange for an ongoing series of expensive perks. Sen. Menendez claimed that the gifts he received were merely because of the friendship between the two men, and that the help his office provided was unconnected to the gifts and campaign contributions he received. After deliberation, the jury was unable to agree on whether or not the Senator's actions were technically a crime, and the judge declared a mistrial, after which the Justice Department announced they would not seek to retry the case. The Senate Ethics Committee later "severely admonished" the Senator for his conduct. This situation has been the cornerstone of Mr. Hugin's campaign, and he has used several million dollars of his personal wealth to advertise heavily for many weeks. Sen. Menendez's response has largely been to criticize Mr. Hugin's tenure at Celgene, including actions by the company to significantly increase the cost of some cancer drugs and a multimillion dollar settlement with the Justice Department over allegations of false advertising. Sen. Menendez has also sought to tie Mr. Hugin to President Trump, who is deeply unpopular in the state.



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Congressional District 1



Rep. Donald Norcross (D) -- <https://www.donaldnorcrossforcongress.com/>
Paul Dilks (R) -- <https://www.pauldilks.com/>

2016 Presidential Results: 61% D—36% R

2012 Presidential Results: 66% D—34% R

2016 House Results: 60% D—37% R

2014 House Results: 57% D—39% R

Rep. Norcross was first elected in 2014. He previously served five years in the state Senate. For most of his career he has worked in organized labor, chiefly the International Brotherhood of Electrical Workers and was President of the Southern NJ AFL-CIO Central Labor Council. Mr. Dilks is a former radio show host and before that spent his career in the mortgage industry.

Congressional District 2



State Senator Jeff Van Drew (D) -- <https://www.vandrewforcongress.com/>
Seth Grossman (R) -- <https://grossmanforcongress.com/>

2016 Presidential Results: 46% D—51% R

2012 Presidential Results: 54% D—46% R

2016 House Results: 37% D—59% R

2014 House Results: 37% D—62% R

Rep. Frank LoBiondo (R) has represented this area since 1994 but chose not to run for reelection this year. The democratic nominee is state Senator Jeff Van Drew. He has served in the state Legislature for the last 16 years and is a practicing dentist. During his time in the Legislature his voting record has been one of the most centrist, including voting against minimum wage increases and various tax increases. Mr. Grossman has been a conservative activist and lawyer for many years. He is a strong Trump defender and opponent of immigration.



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Congressional District 3



Rep. Tom MacArthur (R) -- <http://www.tmac4congress.com/>
Andy Kim (D) -- <https://andykimforcongress.com/>

2016 Presidential Results: 45% D—51% R

2012 Presidential Results: 52% D—48% R

2016 House Results: 39% D—59% R

2014 House Results: 44% D—54% R

Rep. MacArthur was first elected in 2014. He spent most of his career in the insurance business and is personally wealthy. He served briefly as the Mayor of Randolph before moving into the district after the previous congressman retired. He was a co-Chair of the Tuesday Group, a caucus of Republican moderates. Mr. Kim has spent most of his career working in DC for the government on national security issues.

Congressional District 4



Rep. Christopher Smith (R) -- <http://smithfornj.org/>
Josh Welle (D) -- <https://welleforcongress.com/>

2016 Presidential Results: 41% D—56% R

2012 Presidential Results: 45% D—55% R

2016 House Results: 34% D—64% R

2014 House Results: 31% D—68% R

Rep. Smith was first elected in 1980 at the age of 27. He has focused his work on promoting human rights abroad and opposing abortion. He is regularly ranked as one of the more moderate and bipartisan members of Congress. Mr. Welle served on active duty in the US Navy for twelve years, after which he founded a software company.



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Congressional District 5



Rep. Josh Gottheimer (D) -- <https://josh4congress.com/>
John McCann (R) -- <https://www.mccannforcongress.com/>

2016 Presidential Results: 48% D—49% R

2012 Presidential Results: 48% D—51% R

2016 House Results: 51% D—47% R

2014 House Results: 43% D—55% R

Rep. Gottheimer is serving his first term in Congress, having narrowly defeated former Rep. Scott Garrett in 2016. He previously worked in the Clinton Administration, followed by stints at Ford and Microsoft. Upon entering Congress he helped form, and currently leads, the “Problem Solvers Caucus.” Mr. McCann is a lawyer who worked as General Counsel to the NJ Sherriff’s Association and then to the Bergen County Sherriff.

Congressional District 6



Rep. Frank Pallone (D) -- <http://www.pallonefornewjersey.com/>
Richard Pezzullo (R) -- <http://www.pezzullo.com/>

2016 Presidential Results: 56% D—41% R

2012 Presidential Results: 62% D—38% R

2016 House Results: 64% D—35% R

2014 House Results: 60% D—39% R

Rep. Pallone was first elected in 1988. He serves as the ranking member on the Energy & Commerce Committee, one of the most powerful in the House, and will be the Chairman of the Committee if Democrats take control of the House. He was helpful to NJGCA during a 2016 effort to fight mandatory tire registration, and also in opposing a proposal to eliminate the Northeast Gasoline Supply Reserve. Mr. Pezzullo has been a conservative activist for several years and works as a business consultant.



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Congressional District 7



Rep. Leonard Lance (R) -- <http://www.lanceforcongress.com/>
Tom Malinowski (D) -- <https://malinowskifornj.com/>

2016 Presidential Results: 49% D—48% R
2012 Presidential Results: 47% D—53% R
2016 House Results: 43% D—54% R
2014 House Results: 39% D—59% R

Rep. Lance was first elected to the House in 2008. He served in the state Legislature for 18 years before that, including four years as the state Senate Republican Leader. He is a member of the “Problem Solvers Caucus” and serves on the influential Energy & Commerce Committee. Rep. Lance was also very helpful on the issue of tire registration and in our experience has been the most accessible member of New Jersey’s congressional delegation. Mr. Malinowski spent the last three years before starting his campaign as the Assistant Secretary of State for Democracy, Human Rights, and Labor; before that working for the nonprofit group Human Rights Watch in DC.

Congressional District 8



Rep. Albio Sires (D) – no campaign website
John Muniz (R) -- <http://www.johnmunizforcongress.com/>

2016 Presidential Results: 76% D—22% R
2012 Presidential Results: 79% D—21% R
2016 House Results: 77% D—19% R
2014 House Results: 77% D—19% R

Rep. Sires was first elected in 2006. Before that he served four years as the Speaker of the NJ General Assembly and was Mayor of West New York for 11 years. Dr. Muniz is an engineer and reverend in Jersey City.



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Congressional District 9



Rep. Bill Pascrell (D) -- <http://billpascrell.com/>
Eric Fisher (R) – no website

2016 Presidential Results: 64% D—33% R

2012 Presidential Results: 69% D—31% R

2016 House Results: 70% D—28% R

2014 House Results: 69% D—30% R

Rep. Pascrell was first elected in 1996. Prior to that he served as Mayor of Paterson for six years as well as an Assemblyman from the city. Before that he worked as a teacher. His Committee assignments include the Ways & Means Committee and the Budget Committee, two of the most powerful in Congress. No information was available for Mr. Fisher.

Congressional District 10



Rep. Donald Payne, Jr. (D) -- <http://paynejrforcongress.ngpvanhost.com/>
Agha Khan (R) -- <http://www.khanforcongress.com/>

2016 Presidential Results: 85% D—13% R

2012 Presidential Results: 88% D—12% R

2016 House Results: 86% D—12% R

2014 House Results: 85% D—13% R

Rep. Payne was first elected in 2012. He succeeded his father, Donald M. Payne, who represented the area for 23 years. Before that he served six years on the Newark City Council, as well as seven years as an Essex County Freeholder. Mr. Khan was born in Pakistan and worked briefly for their government before moving to the US several decades ago. Since then, he has worked in real estate development and management.



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Congressional District 11



Assemblyman Jay Webber (R) -- <https://www.webberforcongress.com>

Mikie Sherrill (D) -- <https://www.mikiesherrill.com/>

2016 Presidential Results: 48% D—49% R

2012 Presidential Results: 47% D—53% R

2016 House Results: 39% D—58% R

2014 House Results: 37% D—63% R

Rep. Rodney Frelinghuysen (R) has represented this area since 1994, but chose not to run for reelection this year. Assemblyman Webber is a lawyer who was first elected to the NJ General Assembly in 2007. He served two years as the Chairman of the NJ State Republican Party, and is the founder and organizer of NJ Reagan Day. He has regularly received among the highest scores in NJGCA's annual legislative voter guide for his voting record. Mrs. Sherrill served in the Navy for 9 years, and was among the first women to graduate from flight school eligible for combat. After she left the Navy, she earned a law degree and worked as a federal prosecutor.

Congressional District 12



Rep. Bonnie Watson Coleman (D) -- <http://www.bonnieforcongress.com/>

Daryl Kipnis (R) -- <http://kipnisforcongress.com/>

2016 Presidential Results: 65% D—32% R

2012 Presidential Results: 67% D—33% R

2016 House Results: 63% D—32% R

2014 House Results: 61% D—37% R

Rep. Watson Coleman was first elected in 2014. She served in the NJ General Assembly for 17 years before that, including four years as the Majority Leader. Her voting record in 2017 was rated the least conservative of the NJ delegation and was the 15th most progressive of the 435 members of the House. Mr. Kipnis is a lawyer and has been advocating for businesses for the last several years.

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WHAT ISSUES DID YOUR REPRESENTATIVE VOTE ON?

1. LAWSUIT ABUSE REDUCTION ACT

Frivolous lawsuits are a curse on almost all businesses. H.R. 720 would crack down on these lawsuits, primarily by giving those who are hit with frivolous lawsuits greater opportunities to seek reimbursement for their legal fees, even if the lawsuit is withdrawn. It allows for greater sanctions on attorneys that push through lawsuits found to be frivolous. The bill passed the House 230-188 in March 2017 but has not been acted on by the Senate. A **YES** vote supported NJGCA's position.

2. OVERTIME PAY FLEXIBILITY

The Working Families Flexibility Act (H.R. 1180) would allow employees, when they are working overtime, to be given an hour and half of comp time (paid at their regular rate) instead of time and a half wages, if the employer also chooses. If the employee does not use the time off, they would be compensated for it. Government employees already have this option. The bill passed the House 229-191 in May 2017 but has not been acted on by the Senate. A **YES** vote supported NJGCA's position.

3. REGULATORY ACCOUNTABILITY ACT

H.R. 5 would bring meaningful changes to how the federal government enacts the largest and most significant regulations. Over the last several years, more and more "lawmaking" is being done not through our elected representatives, but through regulations written by bureaucrats in the various executive branch departments. This bill would require regulators to consider the indirect impacts of their proposals on small businesses specifically, and provides small business advocates greater oversight powers. The bill passed the House 238-183 in January 2017 but has not been acted on by the Senate. A **YES** vote supported NJGCA's position.

4. MENU LABELING REFORM

The Common Sense Nutrition Disclosure Act (H.R. 772) came in response to regulations issued by the FDA as a result of the Affordable Care Act (Obamacare). While this regulation was meant to be targeted at chain restaurants, it was written in such a way as to include chain convenience stores, and even some independent stores. The bill would have made it easier for c-stores to comply with the original intent of the menu labeling requirement, while also providing greater protection against frivolous lawsuits or fines for accidental noncompliance. The bill passed the House 266-157 in February 2018 but has not been acted on by the Senate. A **YES** vote supported NJGCA's position.

5. ADA EDUCATION AND REFORM ACT

H.R. 620 is another bill which would protect small businesses against frivolous lawsuits. If a small business owner is accused of violating the Americans with Disabilities Act, they would be given the opportunity to remedy their violation before litigation. Currently, there are some unscrupulous individuals who will sue a business over a small violation, expecting the business owner to settle instead of paying legal fees. The bill passed the House 225-192 in February 2018 but has not been acted on by the Senate. A **YES** vote supported NJGCA's position.

6. CARBON TAX RESOLUTION

H.Con.Res. 119 is a resolution which states that it is the opinion of the House of Representatives that the creation of a tax on carbon would be bad for the economy. While a carbon tax would likely be a better

policy than more complicated schemes to address climate change (such as "cap-and-trade"), ultimately a tax on all carbon emissions would increase the cost of gasoline and diesel fuel, typically by around 25¢ a gallon (based on the rates most often proposed by its advocates). Also, about half of all the electricity used in NJ comes from natural gas, meaning the cost for power and heating would also increase. The resolution passed the House 229-180 in July 2018. A **YES** vote supported NJGCA's position.

7. IMMIGRATION REFORM

H.R. 6136 was an attempt at a compromise immigration reform. It would have improved enforcement of current immigration law by the federal government while also providing permanent lawful status for those under the Deferred Action for Childhood Arrivals (DACA) program. Additionally, the bill would shift legal immigration away from family members and towards employment-based categories, without increasing the burdens on business owners. The bill was defeated by Democrats who thought it should have done more for other illegal immigrants, and about half of Republicans, who thought it was not strict enough. It failed 121-301 in June 2018. A **YES** vote supported NJGCA's position.

8. AMERICAN HEALTHCARE ACT

H.R. 1628 would have repealed many aspects of the Affordable Care Act (Obamacare), including the employer mandate, which required every business with more than 50 "full-time" employees to offer a healthcare policy. Full-time was defined as anyone working more than 30 hours per week. It also would have expanded "health savings accounts." It repeals most of the taxes created or raised by the ACA, including the medical device tax. It would have kept several of the ACA's provisions, including allowing those under the age of 26 to stay on their parents' health plan, kept open the individual exchanges, and allowed states to ban insurance companies from discriminating against those with pre-existing conditions. Analysts differed in opinion on the total effects this bill would have had on the total number of insured (most said there would be more people without insurance), the cost of healthcare (many said it would be lower, mainly for the young and middle-aged), and the effect on the budget deficit (likely a small change either way). The bill passed 217-213 in May 2017. It failed on a procedural vote in the Senate, 49-51 in June 2017 and has not seen action since. A **YES** vote supported NJGCA's position.

9. LOWER HEALTHCARE COSTS

The Increasing Access to Lower Premium Plans and Expanding Health Savings Accounts Act (H.R. 6311) makes some small reforms to the healthcare system in order to lower costs. The ACA created a new tax on health insurance plans which would further drive up their cost. This tax has been repeatedly delayed, but is still scheduled to go into effect in 2020. This bill would delay it further by two years. It also expands access to more types of basic level insurance plans and promotes greater use of Health Savings Accounts. The bill passed the House 242-176 in July 2018 but has not been acted on by the Senate. A **YES** vote supported NJGCA's position.

10. TAX REFORM BILL

The major piece of legislation passed by this Congress has been the Tax Cuts and Jobs Act (H.R. 1). It made a wide variety of changes to the federal tax code for businesses and personal income. The corporate tax rate was lowered from 35% to 21% for c-corps and pass-through businesses were given a standard deduction of 20%. The estate tax exemption was doubled. The income tax rate was lowered in virtually every bracket, and the standard deduction was doubled. Virtually every other deduction was eliminated or made obsolete by the increase in the standard deduction. It also significantly



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increased the size of the annual budget deficit, which is now as high as it has ever been. For most Americans, this bill was a decrease in the taxes paid by individuals and businesses. However, because of our much higher than average tax rates here in New Jersey, this bill was not a clear, across-the-board benefit. The deduction for state and local taxes was capped at \$10,000, less than what many pay in state income and property taxes. In some cases, even with the reduction in rates and other benefits in the bill, they will wind up paying more in taxes than before. Whether this bill was good or bad for NJGCA members depends largely on their individual financial situation, and factors like their income and how their business is organized. As a result, we do not take a formal position on whether or not a member of Congress should have voted for it, but we included their votes so that you could make an informed choice based on your opinion of the bill. It passed the house 227-205 in November 2017 and the Senate 51-49, and was signed into law December 2017.

11. DEATH TAX REPEAL

H.R. 1105 would have completely repealed the federal estate tax. Death taxes like this disproportionately affect small business owners attempting to leave their business to a sibling, child, or business partner. The high cost of living in NJ makes it even easier for a business owner to meet the threshold and force their decedents to pay this tax. This bill passed the House 240-179 in April 2015 but was not voted on by the Senate and expired in January 2017. A **YES** vote supported NJGCA's position.

12. REDEFINE "FULL-TIME" EMPLOYEES

H.R. 30 would have changed the definition of a "full-time" employee from someone who works 30 hours a week to someone who works 40 hours a week. Because the ACA defines a full-time employee

as any that works 30 hours a week, many medium sized employers are threatened with having to provide their employees with health insurance. The bill passed the House 252-172 in January 2015 but was not voted on in the Senate and expired in January 2017. A **YES** vote supported NJGCA's position.



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How Did Representatives Vote on the Issues?

CD	Party	Name	1. Lawsuit Reform	2. Overtime Flexibility	3. Reg. Accountability	4. Menu Labeling	5. ADA Reform	6. Carbon Tax	7. Immigration Reform	8. Healthcare Reform	9. Healthcare Costs	10. Tax Bill	11. Death Tax Repeal	12. Full Time Definition
1	D	Donald Norcross	No	No	No	No	No	No	No	No	No	No	No	No
3	R	Tom MacArthur	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	R	Chris Smith	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes	Yes
5	D	Josh Gottheimer	No	No	No	Yes	No	No	No	Yes	No	N/A	N/A	N/A
6	D	Frank Pallone	No	No	No	No	No	No	No	No	No	No	No	No
7	R	Leonard Lance	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes	Yes
8	D	Albio Sires	No	No	No	Yes	No	No	No	No	No	No	No	No
9	D	Bill Pascrell	No	No	No	No	No	No	No	No	No	No	No	No
10	D	Donald Payne	No	No	No	No	No	No	No	No	No	No	No	No
12	D	Bonnie Watson Coleman	No	No	No	No	No	No	No	No	No	No	No	No
NJ	D	Bob Menendez	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No	N/A	No	N/A	N/A

Green indicates a vote in agreement with NJGCA

Red indicates a vote in opposition to NJGCA

N/A indicates that the representative did not vote



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NJGCA Candidate Survey Questions

1. Currently, the federal minimum wage is \$7.25 an hour. The minimum wage in New Jersey is \$8.60 an hour (and indexed to the CPI). **Do you support an increase in the federal minimum wage beyond \$8.60 an hour?**
2. **Do you support an increase in the federal excise tax on cigarettes?**
3. In both of its proposed budgets, the Trump Administration has called for the complete elimination of the Northeast Gasoline Supply Reserve (NGSR). The NGSR was created in reaction to Superstorm Sandy and consists of 1 million barrels of refined gasoline (700,000 of which are located in NJ) stored in case of another fuel crisis. **Do you oppose this effort to make New Jersey vulnerable again?**
4. The Magnuson-Moss Warranty Act, passed by Congress in 1975, gives consumers the right to have their motor vehicle repaired and maintained where they wish without it automatically voiding their warranty. However, some Big Car Manufacturers have been misleading their customers into believing they do not have this right. **Would you be willing to write to the Federal Trade Commission to ask them to crack down on these misleading claims?**
5. The President has threatened to implement new tariffs on a variety of goods. Of particular concern to independent auto repairers are tariffs on automotive parts and perhaps tires, which will increase the cost of repairing and maintaining all motor vehicles, a cost which small businesses will be forced to pass on to consumers. **Do you support these tariffs?**
6. In 2016, the Obama Administration attempted to use the regulatory process to more than double the exemption limit for overtime pay for certain employees. Ultimately, the courts found the regulation to go beyond what the Department had been authorized to do by Congress. While there is room for a reasonable increase in the threshold, more than doubling it would be very disruptive to business owners. **Do you support increasing the overtime exemption limit?**
7. A huge and growing percentage of transactions at retailers are paid by credit or debit cards. Most of the credit card market is controlled by the duopoly of Visa and MasterCard. In order to restrict competition and ensure their fees on retailers remain high, they have chosen to prevent US retailers from asking their consumers to input a PIN when they pay with a credit card, even though it would make payments more secure across the board. **Would you support legislation to require that credit card networks allow retailers to ask for a PIN from their customers?**
8. Following several high profile incidents, the issue of consumer data breaches is to be addressed by Congress in the near future. One proposal (Luetkemeyer-Maloney) would have put the burden of informing consumers of a data breach not on the financial services company responsible for the breach, but on the individual retailer where the original transaction occurred. **Will you support data breach legislation only if it makes the breached entity responsible for notifying the consumer of any theft of personal information?**
9. When the federal interstate highway system was created in 1956, Congress chose to protect local businesses by not allowing rest-stops on the highways to be commercialized by state governments (except for a few roads grandfathered in), thereby ensuring that travelers would support local businesses when they needed food or fuel. Some are now proposing to allow rest-stop commercialization, which would wreak havoc on the local retailers and restaurants that have grown over the last several decades and put the government in competition with independent private businesses. **Do you oppose rest-stop commercialization?**
10. **Would you support reinstating the federal excise tax on passenger tires?**
11. **Do you support an increase in the federal excise tax on motor fuel?**
12. Though there is promise in a future in which transportation is powered by alternatives to traditional gasoline, so far there has been a lack of investment by consumers in these vehicles. One of the main reasons is the lack of infrastructure that sell the fuels for these vehicles. However, there already exists a nationwide infrastructure of businesses that motorists are accustomed to refueling at: gas stations. **Would you support providing tax credits to motor fuel retailers which install hydrogen, fast charging, or other alternate energy refueling capabilities?**



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NJGCA Candidate Survey Results

	Congressional District	Party	Name	1. \$15 Minimum Wage	2. Cigarette Tax	3. Northeast Gas Reserve	4. Magnuson-Moss	5. Tariffs	6. Overtime Exemption	7. Chip and PIN	8. Consumer Breaches	9. Rest Stop Commercialization	10. Tire Tax	11. Federal Gas Tax	12. Alt. Energy
1	D		Donald Norcross	Yes		Yes			Yes						
2	D		Jeff Van Drew	No[1]											
2	R		Seth Grossman	No	No	Yes	Yes	Yes[2]	No	?	No	Yes	No	No	No
3	R		Tom MacArthur	No	No	Yes	Yes	No	No	?	?	Yes	No	No	Yes
5	D		Josh Gottheimer	Yes		Yes									
6	D		Frank Pallone	Yes		Yes			Yes						
6	R		Rich Pezzullo	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No	No	No
8	D		Albio Sires	Yes		Yes									
9	D		Bill Pascrell	Yes		Yes			Yes						
10	D		Donald Payne	Yes		Yes									
11	R		Jay Webber	No[1]	RF	RF	Yes	RF	RF	RF	RF	RF	RF	RF	RF
12	D		Bonnie Watson Coleman	Yes		Yes			Yes						
12	R		Daryl Kipnis	No	No	Yes	Yes	No	No	Yes	Yes	Yes	No	No	Yes

[1] Voted against increase in NJ

[2] As negotiation tactic

An Answer listed in **Green** indicates they agreed with the NJGCA position

An Answer listed in **Red** indicates they disagreed with the NJGCA position

? Indicates they need more information before making a decision

RF indicates they responded to say they do not answer any surveys

Some responses have been taken from recent votes or sponsorship of legislation

If a candidate's name is not listed, it means they did not complete our survey and do not have a voting record



WHCSB Act of 2018

By: Sal Risalvato

HR-6446, the "White House Conference on Small Business Act of 2018," was introduced on July 19 by Reps. Rod Blum (R-IA), Stephanie Murphy (D-FL), and Al Lawson (D-FL) and referred to the House Committee on Small Business. HR-6446 establishes the fourth White House Conference on Small Business since 1980.

What is the White House Conference on Small Business?

The White House Conference on Small Business (WHCSB) was a series of three conferences that occurred in 1980, 1986, and 1995. They were authorized by Congress and convened by presidents Jimmy Carter (1980 originated by Executive Order 12091), Ronald Reagan, and Bill Clinton in an effort to foster better relationships with members of the small business community, Congress, and the White House, and to develop innovative policy solutions to economic problems. President Carter and President Clinton presented the 1980 and 1995 Conference's keynote addresses, respectively. President Reagan did not address the delegates in 1986, which was a huge disappointment to me. I was an elected delegate in 1986, and I was appointed as a delegate by Congressman Rodney Frelinghysen in 1995. Both conferences were valuable experiences that remain embedded in my memory forever.

All three Conferences shared similar organizational formats and activities performed, with small differences generated in process and outcomes. To their credit, each of the three Conferences issued 60 policy recommendations for Congress and the Administration to consider. In addition, the 1995 Conference delegates elected regional implementation teams which worked closely with Small Business Administration (SBA) officials in monitoring congressional and executive branch action on the 1995 Conference's recommendations after the Conference had ended. The SBA attributed much of the 1995 Conference's implementation "success rate" to the efforts of these implementation teams.

Who participates in the WHCSB?

1,904 delegates from around the country participated in the most recent National Conference that I attended and was held in August 1995. Similar to the delegate selection process in 1986 and 1995, HR-6446 authorizes delegates to the National Conference to include:

- One delegate appointed by each Governor or State
- One delegate appointed by each Member of the Senate
- One delegate appointed by each Member of the House
- One hundred delegates appointed by the President.
- Additional delegates elected by their peers at the respective conferences held in each state (the number of elected delegates is based on the number of Congressional Representatives from a state. NJ elected 36 delegates in 1995)

How does the WCSB process work?

A day long conference is scheduled in each state. Small business owners from around the state attend to share their views. NJ had about 700 attendees at each of the state conferences that were held in 1980, 1986, and 1995. At each state conference forums are convened to

discuss a multitude of issues important to small business. Small business owners that have strong opinions on any particular issue attend the forum of their choice. At each forum, attendees demonstrate their willingness to be elected as a delegate by sharing their thoughts and offering solutions. In essence those who are interested in being elected are actually campaigning. Many attendees bring campaign literature and even have campaign slogans. The day concluded with all attendees casting their votes for those who they think will best represent NJ and promote the issues selected as the most important.

The elected delegates then convene that same day with those who were appointed by the President, Governor, Senators, and Congressmen and Congresswomen. A chair person is elected and other positions such as a Vice Chair, Secretary, and Treasurer are also elected. Then the hard work begins. The delegation meets regularly; usually once or twice a month in order to decide which issues the NJ delegates will fight for when they get to Washington.

About a month before the Washington Conference, regional conferences will take place around the country. NJ will be placed in a region that will include many of the states along the East coast including New England. Previously the regional conference that NJ participated in was held in NY City. Delegates from each state in the region will gather for a day and debate the issues that will be brought to Washington as considered the most important to the region. Each state makes its best arguments for the issues that were advanced from its own small business owners. It is not uncommon for the same issues to be promoted by other states. At the end of the day ballots are cast to determine which issues the region will bring to Washington.

A week long conference is then convened in Washington DC. All delegates from around the country (about 2000) converge on the city and begin a frenzied week of meetings, deliberations, cocktail parties, speeches, and banquets. The conference concludes on the last day with each delegate casting a ballot that prioritizes the issues that will be officially sent to the President's desk to be considered for action. In 1995 NJ had an especially powerful delegation and of the 60 issues that were placed on President Clinton's desk, 40 originated in NJ. It was a process that I was very proud to be a part of.

Although the WHCSB is officially concluded at this point, many states maintained regular meetings of their delegates to follow up on the issues that were presented. Twenty three years later, I still maintain a friendship with some of my fellow delegates, and we have collaborated many times over the years fighting for issues in both Washington and Trenton. Like I said, The White House Conference on Small Business was an experience that I will never forget. I was lucky enough to do it twice.

If we are successful, and Congress passes H.R. 6446 that authorizes the next WHCSB, I will be a loud voice with NJGCA members encouraging each of you to get involved in the process, and possibly run to be elected as a delegate. NJGCA will be proud to have some of its own as delegates to such a prestigious gathering. It is an experience you won't forget either.

August 8, 2018

To NJGCA Director,

Where can I start about NJGCA? NJGCA is one of the most important and under appreciated assets by many members of NJGCA. NJGCA is like family. Sal, Debbie and the entire team are very important for all the gas station and C-store owners in New Jersey. When we need help that's when we pick up the phone and call NJGCA. My father recently passed away bringing a lot that is new in my life. When I had to pick up where my father left off, I didn't know where to start. That's when Debbie and NJGCA team started to help me get me up on my feet. Debbie is like a second mother to all the members of NJGCA. She is always there when we need her, from helping us fill out simple forms or talking to NJDEP for something very serious. Debbie takes a lot of time from her schedule to help and make us profitable. Not only does she take out time, but she talks to us members like we are one of her own family members; kind, curious, and understanding. Many members don't appreciate Debbie or the NJGCA team. I would like to take this moment and thank Debbie. Debbie you don't understand how much you and the entire team have helped me. I couldn't say thank you enough for all the work you do for me. You are important to NJGCA and the members of NJGCA. May God Bless you. All the members need to understand that NJGCA is our family. Thank you Sal.....for having such great family!

Amit Patel

Allenwood, NJ

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THE ENERGY EXAMINER

FROM TRADITIONAL RESOURCES TO ALTERNATIVE ENERGY INNOVATIONS

By Michelle Horowitz



Since our debut in 2007, NJGCA *On The Road* has brought you timely updates on changes in the energy and automotive industries. Today, each new issue of *On The Road* will bring you more update and information in our *Energy Examiner*. The *Energy Examiner* will offer readers news from around the energy/transportation industry and how it will affect your small business. If you have any questions or comments on what you review in these quarterly pieces, please feel free to reach out to NJGCA.

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UPDATE: ETHANOL / BIOFUELS / BIODIESEL PROPOSAL FOR RENEWABLE FUEL STANDARDS

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In June, the EPA released their 2018 proposal for Renewable Fuel Standards to much criticism. A bipartisan group of 35 Senators led the charge in August to convince the EPA to increase volume obligations for biomass-based diesel and advanced biofuel, in addition to providing exemptions to small refiners experiencing economic hardship. The June proposal included raising the biomass-based diesel volume for 2020 to 2.43 billion gallons in addition to increasing the advanced biofuel volume for 2019 to 4.88 billion gallons. However, the Senators noted that current and proposed volumes underestimate the potential of biodiesel and renewable diesel industries. The National Biodiesel Board submitted similar comments to the EPA on increasing the volumes. Other critiques of the proposal raise questions of its effectiveness in reducing greenhouse gas emissions, as the standards endorse food-based biofuels, which may generate more carbon emissions to produce than non-food based biofuels.

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UPDATE: ELECTRICITY & ELECTRIC POWERED VEHICLES DEMAND FOR EVs INCREASING; MORE CHARGING STATIONS COMING; REDUCING COBALT

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When we last left off on our continuing saga with California vs. the Trump administration, the two were embroiled in a feud over emissions standards, with the EPA suggesting Obama-era goals did not “comport with reality” and California (the leader in a group of 16 states and D.C., including New Jersey) planning to implement ambitious goals to require cleaner cars and more rigorous tailpipe emissions standards against the advisement of the EPA. Since July, a new EPA chief has been appointed, Andrew Wheeler, who hopes California’s coalition will come to the negotiating table to work out a deal and listed several options in their draft proposal for loosening Obama’s emissions standards. This resulted in California’s coalition filing suit, though talks continue between the Trump administration and California regulators.

Despite the potential roll-back of emissions policies, demand for electric vehicles continue to increase nationwide. A new study from Mintel found that 58% of consumers believe electric vehicles (EVs) are the future of the industry, with 52% adding society should transition to emission-free transportation as soon as possible. This has caused competition between top automakers to produce the most efficient and in-demand electric vehicles. GM recently decided to follow in the

Continue reading on next page...

footsteps of high-end EV automakers Tesla, Porsche, and Aston-Martin and begin development of a new ultra-fast charging system with the potential to add 180 miles of driving range in 10 minutes (by comparison, Tesla's model adds six miles per minute while Porsche and Aston-Martin add 12.4). Overall, charging companies have a goal of making the "fill-up" experience similar to filling a tank of gasoline.

New Jersey intends to be among the first states to rapidly expand EVs, proposing legislation that would increase access to EV charging stations, establishing 600 fast-charging stations at 300 locations across the state and an additional 1,000 level 2 charging stations by the end of 2021. A rebate program is also being proposed to incentivize customers to purchase EVs, recommending \$100 million be earmarked annually for three years. Additionally, the bill will focus on light-duty vehicles as well as establish a pilot program to increase electric utilities to power a fleet of EV school buses.

With the phasing in of certain technologies like fast-charging systems also comes the phasing out of others, which is what companies like Tesla are doing with cobalt parts in their rechargeable batteries. The use of cobalt has come under much scrutiny for the economic, political, and geographical implications of its use, as 58% of the world's supply comes from the Democratic Republic of Congo, which is facing political unrest and reported human rights violations. Tesla has already pledged to reduce its cobalt usage, however, as demand for EVs continue to increase, so has the demand for cobalt. The transition away from cobalt could take years to complete. In the meantime, the U.S. Department of Energy announced 42 projects totaling \$80 million devoted to the progress of advanced vehicle technologies. Among the awardees, \$31.9M has been earmarked for research projects on batteries and electrification, including the ability to recharge multiple electric vehicles quickly and at "extreme" levels as well as the reduction of cobalt use. Other project goals center around the development of EV materials, technology integration, engines and fuels, and off-road and fluid power systems.

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UPDATE: NUCLEAR / WIND / SOLAR / GEOTHERMAL
NJ RAMPING UP WIND AND SOLAR ENERGY; PHASING OUT NUCLEAR

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In the last few months, there has been much news around New Jersey's increased efforts around nuclear, wind, and solar energies. Nationally, wind power has increased exponentially in the last year as a result of tax credits, state policy, and improvements in cost and performance. With the Murphy Administration's ambitious environmental goal to have New Jersey get 50% of its energy from renewable sources by 2030 (producing 3,500 megawatts of electricity) in addition to the total elimination of fossil fuel energy by 2050, the administration has its eyes on increasing the state's offshore wind industry to move towards this benchmark. According to the report Offshore Wind: Generating Economic Benefits on the East Coast, released by E2, New Jersey stands to gain 4,313 jobs and \$702M worth of economic benefits from building an "average sized" offshore wind farm (one that produces about 350 megawatts of energy). The state is currently seeking input on developing 1,100 megawatts of offshore wind capacity, lead by the Board of Public Utilities, which is currently accepting applications through December 28 for offshore wind projects to meet this goal. The Governor plans to open three facilities in the coming years to meet the 3,500 megawatt goal by 2030. According to BPU, 1,000 megawatts can power around 500,000 homes.

These announcements come on the heels of the closure of the Oyster Creek Nuclear Generating Station, the oldest nuclear power plant in America, located in Lacey Township. In May, the U.S. Energy Information Administration reported 15% or more of the country's nuclear plants plan to close by 2025. EIA also reported in 2017, nuclear and natural gas accounted for more than 90% of the state's electricity.

Regardless of the tariffs put in place by the Trump administration on crystalline-silicon solar products, the industry has not seen any dramatic impact. The tariff was put in place due to foreign governments subsidizing their industries and stockpiling low-cost products. In anticipation of the tariffs,

China decreased its domestic installations, creating a surplus of cheap panels for global markets. The U.S. solar market continues to grow, with the country's solar capacity growing by 13% from last year.

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UPDATE: NATURAL GAS/PROPANE **NATURAL GAS CONTINUES TO EXPAND IN NJ**

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Much to the apprehension of the Murphy Administration, the natural gas sector in New Jersey continues to expand with four natural gas plant proposals waiting for approval In New Jersey. 75% of homes throughout the state are heated using natural gas. Despite these efforts to build new natural gas power plants, expand pipelines, and the promise of low prices through the near future, some seek to pursue even cleaner and potentially even more low-cost alternatives by electrifying state transportation fleets and allowing the solar energy sector to grow.

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UPDATE: HYDROGEN/HYDROGEN FUEL CELLS **HYDROGEN AND FUEL CELL PROJECTS IN WORKS; EXPANDING FUELING STATIONS;**

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In August, U.S. Secretary of Energy Rick Perry announced the selection of 28 hydrogen and fuel cell technology projects that will collectively receive a \$38 million investment. These projects will focus on early-stage technical challenges, improving efficiency, and lowering the costs of hydrogen vehicle refueling infrastructure. In the past decade, the cost of fuel cells has decreased by 60% as well as the cost of electrolyzers (a component of hydrogen fuel production) by 80%. This increases the potential for fuel cell and hydrogen energy as being the fuel of the future.

There are currently 35 hydrogen-fueling stations open throughout the country today (though most are located in California). Expect to see more in the coming years, with that number expected to increase to 200 by 2025. Fueling seems to be the biggest barrier to entry, though this is expected to change as demand for these vehicles continues to increase.

I recently had the opportunity to take a look at the hydrogen-powered Toyota Mirai, which gets a whopping 317 miles per gallon. To compare, the Tesla Model 3 gets 220. Take a look below:



Disruptions Coming to Your Business

By: Michelle Horowitz

In this new On the Road feature, we will be updating our members on future (and currently occurring) disruptions coming to your small business.

Frictionless Payments

In the last several months, the biggest disruption news has been around the roll-out of frictionless payment capabilities, with several different options in the works. Amazon Go recently opened stores featuring a cashier-less experience in Seattle and Chicago with plans for further expansion, considering adding an additional 3,000 stores. The “just walk out” feature includes technology that gives consumers the ability to choose their items and leave the store. Sensors and cameras will determine which items the customer picked up and walked out with and charge their card accordingly before you even pull out of the parking lot. At a scale-up of this proportion, Amazon is on track to become one of the largest convenience store chains in the country. Microsoft is currently developing similar technology, which it plans to sell to independent retailers. Other smaller stores are jumping on the bandwagon, with Ricker’s in Indiana opting to use Skip, combining the “just walk-out” experience with mobile payments, allowing for instant payments. 7-Eleven will soon be including Apple and Google Pay options at their registers. Walmart is also innovating, filing for patents that would incorporate virtual reality into your shopping experience. Using VR headsets and gloves, shoppers will be given a 3D virtual reality experience and select their items. Self-driving robots would also monitor customer’s movements and locate chosen items in the warehouses and place items in a container for shipping.

This technology is not exclusive to stores, this same technology is being used to fill up your gas tank as well, disrupting the gas station model. Shell and General Motors are working together on in-dash fuel payment technology, which will allow customers to pay for gas using their vehicles infotainment screens and earn Fuel Rewards savings. The vehicles touchscreen will allow for this payment option, and using a three-digit code

will allow the customer to choose a pump and fuel. The amount due is automatically charged to the customer’s account, without ever having to open your wallet.

If physically driving to the gas station to fill up becomes too burdensome, business are creating apps to allow for gas to be delivered right to your driveway. On-demand fueling services are on the rise, with gas stations coming to you, wherever you are. Customers simply order, communicate, and pay through a fuel delivery app. This service provides customers with the ability to fuel up while at home before you leave, at the office, or anywhere within the company’s service radius. Two companies are at the forefront of this emerging business; Yoshi, which recently expanded its market into 16 cities (including the Bay area, Nashville, Chicago, Minneapolis, Tampa, Cleveland, DC areas, and St. Louis) and Fild, which at the moment only serves the Bay area for consumers, but also fills fleets in Seattle, Portland, and Vancouver. Yoshi costs \$20 per month, but with this membership includes weekly fill-ups as well as tire checks and air fill-ups if desired and the ability to obtain points to use for other services such as car washes and detailing, wiper blade replacements, and oil changes. Because of its partnership with ExxonMobil, Yoshi uses Exxon or Mobil regular or Supreme Plus gasoline and Mobil lubricants. According to the company, customers have the potential to save \$240 per year by using their services rather than filling up at a gas station.

Cars

Lately, when we hear about the “cars of the future” we think about self-driving cars. However, self-driving cars are no longer a thought for the future, but are currently driving down our streets. Toyota is investing \$500 million in Uber on a partnership in developing self-driving cars, equipping future Toyota Sienna’s with Uber’s autonomous driving technology. Test vehicles could hit the road in 2021.

We will continue to see partnerships between the auto industry and tech worlds in the development of future vehicles.

Autonomous vehicles will also be able to run your errands for you. Auto X, a Bay area self-driving auto startup is rolling out grocery delivery in self-driving, temperature controlled cars where customers will place their orders via app and have their fresh groceries delivered right to their front door. Grocery store chain Kroger has also teamed up with Nuro, a Silicon Valley robotics company to test a fleet of robotic cars, called R1 “car bots” and their new delivery service. The cars navigate their way to homes using sensors, radar, and cameras on the roof. Customers unlock the car’s contents by using a code sent to the customer.



Nuro. Nuro R1. Digital image. Wired, 28 June 2018. Web. 25 Sept. 2018. <<https://www.wired.com/story/nuro-grocery-delivery-robot/>>.



AMAZON GO GROCERY STORE. DIGITAL IMAGE. AMAZON'S CASHIERLESS SEATTLE GROCERY STORE IS OPENING TO THE PUBLIC. MIT TECHNOLOGY REVIEW, 21 JAN. 2018. WEB. 12 OCT. 2018. <<https://www.technologyreview.com/s/610006/amazons-checkout-free-grocery-store-is-opening-to-the-public/>>.



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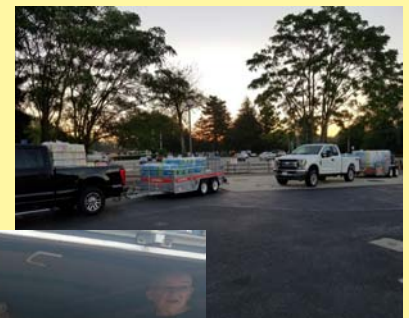
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Member Spotlight

When Amit Patel, owner of Exxon in Allenwood saw the devastation Hurricane Florence left on the Carolinas, he knew he needed to do something to help. Amit went to his local Sam's Club, purchased pallets of water, Gatorade, food, and other needed supplies, gathered up a group of friends, rented two F250's with hitched trailers and drove down to North Carolina that weekend. When he arrived in New Bern, North Carolina, he saw first hand the damage the hurricane had left behind and knew his work was not done.

When NJGCA heard of the work Amit was doing in North Carolina, we were eager to help; and knew our association members would be as well. After sending out a communications campaign, members across the state from Sussex County down to Atlantic county responded to the call to action. Checks were mailed in and supplies were dropped off at NJGCA HQ for those in need in North Carolina. Thanks to the help of our MBP's and members, NJGCA was able to donate a large amount of supplies and almost \$3,000 cash to contribute to Amit's cause.

As both association and community members, we should all be striving to give back to those in need, in-state and across the county. We commend Amit in his efforts and hope to see our members organize similar endeavors. If you are participating in any community service projects, or know of any fellow members doing something positive to give back to their communities or other organizations, please let us know so we may continue to highlight you in our communications.



Messing with Workers Comp Law

By: Alida Kass

****Editor's note. The legislature and Governor have taken action on this legislation after the below article was written. A-2510 is now law.**

Three-card Monte is a game of misdirection. All eyes are drawn to the attention-grabbing behavior over here, so they completely miss the sleight of hand over there ... where the real action is.

Recently, all eyes were focused on Trenton for the budget negotiations. But cliffhanger negotiations are the perfect opportunity for state legislators to engage in their own games of misdirection, sneaking pet projects through to help special interests at the expense of everyone else.

This year, one especially indefensible pet project passed quickly through the legislative process and has arrived on the governor's desk. And Gov. Phil Murphy now has to decide whether he wants to help wealthy trial lawyers collect more money at the expense of injured workers.

If signed into law, Assembly Bill 2510 will change how attorney's fees are calculated when workers are injured on the job, so attorneys can collect more money at the expense of their injured clients.

Workers' compensation was designed to be a faster, more efficient alternative to the lawyer-driven tort system. Incentives are set so that claims can be made and paid without need for attorneys and long, drawn-out litigation. Specifically, insurance carriers have the opportunity to make prompt, good faith offers of compensation and have the entire amount go directly to the injured worker, with no deductions for legal fees.

That incentive streamlines the claim process, to everyone's benefit. Employees get certainty of recovery and prompt payment without need for protracted litigation. Employers get greater predictability. And both benefit from the overall efficiency of a system with minimal transaction costs.

The proposed legislation would eliminate that efficiency and instead create a new incentive for more lawsuits. The law would give lawyers a share of the entire payment, even if the carrier was ready and willing to pay the same amount without any litigation. So, attorneys would now have an incentive to insert themselves into the process in order to take a cut of proceeds that should be going directly to compensate the injured worker.

The end result will be a lot of unnecessary lawsuits, delayed payments to injured workers and an increased overall cost and inefficiency in the workers' comp program, with a consequential dampening effect on wages. And worst of all, because the attorney fees for the unnecessary litigation come out of the injured worker's pocket, the legislation will actually reduce workers' take-home recovery for their injuries.

As it stands, this legislation will be a disaster for hard-working employees who are injured on the job. But Murphy has an opportunity to stand up for these workers and put their interests ahead of wealthy trial lawyers: He can ensure that, when insurance carriers make prompt offers, the worker can keep the entire amount. Lawyers should only be able to take a share of the proceeds when they have brought real value to the process and significantly increased the worker's recovery.

Murphy should do the right thing and tell the legislators supporting this special interest giveaway that he won't support legislation that takes money from injured victims to benefit wealthier attorneys, endangering the workers' comp system and ginning up unnecessary litigation in the process.

Alida Kass is president and chief counsel of the New Jersey Civil Justice Institute.

Paid “Sick” Leave Law

By: Eric Blomgren

**Note: This piece has been updated from the July 2018 OTR. Please read this carefully as the law goes into effect October 29, 2018.*

After six years of fighting in the Legislature, a bill mandating that every employer in the state give every employee paid leave was signed into law on May 2, 2018. It passed the Assembly 50-24 in March and the Senate 24-12 in April. **The new law goes into effect October 29, 2018.** Here is what you need to know to be ready in October. This new law is very specific, so even if you think you are already generous enough with your leave policies, make sure you read through and are in full compliance.

Every employee must be given one hour of paid sick leave (PSL) for every 30 hours they work. An employee must be able to save up at least 40 hours of PSL per year (employers are allowed to define when a year starts, it does not have to match the calendar year, but once the year has been defined it can only be changed with approval from DOL). Employers are allowed to give their employees all of their PSL upfront at the start of the year instead of tracking it on an hourly basis, but they are not required to do so. If at the end of the year an employee still has some PSL they haven't used, they must be allowed to carry it forward into the new year. An employer is not required to let an employee use more than 40 hours of PSL in any year.

Employees will begin earning their PSL on October 29th. While employees start earning PSL on their first day of work, the employer is able to prevent them from using the PSL until they have been employed for 120 calendar days. Employers who offer existing paid leave are in compliance with this law as long as their leave policy is at least as generous (in every single way) as that mandated by this law.

The employee must be paid “at the same rate of pay with the same benefits as the employee normally earns”. If the employee is using PSL for hours when they would have been working overtime, they are to be compensated at their regular rate of pay, they do not need to be given time-and-a-half (this was clarified by recent regulations).

An employer cannot require an employee find a replacement worker to cover any hours they take off with PSL. If you shift an employee from one location to another, that employee keeps all the PSL they have earned. If an employee leaves your business, but returns within six months, they must be given back all of the PSL they had saved up.

There are currently 13 cities in NJ which require employers to provide PSL in some form. When this law goes into effect, those laws will all be repealed and replaced by the state law. No local government going forward will be able to make ordinances regulating PSL.

What are the conditions that employees are allowed to use their PSL?

- Time off for the employee to receive or recover from any medical care, including preventative care, mental health care, or to recover from an instance of domestic violence.
- Time needed for the employee to aid a family member with any of the above.
 - o Who is a “family member”? The law defines it as a child, grandchild, sibling, spouse, parent, grandparent, the spouse or sibling of any of those people, any other blood relative, or any other person “whose close association with the employee is the equivalent of a family relationship.”
- Time for the employee to take their child to a school-related event.
- Employers cannot request proof that any of these conditions were met unless the employee uses PSL on three or more consecutive days.
 - o If an employee takes PSL and uses it for other purposes, the burden of proof is on the employer to prove the employee misused their paid time off before any disciplinary action is taken.
- What about non-hourly workers?
 - o The employer can either assume these employees work 40 hours a week, or can keep track of the actual hours worked.

What restrictions can an employer place on PSL?

- Employers are allowed to set a minimum for the number of hours of PSL an employee can take at a time.
 - o For example, an employer can say that an employee cannot only take off one or two hours at a time for a doctor's appointment, they must take off their entire shift so that a different employee can more easily fill the spot.
- If the employee's leave is foreseeable (like a doctor appointment), then the employer may require advance notice as much as seven days ahead of time.
- Employers can set “blackout dates” for PSL, in which employees cannot use foreseeable PSL, and if it is unforeseeable then the employee must provide proof. The new regulations restrict

what an employer can use as a blackout date:

- o It must be a “verifiable high-volume periods or special events, during which permitting the use of foreseeable earned sick leave would unduly disrupt the operations of the employer.” Examples provided include a new product launch or a predictable increase in customer activity, such as around a holiday.
- “Reasonable notice” must be provided to the employees that a date is a “blackout date”

Notifications

- Records must be kept for 5 years, showing all hours worked by all employees and all hours of PSL given to every employee, taken by every employee, and carried over from year to year.
- o If an employee files a claim against the employer, and the employer does not have the records available, DOL will assume the employee’s claim is correct.
- Employers must give every employee a special form, which has been created by the Department of Labor, telling the employee what their rights are under this law.
 - o This notification must be posted in the workplace.
 - o Every new employee must be given this form
 - o Every current employee must be given this form before November 29, 2018
 - o You are allowed to email this notification to your employees in order to meet the obligation
 - o You can find the form online at www.njgca.org/PSL

Penalties

- An employer cannot take any “retaliatory action” against an employee for using their PSL.
- Employers must treat any information they have about the health of an employee or their family member as confidential and not disclose it without the written permission of the employee.
- o So if another employee asks why their colleague is taking the day off, make sure you don’t tell them!
- If an employer takes an “adverse action” against an employee within 90 days of that employee informing another employee of their rights under this law, or cooperating in some way with a Department of Labor investigation, or filing a complaint with the DOL, then the employer is presumed guilty unless they can prove the adverse action was taken for another reason.
- The penalties for violating this law will be a disorderly persons offense, which is punished on the first violation by a fine between \$100-\$1,000 or imprisonment of up to 90 days. In addition an employer will have to provide the employee with back pay.

If you would like to read the actual language of the law yourself, you can visit NJGCA’s website or search for NJ P.L. 2018, Chapter 10.



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THE NJGCA MEMBER BENEFIT PARTNER PROGRAM

NJGCA has been working hard to bring you and your business value through our Member Benefit Partners (MBPs). Hopefully, you are already taking advantage of many money-saving plans offered by our Member Benefit Partners. Our 2018 Member Benefit Partner Brochure should have arrived and can be viewed on our website, and this year we introduced four new Member Benefit Partners. They are listed in blue and marked with asterisks below. We are excited about the great opportunities that you have to save money with these partners!

Here is a list of our current MBPs:

ABLE-TECH - Computers, Financial Management, Video Security Systems

****ACCESS ONE**** - ATM Services

AFFINITY FEDERAL CREDIT UNION - Business Banking Services, Financing, Mortgages

AMATO INSURANCE AGENCY - Business, Garage Liability, Home and Auto Insurance

AMERITRUST - Workers Compensation Insurance (formerly Meadowbrook Insurance Group)

ASSOCIATION MASTER TRUST (AMT) - Health Coverage

ATS ENVIRONMENTAL SERVICES - Tank & Vapor Testing, NJDEP Compliance

AUTOPART INTERNATIONAL - Premium Parts Supplier

AUTOMOTIVE TRAINING INSTITUTE (ATI) - Education for a More Profitable Business

BELLOMO FUELS - Gasoline and Diesel Supplier

BRENNAN LAW - Environmental, Petroleum and Real Estate Law Specialists

CBIZ INSURANCE - Business, Garage Liability, Home and Auto Insurance

C-3 TECHNOLOGIES - Tank and Vapor Testing, NJDEP Compliance

****CHIESA SHAHINIAN & GIANTOMASI PC**** - Legal Services

COLE, SCHOTZ, MEISEL, FORMAN & LEONARD - Legal Services

CONSUMERS OIL CORP. - Gasoline and Diesel Supplier

CROMPCO - Tank & Vapor Testing, NJDEP Compliance

DANA TANK INSURANCE SPECIALISTS - Underground Storage Tank Insurance

ENERGY MARKETING PARTNERS, INC. - Gasoline and Diesel Supplier

ENVIRONMENTAL ALLIANCE, INC. - Environmental Remediation & LSRP Services

GILL ENERGY - Gasoline and Diesel Supplier

HAROLD LEVINSON ASSOCIATES - Convenience Store Distributor

HOUGH PETROLEUM - Gasoline, Diesel, Motor Oil & Lubricants Supplier

LAW OFFICES OF KENNETH L. BAUM - Legal Services

LENDING CAPITAL - Commercial Financing

LIBERTY / EWING OIL - Gasoline and Diesel Suppliers

LISKO ENVIRONMENTAL - Environmental Remediation & LSRP Services

MARC LAW - Legal Services

MERCHANT PRO EXPRESS - Credit Card Processing & Consulting

MITCHELL1 - Shop Management System, OEM Information

P.F.I. INC. / NORTHWEST PETROLEUM - Gasoline and Diesel Supplier

PALISADES FUEL - Gasoline and Diesel Supplier

****PASHMAN STEIN WALDER HAYDEN**** - Legal Services

PEAK ENVIRONMENTAL - Environmental Remediation & LSRP Services

PEAPACK GLADSTONE BANK - Full Service Commercial Banking

PPC LUBRICANTS/CASTROL OIL - Motor Oil and Lubricant Supplier

PRESTIGE ENVIRONMENTAL - Environmental Remediation & LSRP Services

QUICK & FRESH - Convenience Store Distributor

****SAFETY-KLEEN**** - Motor Oil and Lubricant Supplier & Environmental Solutions

****SALOMONE BROTHERS, INC**** - Tank and Pump Replacement, Compliance Testing

SERVICE STATION VENDING EQUIPMENT - Service Station Vending, Air & Vacuum Systems

SIMPAY - Payroll and ATM Services

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