

B U S I N E S S VOICE



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Join an
NJBIA Issue
Network
Today!

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Ten-Week Paid Family Leave Mandate Expected to See Legislative Action Soon

A paid family leave mandate requiring all employers to provide 10 weeks of paid leave is expected to be considered soon by the State Legislature.

NJBIA has been vigorously fighting this legislation. NJBIA received a tremendous response from its members to an alert asking them to contact their legislators in opposition to this bill.

S-2249 (Sweeney, Buono)/A-3812 (Albano, Panter) is the bill number of the proposed paid leave mandate. The legislation is expected to see a final vote before the current legislative session ends on January 8.

"It makes no sense to pass a bill that will impose higher costs and further hardship on tens of thousands of businesses across the State," said NJBIA President Philip Kirschner. "Our members want the Legislature to stop this madness."

The bill would provide employees with 10 weeks of paid leave every year to care for a newborn or adopted child or an ill family member. It applies to all companies, even those with as few as two employees. The program would be financed with a new tax on employees.

Under the proposed mandate, businesses would face the prospect of having key workers out for nearly three months at a time. The mandate would force all businesses to shoulder increased costs related to temporary workers, overtime, and lost productivity. Many employers that rely on skilled workers may not even be able to find qualified replacements.

NJBIA has argued it makes no sense to impose the same one-size-fits-all, paid-leave mandate on every employer, from corner grocery stores to large hospitals and manufacturing plants. It is better to give employers the flexibility to find solutions that work best for them and their employees.

Assembly Speaker Joseph Roberts and Senate President Richard Codey, during a recent briefing with NJBIA members, made it clear they feel the current bill goes too far and would have to be scaled back before a vote could be scheduled.

Roberts said he believes the number of weeks in the current bill is too high and the inclusion of all small businesses is too severe. Codey said he has spoken directly with State Senator Stephen Sweeney, the bill's sponsor, about scaling back its scope.

(cont'd on page 3)



NJBIA President Philip Kirschner (left) and NJBIA Board of Trustees Chairman Vince Bonica (right) present an Environmental Quality Award for Excellence to Steve Fromkin, Manager, Environmental Health & Safety with Alcoa Howmet of Dover at the recent NJBIA 2007 Awards for Excellence Dinner. See page four for details.

New Jersey DEP Commissioner Lisa Jackson Warns of Tough Environmental Regulations to Come

The business community can expect “tough” new flood hazard rules to be adopted, and revamped site remediation regulations will change the way the NJ Department of Environmental Protection (DEP) does business, DEP Commissioner Lisa Jackson said October 3.

The Commissioner also defended current proposed rules on water buffers, public notification regulations and water quality, making it clear that while working with the business community is a goal, protecting the environment remains her first priority. Jackson spoke and took questions during NJBIA’s Meet the Decision Makers briefing breakfast.

Issues surrounding land use and site remediation—the process of cleaning up contaminated properties to return them to productive use—commanded the most attention. Jackson said that new site-remediation regulations could be adopted this fall or winter.

Jackson lamented what she said has become a highly polarized political environment. Incidents like Kiddie College, built on a former mercury thermometer factory, and the Paramus school, where pesticide contamination was found, are being used by environmentalists to criticize the DEP.

Jackson also defended proposed C-1 stream classification regulations. C-1 waterways are those determined to be of high environmental value. The proposed regulations would designate 900 additional miles of waterways as C-1s, creating a 300-foot-wide buffer zone on each side where little or no development can take place and where there are severe

restrictions on discharges. Jackson said the standards for designating a waterway would be consistent so they could not be used by individual groups to stop developments they don’t like.

“You can’t just pick a waterway and come in and say it belongs as a C-1 designation because you have 500 signatures on a petition,” Jackson said. (NJBIA has urged the DEP to compensate property owners for C1 designations.)

Likewise, Jackson defended the new public notification rules that require notice to residents, schools and workplaces within 200 feet of a site-remediation project. “You are much better off telling people up front what you are doing,” she said.

Jackson said the department was close to adopting new flood hazard rules. She reiterated that she did not think development should take place in areas that are prone to flooding, citing New Orleans as an example of the consequences.

“If it seems that (these rules) make it harder to develop in environmentally sensitive areas, that’s the plan. If it feels like a squeeze, it



NJBIA Vice President David Brogan listens as NJ Department of Environmental Protection Commissioner Lisa Jackson outlines “tough” new regulations for the business community at NJBIA’s Meet the Decision Makers briefing breakfast, October 3.

should,” she said.

The DEP also will make recommendations to implement the Global Warming Response Act, which mandates a reduction in greenhouse gas emissions of 20 percent by 2020 and 80 percent by 2050. Because the State has already adopted progressive environmental policies, Jackson said, New Jersey was already on pace to meet its 2020 goals and would be focusing on proposals to reach the 2050 goals. Whatever is recommended, she promised that the business community would have plenty of opportunities to review and make recommendations.

NJBIA Joins New Alliance to Push Lawsuit Reform Initiatives

NJBIA has joined other employers and organizations to reform New Jersey’s civil justice system and reduce lawsuit abuse.

The new organization, NJ Lawsuit Reform Alliance, is headed by Marcus Rayner, former district director for Congressman Mike Ferguson of New Jersey. The Alliance will be working to

reduce the \$7.6 billion burden that lawsuits place on the State’s citizens and businesses.

In recent years, lawsuits and civil litigation have reached the point where they are affecting New Jersey’s economic competitiveness. For more information, contact Christine Stearns at ext. 260, or cstearns@njbja.org.

Out-migration Study: NJ is Fourth in People Leaving the State

Recent studies and polls show that more people are leaving New Jersey than coming in, and more than half of those who remain would like to join them.

New Jersey's dramatic outflow was reported in *Where Have All the Dollars Gone?*, a study produced by Rutgers University professors James Hughes and Joseph Seneca.

The report concluded that in 2006 72,547 more people moved out of New Jersey to other areas of the United States than moved in. Furthermore, the study showed that those moving into the State were less wealthy than those moving out, reducing New Jersey's total income by \$10 billion since 2002 and shrinking potential State tax revenues by \$680 million.

The study predicts that, as a result of the pace of the out-migration, New Jersey may experience a net decline in total population in 2008.

In an unrelated poll conducted in September, the Monmouth Uni-

versity Polling Institute and Gannett found that half of New Jersey's residents would like to move out.

According to the study, released in the *Asbury Park Press* as well as other Gannett newspapers last month, more than half of the 801 adults surveyed expressed a desire to leave New Jersey, with half of that group saying they are "very likely" to leave.

Nearly 60 percent of those who indicated their intent to leave cited financial issues such as property taxes, high costs of living and housing costs, providing further evidence that New Jersey's high costs are a problem for both businesses and residents alike.

This should be a wake-up call to the Governor and legislators that their policies have resulted in businesses and residents voting with their feet. They must stop pursuing legislation like paid family leave that will make the situation even worse.

Study Ranks NJ Second to Last For Its Business Tax Climate

The Tax Foundation's 2008 State Business Tax Climate Index, released last month, ranked New Jersey 49th in the nation in business-friendly tax systems. New Jersey dropped from 48th last year, leaving the State ahead of only Rhode Island.

The index ranks states according to the taxes that matter most to businesses and business investment: the corporate tax, individual income tax, sales tax, unemployment tax and property tax. New Jersey ranked among the worst states in the nation on every tax except the unemployment tax, where it was ranked 24th.

NJBIA believes the Administration and Legislature must work hard to make New Jersey a more affordable State in which to live and operate a business. Lower taxes, affordable health insurance and lower energy costs should become top policy goals, while costly new mandates like paid family leave should be dropped.

For more information, contact Art Maurice at ext. 247, or amaurice@njbja.org.

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Paid Family Leave

(cont'd from page 1)

"I think it is too onerous on businesses and several modifications must be made to the bill before I would post it for a vote," he said.

Although Codey and Roberts have made it clear that businesses can expect a more limited version of this bill, likely with fewer weeks, paid family leave is still very much a threat in any form.

You can join NJBIA's campaign to defeat this legislation by contacting your legislators and the Governor immediately. You can log onto the Association's online Membership Alert at www.njbja.org to urge your legislators to oppose this mandate.

NJBIA Honors Member Companies at Awards for Excellence Dinner

NJBIA honored 10 companies at its annual Awards for Excellence Dinner, which was held on October 16 at the Pines Manor, Edison. The Awards for Excellence program recognizes employers for creating jobs, protecting the environment, being outstanding employers, and serving their communities.

“Our Awards for Excellence winners have had a very positive impact on the lives of their employees, their communities, the environment, and New Jersey,” NJBIA President Philip Kirschner said. “They deserve to be recognized for their outstanding work.”

Thank you to the 2007 Awards for Excellence Sponsors

Gold Sponsors

- Ferreira Construction/ Live Data Systems
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- Infineum USA L.P
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- NJ Economic Development Authority
- PSE&G
- Sovereign Bank
- Tri-State Industrial



NJBIA President Philip Kirschner (left) and NJBIA Board of Trustees Chairman Vince Bonica (right) present a Job Creation award to Don Warnet, Vice President of National Sales with DataPipe, Inc. of Jersey City.



Ellen Guarnieri, President and CEO of Robert Wood Johnson University Hospital Hamilton accepts an Award for Excellence in the Public Service category.

Sarvesh Dharayan, President of Apex Technology Group, Inc. of Edison accepts an Award for Excellence in the Job Creation category.



Meet our Award Recipients

Job Creation Award winners, recognized for contribution to the State's economic growth, are:
Apex Technology Group, Inc., Edison
DataPipe, Inc., Jersey City

Outstanding Employer Award winners, recognized for meeting the needs of their employees, are:
Enterprise Rent-A-Car, Wayne
INTTRA INC., Parsippany
KPMG LLP, Short Hills

Environmental Quality Award winners, recognized for their environmental protection efforts, are:
Alcoa Howmet - Dover Operations, Dover
Ferreira Construction/Live Data Systems, Branchburg
K. Hovnanian Homes, Edison

Public Service Award winners, recognized for community service, are:
Infineum USA L.P., Linden
Robert Wood Johnson University Hospital Hamilton, Hamilton

An independent panel of judges reviewed the nominations; the panel included members of the Service Corps of Retired Executives (SCORE). Mercadien P.C., Certified Public Accountants of Princeton, verified the information supplied by the winning applicants.



Joseph Grabowski, Vice President with Ferreira Construction/Live Data Systems of Branchburg accepts an Award for Excellence in the Environmental Quality category.

NJBIA President Philip Kirschner (left) and NJBIA Board of Trustees Chairman Vince Bonica (right) present an Outstanding Employer award to Tom Duffy, Managing Partner with KPMG LLP of Short Hills.



NJBIA President Philip Kirschner (left) and NJBIA Board of Trustees Chairman Vince Bonica (right) present a Public Service award to Liz Garcia, Public Affairs Manager with Infineum USA L.P. of Linden.



Tomi Gerber, Group Relations Manager with Enterprise-Rent-A-Car of Wayne accepts an Award for Excellence in the Outstanding Employer category.

Ken Bloom, Chief Executive Officer of INTRAA Inc. of Parsippany accepts an Outstanding Employer award.



Randy Brousseau, Area President of K. Hovnanian Homes of Edison accepts an Environmental Quality award.

ASK THE EXPERTS!

By Dave Brogan, Vice President, Environmental Affairs



Q. Is it true the NJ Department of Environmental Protection (DEP) can fine me if I leave my company's diesel trucks idling for longer than three minutes?

A. Yes. The DEP recently issued new regulations targeting various types of diesel-powered vehicles operating on the roadways of the State. These include long-haul trucks and short-haul delivery trucks, charter buses and public transportation buses. These regulations also apply to businesses at which trucks are idling, even if the business owner is not the owner of the truck. The new regulations took effect July 1, 2007.

DEP inspectors are targeting convenience stores, bus staging areas, public entertainment venues, retail centers, truck yards, rest stops, warehouse distribution centers and loading/unloading areas to ensure that diesel-powered vehicles are complying with all applicable regulations. The DEP, with the help of the local environmental health agencies throughout the State, will also respond aggressively to the complaints of local residents.

Failure to comply with the idling requirements will result in violation notices and fines for the property owner AND the vehicle operator. Even if you do not own the truck, you can still be fined if it is caught idling for over three minutes at your place of business.

Penalties are \$200 for the first violation, \$400 for the second violation, \$1,000 for the third violation, and \$3,000 for the fourth and each subsequent violation.

In the past, diesel vehicles were allowed to idle for up to 30 minutes at an operator's place of

business. Also, diesel vehicles were allowed to idle for 15 minutes when a vehicle had been stopped for three or more hours. Now the limit for both is three minutes.

For the owner or operator of trucks or buses, there are still some limited exemptions that are based on outside air temperature and whether or not the bus is discharging or picking up passengers. There are also full exemptions for trucks or buses stopped in traffic, heating or refrigeration trucks, emergency motor vehicles in emergency situations, and motor vehicles being repaired.

In the meantime, I would suggest that you consider doing the following:

Ensure that diesel-powered vehicles do not idle for more than

three consecutive minutes, even if they are making deliveries at your location. Also, post a "No Idling" sign at your place of business and adopt a no-idling policy for your fleet drivers and encourage them to do their part. Finally, explore alternatives to idling, such as engine block heaters for cold weather starts, in-cabin heaters, the use of electrified bays, or the installation of diesel particulate filters on older vehicles if it is feasible.

How to Get More Information

NJBIA's "Fast Facts" on this new idling rule details more restrictions and provides useful contacts and information on where to obtain a "No Idling" sign for your business. To download your copy of this Fast Facts, visit www.njbia.org/idling.



GETTING THE FULL BENEFIT

Spotlight on NJBIA Member Benefits

NJBIA Employee Benefits Report

NJBIA's *Employee Benefits Report* is the essential guide for anyone who sets HR policies for your company.

Find out what benefits hundreds of New Jersey employers are offering their employees, from healthcare coverage and paid vacations to disability. Even if other employers don't compete with you directly, they do compete for your good employees. The rising cost of benefits has made it more important than ever for you and other New Jersey employers to stay on the cutting edge of the latest benefit trends in this fast-moving field.

The cost of the book for NJBIA members is \$105 (plus tax and shipping). Nonmembers must pay \$225. To place your order online, visit www.njbia.org/publications.

NJBIA Programs & Benefits

2007 Public Policy Forum - December 11, 2007

Sheraton at Woodbridge Place • Iselin, NJ (Exit 131A Garden State Parkway)

ELECTION YEAR WATERSHED:

How Will the 2007-2008 Elections Impact Your Business?

Governor Jon Corzine and Presidential candidates Senator Hillary Rodham-Clinton and Mayor Rudy Guiliani are the invited keynote speakers at this networking and public policy event of the year. Our panels of top legislative leaders, seasoned political observers and experts on the economy will tell you what to expect for business in 2008. Hear their predictions for the presidential elections and the economy. The program begins with registration and networking at 7:45 a.m.

8:30 a.m. - 11:00 a.m.

Opening Breakfast Program

PAUL L. TROAST AWARD

Presentation of the Association's probusiness leadership award to **Anthony Dickson**, President and CEO of NJM Insurance Group.

PUBLIC SERVICE AWARD

Presentation of the distinguished public service award to the Honorable **Joseph Doria**, Commissioner of NJ's Department of Community Affairs and the Honorable **Peter Inverso**, NJ State Senator.

FEATURED SPEAKER

Mayor **Rudy Giuliani**, candidate for Republican nomination for US President (invited).

BUSINESS OUTLOOK 2008

NJBIA President **Philip Kirschner** presents the findings of NJBIA's 2008 Business Outlook Survey.

LEGISLATIVE LEADERS PANEL

Moderated by **Joe Bisicchia** of Comcast Newsmakers, the Honorable **Richard Codey**, President, NJ State Senate; **Leonard Lance**, Republican Leader, NJ State Senate; **Joseph Roberts**, Speaker, NJ General Assembly; and **Alex DeCroce**,

Republican Leader, NJ General Assembly, confront the issues of health insurance, paid family leave, environmental regulation and taxes.

11:00 a.m. - 12:00 p.m.

Concurrent Panel Discussions

NJ POLITICAL OUTLOOK

Moderated by New Jersey Network's **Michael Aron**, four of New Jersey's top political observers analyze the outcome of the 2007 legislative races and make predictions concerning the 2008 presidential elections.

NJ ECONOMIC OUTLOOK

As we enter the 2008 presidential election year, the economy appears to be weakening under the pressure of a prolonged housing slump and related credit squeeze. A top regional economist and three business executives present their outlook.

12:00 p.m. - 2:00 p.m.

Luncheon Program

LEONARD C. JOHNSON AWARD

Presentation of the NJBIA "team player" award to **Julie Holman** of Jersey Central Power & Light Co., A FirstEnergy Co.

KEYNOTE SPEAKER

Governor **Jon Corzine**

NJBIA's 2008 NEW GOOD NEIGHBOR AWARDS COMPETITION

Call for Nominations Deadline - February 4, 2008

The 48th Annual New Good Neighbor Awards competition, sponsored by NJBIA, recognizes companies that have worked to bring about an improved business climate in New Jersey by building, expanding or renovating a commercial facility. Winners will be chosen based on economic benefit and job creation, architectural merit, and community involvement. Plants, offices, commercial buildings, and shopping centers may be nominated. Construction or capital expenditures at the nominated facility must have been completed between January 1, 2006 and December 31, 2007.

The nomination deadline is February 4, 2008. To request a nomination form, please call Katie Wittkamp at 609-393-7707, ext. 239 or visit our Web site at www.njbja.org/events.

FEATURED SPEAKER

Senator **Hillary Rodham-Clinton**, candidate for Democratic nomination for US President (invited).

The cost is \$170 per person for NJBIA members and \$230 for nonmembers. To register or for more information, call Katie Wittkamp, 609-393-7707, ext. 239.

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Economic Development

Your source of breaking news about economic development in New Jersey, from job creation and business retention issues to proposed laws and regulations affecting development opportunities.

Education & Workforce Development

Learn about legislation, policy initiatives and research affecting the quality and cost of education in New Jersey. Tap into workforce training grants and initiatives. Submit your ideas to help shape NJBIA's policy positions.

Energy Policy

Be the first to learn about NJ Board of Public Utilities decisions that impact your cost of energy. Receive timely updates on pricing policies for electricity and natural gas and information on energy-efficiency loans and grants.

Environmental Quality

The Environmental Quality Issue Network is an easy, user-friendly and information based approach to sharing environmental knowledge with the business community.

Government Affairs

Receive timely legislative news from the State Capitol. Find out what's happening to the top bills impacting business that NJBIA is working on in the Legislature. Share your ideas for improving New Jersey's business climate.

Healthcare Issues

Be the first to learn about legislative and regulatory developments that will directly impact your cost of providing health insurance. Just as importantly, NJBIA will ask for your input on these issues, which we will share with legislators.

Human Resources

Receive timely updates about changes in the law impacting your workplace, from payroll taxes and paid leave to the hiring and firing of employees. Get advance notice of laws and regulations that affect your interactions with your employees.

Manufacturing Counts

Learn about critical issues related to State manufacturing policy. Find out what loans, grants, training and other State resources are available to help your business.

Public Policy (NJ Policy Research Organization Foundation)

The NJPRO Foundation, an NJBIA affiliate, is the State's leading public policy organization conducting research on behalf of New Jersey employers. Get timely policy research on a host of critical business issues.

Tax Policy

Receive breaking news on State tax policies and regulations affecting your business and you as an individual taxpayer. Whether your business is organized as an LLC, partnership, sole proprietorship, S-Corporation or C-Corporation, you will find this Network useful, especially if you are a CFO, tax consultant, financial consultant or CPA.

Women Business Leaders

Join the network of women executives and business owners. Receive invitations to events that will allow you to network with other women executives and owners. We will ask for your input on policies affecting women in business.

To join one of our Issue Networks, visit our online subscription form at www.njbja.org/issuenetworksjoin.asp