

POLICY

The New Jersey First Act, effective September 1, 2011, mandates that public employees be residents of New Jersey in order to hold their positions (P.L. 2011, Chap. 70). The law applies to all current and newly hired College employees, unless otherwise exempted. The only officially exempted positions at Ocean County College are adjunct positions.

The impact of the New Jersey First Act for Ocean County College employees is as follows:

Current Employees:

Any current employee who established residency outside New Jersey before the effective date of the law is exempt from the residency requirement. These employees will continue to be exempt, even if their job classification changes or they move within the state in which they currently reside or another state, provided there is no break in their service with Ocean County College.

Any employee who resided in New Jersey but who moves out of state after the effective date of September 1, 2011, is bound by the New Jersey First Act. The Act allows an employee the opportunity to file an appeal, based on critical need or hardship, to the State of New Jersey. The College does not have the authority to exempt employees from the residency requirement of the Act.

New Employees:

Any individual hired on or after September 1, 2011, must conform to the law and establish a principal residency in New Jersey. Principal residency is defined as the domicile where the individual spends the majority of nonworking time, the location which is the majority of his/her domestic life, and the location which is designated as the legal address and legal residency for voting.

Any new employee who does not reside in New Jersey will have 365 days from the date of hire to establish residency within the State. If a new employee is unable to meet the residency requirement within the allotted 365 days, the individual will forfeit his/her position unless the State of New Jersey has granted an official exemption based on critical need or hardship prior the close of the 365-day deadline.

Applications for exemptions to this law may be made to the State of New Jersey by individuals on the basis of critical need or hardship. Additional information about the Act and the exemption process may be secured by visiting: <http://lwd.dol.state.nj.us/labor/lwdhome/njfirst/NJFirstMenu.html>

ADOPTED: August 22, 2019

PROCEDURE

New Employees

1. At the time an applicant applies for a position via the College's applicant tracking system, the individual is informed of New Jersey First Act requirements as a part of the application, acknowledgement, and electronic signature process.
2. Search Committee members are trained to verify that candidates residing outside of New Jersey understand the New Jersey First Act requirements (this excludes adjunct searches).
3. An HR representative confirms a potential new hire's understanding of the residency requirement when making an offer to a non-resident candidate (other than candidates for adjunct positions).
4. During new hire orientation, an HR representative will:
 - a. Distribute the New Jersey First Act Acknowledgement Form (attached) with the orientation/onboarding packet for all new hires and collect signed forms.
 - b. Place original signed forms in new employees' personnel file; copies of forms indicating an out-of-state residence will be placed in a tracking system.
 - c. Track and monitor employees with out-of-state residences who are required to comply with the New Jersey First Act Acknowledgement and notify the Recruiting Unit if, at least 90 days before the close of the 365-day window, an employee has not relocated or obtained an official exemption.
5. If a new employee has not relocated or obtained an official exemption within 90 days of the 365-day deadline, the Recruiting Unit or designee will:
 - a. Send the New Jersey First Act Notification letter to remind the employee of the Act's requirements, copying the employee's hiring manager and the Assistant Vice President of Human Resources.
 - b. If proof of residency or an official exemption has not been provided by the employee within 30 days of the 365-day deadline, a termination letter will be issued to the employee by the Assistant Vice President of Human Resources and a recommendation for termination will be included on the Personnel Agenda for the next meeting of the Board of Trustees.

Current Employees

1. An HR representative will handle in-person or emailed Change of Address requests as follows:
 - a. If a Change of Address Request Form is received and it contains an out-of-state address, the employee will be notified to visit the Office of Human Resources.
 - b. The Change of Address Request Form will be processed; however, the employee will be given the New Jersey First Act Acknowledgement Form for signature, and an HR representative will confirm the employee's understanding of the residency requirement under the New Jersey First Act.
 - c. If the current employee fails to comply with New Jersey First Act residency requirements, a termination letter will be issued to the employee by the Assistant Vice President of Human Resources and a recommendation for termination will be included on the Personnel Agenda for the next meeting of the Board of Trustees.

Current or New Employees separated due to non-compliance with the New Jersey First Act are not entitled to notice or severance provisions outlined in annual employment contracts and/or employment handbooks.

ADOPTED: August 22, 2019

New Jersey First Act Acknowledgement Form

The New Jersey First Act, effective September 1, 2011, contains residency requirements for all state and local government employees, unless exempted under the law. The law mandates that public employees reside in the State of New Jersey at the time of hire. If you are an employee who does not currently reside in New Jersey at the time of hire, you will have one year (365 days) from the date of hire to obtain a principal residence in the State of New Jersey or secure an exemption from the State of New Jersey. The law defines principal residency as the location: (1) where the individual spends the majority of his or her nonworking time, (2) which is clearly the center of the individual's domestic life, and (3) is designated as the individual's legal address and legal residence for voting (as substantiated by the possession of a voter's registration card).

As a new employee of Ocean County College, you will be required to abide by the New Jersey State residency requirement and maintain principal residency in the State of New Jersey for the duration of your employment with the College, unless otherwise exempt. Inability to satisfy the principal residency requirement will render the employee ineligible for continued employment with the College.

For more information on the law or how to apply for an exemption based on critical need or hardship, please visit:

<http://lwd.dol.state.nj.us/labor/lwdhome/njfirst/NJFirstMenu.html>

Please complete the following information:

Name:	Date of Hire:
Street Address:	
City:	State: Zip:

Please sign below to acknowledge receipt of information regarding the New Jersey First Act and your responsibilities with regard to this act.

Signature:	Date:
------------	-------

Note: When you establish primary residency in the State of New Jersey, you will be required to produce proof of legal residency by providing a New Jersey Voter's Registration Card, which may be secured through NJMVR, or you may visit <http://www.state.nj.us/state/elections/voting-information.html#3> to learn how to obtain a card.