ASSEMBLY, No. 769

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:
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SYNOPSIS
Requires DOLWD to develop and execute information technology stress test and emergency telework plan for employees.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT directing the Department of Labor and Workforce Development to develop an Information Technology stress test and an emergency telework plan for employees and supplementing Title 34 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:
   “Department” means the Department of Labor and Workforce Development.
   “Stress test” means a process of determining the ability of an Information Technology infrastructure to maintain a certain level of effectiveness under unfavorable conditions.
   “Telecommuting” or “teleworking” means the employee’s performing of normal and regular work functions on a workday that ordinarily would be performed at the employer’s principal place of business at a different location, thereby eliminating or substantially reducing the physical commute to and from that employee’s principal place of business. “Telecommuting” or “teleworking” shall not include home based businesses, extensions of the workday, or work performed on a weekend or holiday.
   “Telecommuting program” or “telework program” means a written program containing specific criteria or procedures for promoting and encouraging telecommuting or teleworking during a national or State emergency.

2. a. The department shall conduct an Information Technology stress test analysis of the resources currently employed by the department. The analysis method adopted by the department shall be a method recommended by the Chief Technology Officer in the Office of Information Technology.
   b. The analysis shall identify, including but not be limited to, key technological failure or problematic Information Technology issues that were brought to light by the coronavirus disease 2019 pandemic with the goal of developing proposed solutions to address, repair, update, and modernize the department’s overall technological infrastructure within the five years next following the determination by the Governor that a public health emergency, as determined by Executive Order 103 of 2020 and as extended by subsequent executive orders, no longer exists.
   c. The department shall conduct subsequent Information Technology stress test analyses every 15 years next following the completion of the initial analysis, as established by subsections a.
and b. of this section with the goal of adjusting as needed the proposed solutions generated by the initial analysis.

3. Upon completion of the initial Information Technology stress test analysis as established by subsection a. of section 2 of this act, the department shall adopt a telecommuting or telework program to be applied consistently throughout the department. The program shall require the department, in exercising its discretion, to consider an employee request to engage in telecommuting in relation to the agency’s operating and service needs.

4. No later than six months following the completion of each Information Technology stress test analysis, the department shall report to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), with the proposed solutions generated during each stress test and the cost estimates of these solutions.

5. This act shall take effect immediately.

STATEMENT

This bill requires the Department of Labor and Workforce Development to develop an Information Technology stress test and to develop an emergency telework plan for its employees. The department is required to conduct an Information Technology stress test analysis of the resources currently employed by the department. The analysis method adopted by the department must be a method recommended by the Chief Technology Officer in the Office of Information Technology.

Under the bill, the analysis must identify key technological failure or problematic Information Technology issues that were brought to light from the coronavirus disease 2019 pandemic with the goal of developing proposals as how to address, repair, update, and modernize the department’s overall technological infrastructure within the next five years next following the determination by the Governor that a public health emergency, as determined by Executive Order 103 of 2020 and as extended by subsequent executive orders, no longer exists.

This bill requires the department to conduct subsequent technological stress test analyses every 15 years next following the completion of the initial analysis with the goal of adjusting, as needed, the proposals generated by the initial analysis.

Under the bill, subsequently to the initial Information Technology stress test analysis, the department shall adopt a telecommuting or telework program to be applied consistently throughout the department. The program shall require the
department, in exercising its discretion, to consider an employee
request to engage in telecommuting in relation to the agency’s
operating and service needs.

The bill defines “stress test” as a process of determining the
ability of a computer, network, program, or device to maintain a
certain level of effectiveness under unfavorable conditions, and
“telecommuting program” or “telework program” as a written
program containing specific criteria or procedures for promoting
and encouraging telecommuting or teleworking during a national or
State emergency.