

217TH NEW JERSEY LEGISLATURE
SENATE LABOR COMMITTEE
HON. FRED MADDEN--CHAIR

TESTIMONY

SAL RISALVATO

Executive Director

New Jersey Gasoline-Convenience-Automotive Association



OPPOSE

May 12, 2017

COMMITTEE ROOM 6
TRENTON, NJ 08625

Testimony of Sal Risalvato
S-1562: Oppose

Chairman Madden, members of the Committee, my name is Sal Risalvato, Executive Director of the New Jersey Gasoline, Convenience Store, Automotive Association (NJGCA), here representing nearly a thousand independent small businesses in this state.

While I certainly understand the desire of the sponsors of this legislation to protect employees from having to choose between risking their well-being and risking their jobs, I must object to this bill as it is drafted.

In its current form, the “state of emergency” is too blunt a tool to be used to determine whether or not the state’s economy should be shut down for the day. In many cases, a state of emergency is declared hours or days before anything disruptive has actually occurred, in order to give State and emergency professionals plenty of time to prepare.

For example, in 2015 the Governor declared a nine day long state of emergency due to the impending visit of Pope Francis to Philadelphia, primarily due to traffic concerns, most of which turned out to be relatively unfounded. Allowing employees to unilaterally decide to skip work with no consequences in a situation like that is disruptive to a small business owner, and with no meaningful benefit to the employee.

There have also been situations in which a state of emergency is declared in anticipation of a weather event which either does not occur or turns out to be little more than a nuisance. There have also been situations in which one portion of the state receives significant snowfall, while another area receives little to none; but a state of emergency has been declared for the entire state.

Most small businesses, and all NJGCA members, only employ a handful of workers to begin with, and they need their employee present in order for their business to operate at all. For a retailer, a lost day of business can be the difference between profit and loss for the month. When there is a massive storm affecting the state, and virtually every business is shuttered, it can be absorbed since customers are also off the roads and much of that demand can be picked up the next day. But if only the small business is closed because all three of their employees chose not to come in to work, while the big-box competitor is open because four of their twenty employees did come in, then the small business has been uniquely hurt.

The problem of no-show employees has an especially significant effect for gasoline retailers. State law still bans gasoline retailers from allowing any member of the public to pump their own gasoline. If a station owner’s employee do not show up, then he is required to close down, thereby restricting the supply of motor fuel to the public at a time when it may be particularly needed. Imagine how much worse the post-Sandy gas crisis could have been if not only were stations intermittently closed based on fuel supply and power status, but whether or not employees had chosen to come to work.

As I must do with many employment related bills which are debated in the Legislature, I object to the ban on an employer taking “any adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment”. A prohibition on such vague and broad treatment of an employee is difficult for an employer to comply with, and opens the employer up to potentially false accusations later on. An employer who gives an employee more or fewer hours may have no adverse intent, but the employee could choose to interpret it that way.

Given these issues, I respectfully ask that you do not move forward with this bill. If you would like to discuss the issue further please do not hesitate to contact me at 732-256-9646 or Sal@njgca.org.

Thank you.

