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# ON THE ROAD

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## Message From Executive Director Sal Risalvato

### *Although Rare, Political Statesmanship Does Exist*

I must confess that my least favorite issue to write commentary has become the annual "Voter Guide" edition that you are currently reading. In preparation, I not only reflect back over the previous year's political situations in Trenton and Washington, but I tend to review and re-read what I have previously written. It is hard for me to cover up my distaste for what political partisanship has deteriorated into.

I will admit that the silliness that I have witnessed so far in this year's Trenton election have not been as bad as in previous elections. I am, however, extremely concerned that this is only a lull in time because the partisanship and inability to get things done is getting worse in Washington, which infiltrates and trickles down to the politics here in NJ as well as other states.

The unexpected death of a beloved Senator caused me to completely scrap my article and re-write it just as I was about to submit it. It seems that my article each year is always a downer and negative in nature, and the death of Senator Tony Bucco gave me a reason to reflect on some of the most positive thoughts based on several political experiences with him. Of course we are all saddened by his passing, but on several occasions Senator Bucco proved that there is civility and decency in politics. I am delighted to recount my experiences with you.

One evening a few years ago I was attending a political fundraiser for Assemblyman Ralph Caputo. The event was being held at Nanina's in the Park in Belleville. Part of my job is to attend these political events often. Sometimes I am out two or three nights a week. On this particular evening, I was enjoying the exceptional food being presented at Nanina's when Senator Tony Bucco walked through the door and began shaking hands with other attendees. I was shocked. Of course it is extremely common for other legislators to attend political fundraisers of their colleagues in the legislature, so why should I be so surprised? I actually rubbed my eyes to make sure I was seeing correctly.

The reason for my surprise was because Assemblyman Ralph Caputo is a Democrat and Senator Tony Bucco is a Republican. It is almost unheard of for legislators to attend and support a fundraising event of another legislator from the opposing party. They are certain to be criticized, if not ostracized by their own party.

Senator Bucco had developed a friendship with Assemblyman Caputo, and even though they opposed each other on many issues, they were still

able to hash things out and try to form compromises in the spirit of "getting things done." Their ability to work with each other crossed over party lines and set an example of civility and decency. They proved that they did not need to attack or lie about their opponent, and destroy them in the name of winning or achieving a political victory. It was truly a heartwarming display of political statesmanship, and a wonderful example to set for their colleagues. Unfortunately, I don't think their colleagues were paying attention, with one exception.

On another occasion I was attending a similar event, this time for Senator Bucco with a few members of NJGCA who had accompanied me. The event was attended by hundreds of hardcore Republicans including Governor Christie and many other Republican elected officials. This time to my surprise, Senator Ron Rice walked in the door and began greeting attendees. Why the surprise? Because Senator Rice is a loyal hardcore Democrat and obviously would be frowned upon by members of his own party for attending an event to support the campaign of a colleague from the opposing party. But Senator Rice is a class act, and was demonstrating his friendship and respect for Senator Bucco even though the event was being headlined by a governor who he bitterly opposed. His respect and ability to work with Senator Bucco overrode any partisan politics and nastiness that usually prohibits this show of statesmanship.

Writing this article made me pause to calculate how many of these political fundraising events I have attended since becoming Executive Director here at NJGCA. I am figuring that I have attended somewhere between 300 and 500 of these events, and only THREE times have I seen such a display of bi-partisan statesmanship, and TWO times Senator Bucco was at the center of the statesmanship. In today's political climate, that is quite a testament to a good and decent man, who was a great friend to NJGCA as well.

So now I feel better about my article for this year's voter guide. Of course now I must give you the usual dialogue that is standard for this issue.

First is the fact that NJGCA puts a great deal of effort into providing you with the facts necessary so that you and your family can make an intelligent decision about who you should vote for on election day. We do this because so much of the public policy that determines how you must run your business is determined by those who get elected and implement those policies. I think I repeat this in every voter guide issue, "I can't tell you who to vote for, but I can

certainly give you the tools so that you make the right decision when you vote.”

In this past year, the Legislature has passed a number of laws that dictate how you must pay workers, how much time off you must give them, and even when you have to allow them time off. The legislature also enacted new taxes and is considering more of them. Does who we elect have an effect on the outcome of these votes in the legislature? You bet it does.

In the upcoming two-year cycle we are hoping to have more legislators who will favor abolishing NJ's self-serve ban, and consider making changes to our archaic liquor licensing laws in order to allow convenience stores to sell beer and wine. Important legislation will be needed to fight the car manufacturers and keep them from shutting shop owners out of valuable data through “Telematics.” We need to elect more legislators who support NJGCA on these issues. We have tried to identify those who are supportive of NJGCA efforts.

We don't always succeed in stopping bad laws from being passed, or in enacting laws that will be beneficial to our businesses, but we will always be in there fighting. Having elected officials who agree with us makes it more likely that we will be successful at both.

Please take some time to study how your legislator voted on key issues, and how the candidates responded to our survey. Unfortunately, too many legislators have a policy of not responding to organization surveys out of fear that their response

are made public and then falsely used in campaign materials by their opponents against them. It is the negative world of campaigning that often keeps the truth from being delivered to voters. Thankfully there are a few legislators like Senator Bucco who embody the opposite of that negative silly stuff, and hopefully the NJGCA voter guide will help too.

Don't forget to vote on November 5!



Eric Blomgren, Board President Joe Ocello and myself at the Auto Care Legislative Summit in Washington DC, lobbying for your interests!

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## Legislative Roundup

# Important Issues Affecting Your Business

By: Eric Blomgren

### VAPING & TOBACCO UPDATE

Concerns over the use of vaping products reached a fever pitch in September this year, due to a series of illnesses across the country by users of these products as well as new data showing the number of teenage users continues to increase. While the government has not made a formal determination of the cause of the sicknesses, reporting indicates it is extremely likely that the problem is improperly modified vaping products sold on the black market and containing THC (the compound in marijuana that makes the user intoxicated). In response to a situation in which people have gotten sick from black market products, many politicians are now demanding to change the law so that the only way someone can buy a vape product is through the black market.

As far as what will happen and when it will happen, nobody really has any idea as the situation is too fluid. There is only one change being made that we definitely know about, because it was signed into law back in June: starting November 1st only vape stores will be allowed to sell "container e-liquid" (bottles of fluid used to refill e-cigs). The ability to sell prefilled cartridges has not been changed by this law.

On September 11th the President announced that he wanted the FDA to move quickly to ban all flavors of vapes except tobacco. It is unlikely that this ban will take effect for weeks or even months from now, and it is possible they will allow menthol flavored vapes to continue, something the FDA itself said earlier this year should not be restricted since menthol flavored cigarettes were still legal. It is also possible that other flavors could be sold in the future, if they have passed the FDA's pre-market reviews, a process that takes time and is highly expensive, meaning only a few of the biggest companies will go through with it.

At the state level, restrictions are likely to be more severe and take effect sooner than whatever happens at the federal level. So far the governors of Michigan and New York have issued executive orders to ban flavored vapes (they have allowed for menthol to remain legal). Gov. Murphy has convened an emergency Task Force to study the issue and make recommendations by October 3rd. It is unlikely any action will be taken by the State before that date. Senate President Sweeney has called for legislation to create a full ban on all vaping sales, in any flavor or any form. In addition to the long-term hit to business, these potential actions significantly increase uncertainty for c-store own-

ers, since at any point in the next few weeks an alert could come down notifying retailers that effective immediately (or within a short time) they would be banned from selling a large portion of their stock of products, potentially leaving them with a supply of products they can't sell and may not be able to give back to their distributor. Bear these risks in mind when making purchasing decisions in the near future. It is highly unlikely that tobacco-flavor will be subject to any restrictions in the immediate future. Whether or not menthol flavor is part of a flavor ban has generally been the chief dividing line in these debates, with health groups pushing hard to ban it and industry fighting to keep it while menthol cigarettes remain legal.

State Sen. Joe Vitale (D-Middlesex), who is Chair of the Senate Health Committee, spoke at the governor's press conference creating the Task Force and advocated that the State pass what would be the nation's first ban on menthol cigarettes, a bill which passed the Assembly Health Committee last year. He also called for passage of two bills which passed his committee in September—one which would ban the use of coupons and rebates for all tobacco and vaping products and another which would ban businesses with a pharmacy license from selling tobacco or vaping products.

### INSPECTION UPDATE

After years of delays, the State finally unveiled the new version of the motor vehicle inspection program, and it is almost identical to the current program. Despite the advocacy of NJGCA over the last decade, the State again decided not to close the Central Inspection Facilities (CIFs) and send all motorists to Private Inspection Facilities (PIFs), a program design found in almost all other states and which would save the State \$35-\$40 million per year. Ultimately, government officials were more concerned with blowback from the public (who would now have to pay directly for an inspection) and from one of the State's largest labor unions (the SEIU, which would have lost the roughly 250 members currently working at CIFs).

The contract that was originally awarded to Parsons in May 2008 was a five-year contract with the option of a three-year extension. After running out the clock, the State unveiled its new program in December 2015. The process of awarding the bid was a mess, with the bidders protesting each until eventually the new Murphy Administration threw out the old bid and spent over a year working a new program, only to come up the status quo.

PIFs will be required to purchase new inspection equipment. Based on the bids submitted a few years ago, the expected price for the workstation should be \$2,000

to \$3,500. There will be a single fee charged for each transaction, likely in the range of \$1.50 to \$2.50 based on the bids from last time. This fee will cover all service and maintenance costs for the equipment. No new shops will be licensed as PIFs until all current PIFs have transitioned to the new equipment, which must be completed within one year. The new program is scheduled to take effect on February 11, 2020, nearly 12 years after the last contract was awarded.

Currently 88% of all inspections are performed at CIFs. The total number of inspections being performed has been dropping and the number performed at PIFs has dropped from 340,000 in 2014 to 256,000 in 2017 (there are about 1,100 PIFs total).

#### **MOTORIST REPAIR RIGHTS AWARENESS**

In September, the state Senate passed S-1712, sponsored by Sen. Jim Beach (D-Camden). This bill requires vehicle manufacturers to mail purchasers of new vehicles a statement informing them of their legal right to have their vehicle fixed at an independent shop with aftermarket parts without their warranty being automatically voided. Manufacturers fought hard to have the bill pulled but ultimately it passed 31-0. It now must be passed by the Assembly and signed by the governor before the session expires in mid-January, or else the process will have to begin all over again.

#### **OVERTIME RULE CHANGE**

The US Department of Labor has released its final overtime rule, which will take effect on January 1, 2020. Currently, exempt employees (like managers or administrative workers) do not need to be paid overtime wages unless they earn more than \$455 per week (\$23,660 per year). That standard is being increased for the first time since 2004. The new rate will be \$684 per week (\$35,568 per year). If you have a salaried employee making less than this new threshold, you must either increase their salary to this new level or pay them on an hourly basis, including time and a half rates anytime they work over 40 hours in a week. The Obama Administration had wanted to increase the threshold to about \$47,000 per year with regular increases going forward, but that rule was suspended by a federal court and ultimately replaced by the Trump Administration with this new rule. In August, Wawa lost a class action suit brought by over 300 of their assistant managers on the basis that some of their job duties included manual labor, customer service, and other non-exempt tasks; meaning they should have been paid overtime rates when working more than 40 hours per week. Each worker will receive about \$85 for every week they were employed, costing the company \$1.4 million.

#### **MINIMUM WAGE REMINDER**

A reminder that the minimum wage will increase on January 1st for all employees. Businesses with more than five employees will see the rate increase from \$10 an hour to \$11. Those with five and fewer total employees will see the rate increase from \$8.85 to \$10.30. If the owner of the business is on the payroll then they count as an employee. Make sure you

inform your payroll company to increase the rate (including for overtime), as they will not increase it without your authorization.

#### **GAS TAX INCREASE**

In August, the Treasurer announced that the petroleum products gross receipts tax would not be changed on October 1st. Last year's 4.3¢ a gallon increase was large enough to prevent another increase this year. The Treasurer will reevaluate the rate next August in order to ensure the State collects \$2 billion per year in fuel taxes to fund the Transportation Trust Fund.

#### **EMPLOYMENT LAW CHANGE**

In July, the governor signed into law a bill that prohibits employers from asking potential new employees about their salary history, including prior wages and benefits. The information can only be used if the applicant volunteers it without any prompting. If an employer finds out about the applicant's salary history some other way, it cannot be used in determining what their compensation should be. If conducting a background check, the employer must specify that any salary information is not to be disclosed. The change takes effect January 1, 2020.

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# President's Update

By: Joe Ocello



Hello and good morning.

As I sit this morning enjoying a cup of coffee, I would like to share with you my observation of things happening at NJGCA as your newly elected president.

The first is the progress we (your association) has made with the Magnuson Moss Act. The legislation that NJGCA has been pushing hard to get passed forces manufacturers to inform the consumer of their right to have their vehicle repaired at a facility of their choice (your independent repair shop) without voiding the manufacturer's warranty. NJGCA has been lobbying to have this legislation passed for the past four years, and it was recently passed in the New Jersey Senate by a vote of 31-0. We expect to have it voted on soon in the Assembly and hopefully will be signed in to law by Governor Murphy before the end of the year.

Recently, Sal, Eric, and I spent a couple days in Washington DC at the Auto Care Summit with about 300 auto parts manufacturers, distributors, and even shop owners. Car manufacturers are getting around the Right to Repair Memorandum of Understanding by transmitting vehicle data telematically directly back to the manufacturer and the dealer. Our goal is to force manufacturers to share the data collected on new vehicles which will allow us to diagnose and repair vehicles. This information will be collected and sent to the cloud. Unless we change the law, there will be no more OBD connectors and there will be no access to this

new information by the independent repair shop. (YOU). Our position is that "the data being generated by a vehicle belongs to the vehicle's owner, and not the car manufacturer." Not only is the technical data required to fix the vehicle being telematically sent to the dealer, but motorists are also being steered directly to the dealer with telematics messages of vehicle health and malfunctions. We believe that the vehicle owner should choose if the data from the vehicle is sent to the dealer....or YOU!

While in Washington, we met with Members of Congress from New Jersey and presented our case and again we received favorable responses based on data privacy issues, and hope to have further dialogue that will result in legislation at the Federal level.

In November Sal and I will be heading to Las Vegas for the AAPEX/ SEMA Show, again to collect and share with NJGCA members as much information as possible to help you navigate our changing industry, and of course propel you forward into the future. With all this said, I just want you to know that your organization is working diligently on your behalf to help you to be successful and profitable in the future.

I would also like to share some other progress we have made. The self-serve issue is more important than ever as it is becoming more difficult to hire employees to pump gas, and of course more expensive with the increase in minimum wage. For the past few months, NJGCA has been meeting with legislators around the state, and I have been fortunate

to attend some of the meetings. The response from legislators today is clearly different than the response that we were receiving several years ago, and we are encouraged. Yes, we have a long way to go, but our team is chipping away on this issue and hopefully motorists will one day be permitted to pump their own gas.

As stated in my last communication to you, I'm always available to answer any questions and to provide help if I can. Contact me [joe@njgca.org](mailto:joe@njgca.org). Thank you for allowing me this opportunity to share my thoughts. There are some great things your Association is accomplishing. Remember to use you MBP Brochure and reach out for any products or services that you may need. We've added some great partners to our program recently.

**Joe Ocello**  
President

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# Decision 2019



*The NJGCA Voter Guide*

By: Eric Blomgren

Tuesday November 5th will be Election Day in New Jersey. New Jersey is one of a handful of states that conducts its state elections in odd-numbered years in order to ensure that the issues of the state don't get confused with the different set of issues defining the federal government. While federal issues tend to be the ones that get the most attention in the media, the issues debated in the Statehouse in Trenton are the ones that generally have the most impact on your business, and the ones that you have the most opportunity to shape.

This year the biggest races will be those for the General Assembly of the state Legislature. All 80 seats of the Assembly are on the ballot for a two year term. The state is divided into 40 different legislative districts, each with about 220,000 people living in them. This will be the last election held under the current map, a new one will be drawn in 2021 following the results of the 2020 US Census, to ensure that each district has roughly equal population. Each of the 40 districts elects two people to the Assembly. Democrats have held a majority in the Assembly since 2002, with the body currently split 54-26.

Elections with only the State Legislature on the ballot tend to have very low voter turnout rates—often below 30%. This also means that every individual vote makes a bigger difference. Multiple races over the last several years have been decided by just a few dozen votes.

The low voter turnout also makes predicting the outcomes of races, or even which will be competitive, difficult. New Jersey overall is a state which favors Democrats and President Trump is generally unpopular (a recent poll showed him at 39% approve/58% disapprove in NJ). However Governor Murphy has seen his ratings decline since taking office (44% approve/38% disapprove) and voters are generally dissatisfied with how the state has been governed for the last 20 years.

There are several districts which look to be competitive. Republicans are targeting Democrats in the traditional battleground districts of 1, 2, and 38. District 1 is also having a special election for its state Senator. Republicans are additionally looking to take back districts 11 and 16 which were flipped four years ago. Democrats are trying to expand the map by targeting traditionally safe Republican seats in districts 8, 21, and 25.

If you are not registered to vote, or are registered at a different address, the deadline to register is October 15th. Last year the State significantly expanded access to voting by mail. Anyone can apply for a mail-in ballot for any reason as long as the application is received by the County Clerk by October 29th. The ballot must be postmarked by Election Day in order to be counted. Polls are open on November 5th between 6am and 8pm.



# Decision 2019



The NJGCA Voter Guide

## WHAT DISTRICT DO I LIVE IN?

**ATLANTIC COUNTY:** **District 1:** Corbin City, Estell Manor, and Weymouth. **District 2:** Absecon, Atlantic City, Brigantine, Buena, Buena Vista, Egg Harbor City, Egg Harbor Township, Folsom, Hamilton, Linwood, Longport, Margate, Mullica, Northfield, Somers Point, and Ventnor. **District 8:** Hammonton. **District 9:** Galloway and Port Republic.

**BERGEN COUNTY:** **District 32:** Edgewater and Fairview. **District 35:** Elmwood Park and Garfield. **District 36:** Carlstadt, Cliffside Park, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Ridgefield Park, Rutherford, South Hackensack, Teterboro, Wallington, and Wood-Ridge. **District 37:** Alpine, Bogota, Cresskill, Englewood, Englewood Cliffs, Fort Lee, Hackensack, Leonia, Northvale, Palisades Park, Rockleigh, Teaneck, and Tenafly. **District 38:** Bergenfield, Fair Lawn, Glen Rock, Hasbrouck Heights, Lodi, Maywood, New Milford, Oradell, Paramus, River Edge, Rochelle Park, and Saddle Brook. **District 39:** Closter, Demarest, Dumont, Emerson, Harrington Park, Haworth, Hillsdale, Mahwah, Montvale, Norwood, Oakland, Old Tappan, Park Ridge, Ramsey, River Vale, Saddle River, Upper Saddle River, Washington, Westwood, and Woodcliff Lake. **District 40:** Allendale, Franklin Lakes, Ho-Ho-Kus, Midland Park, Ridgewood, Waldwick, and Wyckoff.

**BURLINGTON COUNTY:** **District 6:** Maple Shade. **District 7:** Beverly City, Bordentown City, Bordentown Township, Fieldsboro, Burlington City, Burlington Township, Cinnaminson, Delanco, Delran, Edgewater Park, Florence, Moorestown, Mount Laurel, Palmyra, Riverside, Riverton, and Willingboro. **District 8:** Eastampton, Evesham, Hainesport, Lumberton, Mansfield, Medford, Medford Lakes, Mount Holly, Pemberton Borough, Pemberton Township, Shamong, Southampton, Springfield, Westampton, and Woodland. **District 9:** Bass River, Tabernacle, and Washington. **District 12:** Chesterfield, New Hanover, North Hanover, and Wrightstown.

**CAMDEN COUNTY:** **District 4:** Chesilhurst, Clementon, Gloucester Township, Laurel Springs, Lindenwold, and Winslow. **District 5:** Audubon, Audubon Park, Barrington, Bellmawr, Brooklawn, Camden, Gloucester City, Haddon Heights, Lawnside, Magnolia, Mount Ephraim, Runnemede, and Woodlynne. **District 6:** Berlin Township, Cherry Hill, Collingswood, Gibbsboro, Haddon Township, Haddonfield, Hi-Nella, Merchantville, Oaklyn, Somerdale, Pennsauken, Stratford, Tavistock, and Voorhees. **District 8:** Berlin Borough, Pine Hill, Pine Valley, and Waterford.

**CAPE MAY COUNTY:** **District 1:** Entire County.

**CUMBERLAND COUNTY:** **District 1:** Commercial, Downe, Fairfield, Greenwich, Hopewell, Lawrence, Maurice River, Millville, Shiloh, Stow Creek, and Vineland. **District 3:** Bridgeton, Deerfield, and Upper Deerfield.

**ESSEX COUNTY:** **District 26:** Fairfield, North Caldwell, Verona, and West Caldwell. **District 27:** Caldwell, Essex Fells, Livingston, Maplewood, Millburn, Roseland, South Orange, and West Orange. **District 28:** Bloomfield, Glen Ridge, Irvington, Newark (part), and Nutley. **District 29:** Belleville and Newark (part). **District 34:** East Orange, Montclair, and Orange. **District 40:** Cedar Grove.

**GLOUCESTER COUNTY:** **District 3:** Clayton, East Greenwich, Elk, Franklin, Glassboro, Greenwich, Logan, National Park, Newfield, Paulsboro, South Harrison, Swedesboro, West Deptford, Woodbury Heights, and Woolwich. **District 4:** Monroe, Pitman, and Washington Township. **District 5:** Deptford, Harrison, Mantua, Wenonah, Westville, and Woodbury.

**HUDSON COUNTY:** **District 31:** Bayonne and Jersey City (part). **District 32:** East Newark, Guttenberg,



# Decision 2019



*The NJGCA Voter Guide*

Harrison, Kearny, North Bergen, Secaucus, and West New York. **District 33:** Hoboken, Jersey City (part), Union City, and Weehawken.

**HUNTERDON COUNTY:** **District 15:** East Amwell, Lambertville, and West Amwell. **District 16:** Delaware, Flemington, Raritan, Readington, and Stockton. **District 23:** Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Clinton Township, Franklin, Frenchtown, Glen Gardner, Hampton, High Bridge, Holland, Kingwood, Lebanon Borough, Lebanon Township, Milford, Tewksbury, and Union.

**MERCER COUNTY:** **District 14:** East Windsor, Hamilton, Hightstown, and Robbinsville. **District 15:** Ewing, Hopewell Borough, Hopewell Township, Lawrence, Pennington, Trenton, and West Windsor. **District 16:** Princeton.

**MIDDLESEX COUNTY:** **District 12:** Old Bridge. **District 14:** Cranbury, Jamesburg, Monroe, Plainsboro, and Spotswood. **District 16:** South Brunswick. **District 17:** Milltown, New Brunswick, North Brunswick, and Piscataway. **District 18:** East Brunswick, Edison, Helmetta, Highland Park, Metuchen, South Plainfield, and South River. **District 19:** Carteret, Perth Amboy, Sayreville, South Amboy, and Woodbridge. **District 22:** Dunellen and Middlesex Borough.

**MONMOUTH COUNTY:** **District 11:** Allenhurst, Asbury Park, Colts Neck, Deal, Freehold Borough, Freehold Township, Eatontown, Interlaken, Loch Arbour, Long Branch, Neptune City, Neptune Township, Ocean Township, Red Bank, Shrewsbury Borough, Shrewsbury Township, Tinton Falls, and West Long Branch. **District 12:** Allentown, Englishtown, Manalapan, Matawan, Millstone, Roosevelt, and Upper Freehold. **District 13:** Aberdeen, Atlantic Highlands, Fair Haven, Hazlet, Highlands, Holmdel, Keansburg, Keyport, Little Silver, Marlboro, Middletown, Monmouth Beach, Oceanport, Rumson, Sea Bright, and Union Beach. **District 30:** Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Farmingdale, Howell, Lake Como, Manasquan, Sea Girt, Spring Lake Borough, Spring Lake Heights, and Wall.

**MORRIS COUNTY:** **District 21:** Chatham Borough and Long Hill. **District 24:** Mount Olive. **District 25:** Boonton Town, Boonton Township, Chester Borough, Chester Township, Denville, Dover, Mendham Borough, Mendham Township, Mine Hill, Morristown, Mount Arlington, Mountain Lakes, Netcong, Randolph, Rockaway Borough, Roxbury, Victory Gardens, Wharton, and Washington. **District 26:** Butler, Jefferson, Kinnelon, Lincoln Park, Montville, Morris Plains, Parsippany-Troy Hills, and Rockaway Township. **District 27:** Chatham Township, East Hanover, Florham Park, Hanover, Harding, and Madison. **District 40:** Pequannock and Riverdale.

**OCEAN COUNTY:** **District 9:** Barnegat Township, Barnegat Light, Beach Haven, Beachwood, Berkeley, Eagleswood, Harvey Cedars, Lacey, Little Egg Harbor, Long Beach, Ocean Township, Ocean Gate, Pine Beach, Seaside Park, South Toms River, Ship Bottom, Stafford, Surf City, and Tuckerton. **District 10:** Bay Head, Brick, Island Heights, Manchester, Lakehurst, Lavallette, Mantoloking, Point Pleasant Beach, Seaside Heights, and Toms River. **District 12:** Jackson and Plumsted. **District 30:** Lakewood and Point Pleasant.

**PASSAIC COUNTY:** **District 26:** West Milford. **District 34:** Clifton. **District 35:** Haledon, North Haledon, Paterson, and Prospect Park. **District 36:** Passaic City. **District 38:** Hawthorne. **District 39:** Bloomingdale, Ringwood, and Wanaque. **District 40:** Little Falls, Pompton Lakes, Totowa, Wayne, and Woodland Park.

**SALEM COUNTY:** **District 3:** Entire County.

**SOMERSET COUNTY:** **District 16:** Branchburg, Hillsborough, Manville, Millstone, Montgomery, Rocky Hill, and Somerville. **District 17:** Franklin. **District 21:** Bernards, Far Hills, Warren, and Watchung. **District 22:** Green Brook and North Plainfield. **District 23:** Bedminster, Bound Brook, Bridgewater, Peapack & Gladstone, Raritan, and South Bound Brook. **District 25:** Bernardsville.

**SUSSEX COUNTY:** **District 24:** Entire County.



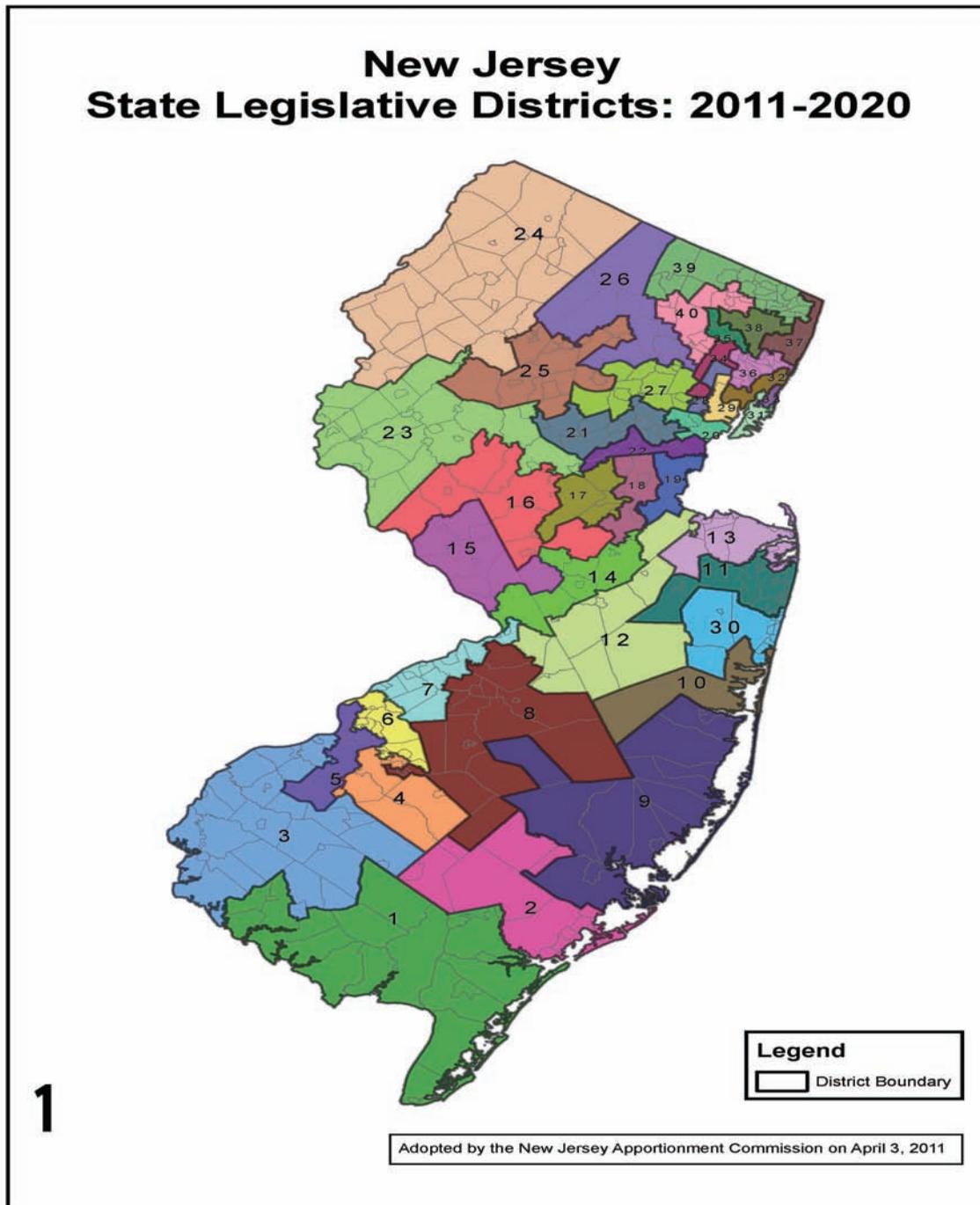
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**UNION COUNTY:** **District 20:** Elizabeth, Hillside, Roselle, and Union. **District 21:** Berkeley Heights, Cranford, Garwood, Kenilworth, Mountainside, New Providence, Roselle Park, Springfield, Summit and Westfield. **District 22:** Clark, Fanwood, Linden, Plainfield, Rahway, Scotch Plains, and Winfield.

**WARREN COUNTY:** **District 23:** Alpha, Franklin, Greenwich, Hackettstown, Harmony, Lopatcong, Mansfield, Philipsburg, Pohatcong, Washington Borough, and Washington Township. **District 24:** Allamuchy, Belvidere, Blairstown, Frelinghuysen, Hardwick, Hope, Independence, Knowlton, Liberty, Oxford, and White.





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## WHO ARE THE CANDIDATES?

Names in *italics* are incumbents running for re-election. Vote for two Assembly Candidates

### District 1

**Senate (Special Election):** *Bob Andrzejczak (D)* & Mike Testa (R)

**Assembly:** *Bruce Land (D)*, *Matt Milam (D)*, Erik Simonsen (R), and Antwan McClellan (R)

### District 2

*Vince Mazzeo (D)*, *John Armato (D)*, John Risley (R), and Philip Guenther (R)

### District 3

*John Burzichelli (D)*, *Adam Taliaferro (D)*, Beth Sawyer (R), and Edward Durr (R)

### District 4

*Paul Moriarty (D)*, *Gabriela Mosquera (D)*, Paul Dilks (R), and Stephen Pakradooni (R)

### District 5

*William Spearman (D)*, Bill Moen (D), Nick Kush (R), and Kevin Ehret (R)

### District 6

*Lou Greenwald (D)*, *Pamela Lampitt (D)*, John Papeika (R), and Cynthia Plucinski (R)

### District 7

*Herb Conaway (D)*, *Carol Murphy (D)*, Peter Miller (R), and Kathleen Cooley (I)

### District 8

*Ryan Peters (R)*, Jean Stanfield (R), Gina LaPlaca (D), & Mark Natale (D)

### District 9

*Brian Rumpf (R)*, *DiAnne Gove (R)*, Sarah Collins (D), Wayne Lewis (D)

### District 10

*Greg McGuckin (R)*, John Catalano (R), Eileen Della Volle (D), and Erin Wheeler (D)

### District 11

*Joann Downey (D)*, *Eric Houghtaling (D)*, Michael Amoroso (R), and Matt Woolley (R)

### District 12

*Ron Dancer (R)*, *Rob Clifton (R)*, David Lande (D), and Malini Guha (D)

### District 13

*Serena DiMaso (R)*, Gerard Scharfenberger (R), Allison Friedman (D), and Barbara Singer (D)



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## **District 14**

*Wayne DeAngelo (D), Dan Benson (D), Thomas Calabrese (R), and Bina Shah (R)*

## **District 15**

*Verlina Reynolds-Jackson (D), Anthony Verrelli (D), Jennifer Williams (R), Edward "NJ Weedman" Forchion (I), and Dioh Williams (I)*

## **District 16**

*Andrew Zwicker (D), Roy Freiman (D), Mark Caliguire (R), and Christine Madrid (R)*

## **District 17**

*Joe Egan (D), Joe Danielsen (D), Patricia Badovinac (R), and Maria Concepcion Powell (R)*

## **District 18**

*Nancy Pinkin (D), Robert Karabinchak (D), Robert Bengivenga (R), and Jeffrey Brown (R)*

## **District 19**

*Craig Coughlin (D), Yvonne Lopez (D), Christian Onuoha (R), and Rocco Genova (R)*

## **District 20**

*Annette Quijano (D), Jamel Holley (D), Ashraf Hanna (R), and Charles Donnelly (R)*

## **District 21**

*Jon Bramnick (R), Nancy Munoz (R), Lisa Mandelblatt (D), and Stacey Gunderman (D)*

## **District 22**

*James Kennedy (D), Linda Carter (D), and Patricia Quattrocchi (R)*

## **District 23**

*John DiMaio (R), Erik Peterson (R), Marisa Trofimov (D) and Denise King (D)*

## **District 24**

*Parker Space (R), Hal Wirths (R), Deana Lykins (D), and Dan Soloman Smith (D)*

## **District 25**

*Anthony M Bucco (R), Brian Bergen (R), Lisa Bhimani (D), and Darcy Draeger (D)*

## **District 26**

*Jay Webber (R), BettyLou DeCroce (R), Laura Fortgang (D), and Christine Clarke (D)*

## **District 27**

*John McKeon (D), Mila Jasey (D), Michael Dailey (R), and Mauro Tucci (R)*



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## **District 28**

*Ralph Caputo (D), Cleopatra Tucker (D), Joy Bembry-Freeman (R), and Antonio Pires (R)*

## **District 29**

*Eliana Pintor Marin (D), Shanique Davis-Speight (D), John Anello (R), and Jeannette Veras (R)*

## **District 30**

*Sean Kean (R), Ned Thomson (R), Steven Farkas (D), and Jason Celik (D)*

## **District 31**

*Nick Chiaravalloti (D), Angela McKnight (D), Jason Todd Mushnick (R), and Mary Kay Palange (R)*

## **District 32**

*Angelica Jimenez (D), Pedro Mejia (D), Ann Carletta (R), and Francesca Curreli (R)*

## **District 33**

*Raj Mukherji (D), Annette Chaparro (D), Holly Lucyk (R), and Fabian Rohena (R)*

## **District 34**

*Tom Giblin (D), Britnee Timberlake (D), Bharat Rana (R), and Irene Devita (R)*

## **District 35**

*Shavonda Sumter (D), Benjie Wimberly (D), and Tamer Mamkej (R)*

## **District 36**

*Gary Schaer (D), Clinton Calabrese (D), Khaldoun Androwis (R), and Foster Lowe (R)*

## **District 37**

*Gordon Johnson (D), Valerie Vainieri Huttle (D), Angela Hendricks (R), and Gino Tessaro (R)*

## **District 38**

*Lisa Swain (D), Christopher Tully (D), Michael Kazimir (R), Christopher DiPiazza (R)*

## **District 39**

*Holly Schepisi (R), Robert Auth (R), Gerald Falotico (D), and John Birkner (D)*

## **District 40**

*Kevin Rooney (R), Christopher DePhillips (R), Michael Sedon (D), and Maria Martini Cordon*



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## WHAT ISSUES DID YOUR ASSEMBLYMEMBER VOTE ON?

### \$15 MINIMUM WAGE

A-15 increases the minimum wage to \$15 an hour over the course of several years. Employers with more than 5 employees had to increase their wage to \$10 from \$8.85 on July 1st and will increase it to \$11 on January 1st, then by \$1 every year until it hits \$15 in 2024. Employers with 5 and fewer employees are on a slightly delayed schedule. The minimum wage will continue to increase beyond \$15 based on inflation. It passed the Assembly 52-25 on 1/31/19 and was signed into law on 2/4/19. A **NO** vote supported NJGCA's position.

### MANDATORY PAID SICK LEAVE

A-1827 requires every employee be given one hour of paid leave for every 30 hours worked, up to 40 hours per year. Employees are able to use the leave if they report that they or any of their family members are sick. The bill passed the Assembly 50-24-1 on 3/26/18 and was signed by the Governor on 5/2/18. A **NO** vote supported NJGCA's position.

### "WAGE THEFT"

S-1790 significantly increases the penalties for all violations of state wage and hour law, however it makes almost no distinction between accidental violations made in good faith and knowing and willful violations made to steal from employees. It also threatens jail time for employers found with three violations of the law. It passed the Assembly 41-26-7 on 6/27/19 and was signed into law on 8/6/19. A **NO** vote supported NJGCA's position.

### PAID FAMILY LEAVE EXPANSION

A-3975 significantly expands the state's decade-old paid family leave program. Employees will now be able to take paid leave (paid by the State) for up to 12 weeks (from 6) and be paid more while on leave. All employees are eligible to take the leave but if the business they work at has fewer than 50 employees then the employer is not required to keep their position open. That threshold was lowered to 30 employees by this bill (although advocates wanted to eliminate it completely). It passed the Assembly 53-21-2 on 1/31/19 and was signed into law on 2/19/19. A **NO** vote supported NJGCA's position.

### RAIN TAX

S-1073 gives municipal governments the ability to create local utilities to manage stormwater runoff and assess a tax on local property owners based on how much impermeable surface (pavement and roof) they have. How much these fees will be (and how heavily they will target commercial properties) is up to each of the 586 different local governments in the state. It passed the Assembly 45-31 on 1/31/19 and was signed by the Governor on 3/18/19. A **NO** vote supported NJGCA's position.

### PLASTIC BAG TAX

A-3267 would have implemented a 5¢ tax on all single-use carryout bags, both paper and plastic. Retailers would have to give the State four of the five cents, and could not collect the fee if the customer was using SNAP (food stamps). It passed the Assembly 41-32 on 6/21/18 and was vetoed by Gov. Murphy on 8/27/18 because he wanted the bill to go further. A **NO** vote supported NJGCA's position.

### OUT OF NETWORK REFORM

A-2039 enacts several healthcare reforms, chiefly it increases transparency to ensure patients will not be surprised with huge bills because they were unknowingly treated by an out-of-network doctor. This will lower healthcare costs for businesses and consumers. It passed the Assembly 48-21-3 on 4/12/18 and was signed by the Governor on 6/1/18. A **YES**

vote supported NJGCA's position.

### UNEMPLOYMENT INSURANCE "MISCONDUCT" CHANGE

A-3871 amends the state's unemployment law by repealing the category of "severe misconduct", which was created several years ago as part of a package of laws to save the state's Unemployment Insurance Fund from bankruptcy. The impact of this change is to not differentiate between employees who are let go because they are not up to their job and those laid off through no fault of their own, increasing UI Fund payouts that could otherwise be returned to employers. It passed the Assembly 50-25 on 6/21/18 and was signed by the Governor on 8/24/18. A **NO** vote supported NJGCA's position.

### JERSEY CITY PAYROLL TAX

A-4163 allows Jersey City to create a payroll tax on local businesses of up to 1%. Previously only Newark had the authority to do this. It passed the Assembly 46-28 on 6/21/18 and was signed by the Governor on 7/24/18. A **NO** vote supported NJGCA's position.

### PREDATORY TOWING ACT FIX

A-4782 fixed an issue in which the Division of Consumer Affairs was applying the provisions of the Predatory Towing Act to police ordered non-consent tows even though those tows are already regulated by the local municipality. If towers charged the fees they needed (and were allowed to) by one entity, the other was threatening to fine them. This bill fixed that issue. It passed the Assembly 79-0 on 12/17/18 and was signed into law on 12/20/18. A **YES** vote supported NJGCA's position.

### BOND ACT FOR VO-TECH SCHOOLS

S-2293 is the "Securing Our Children's Future Bond Act" which asked the voters to authorize \$500 million in bonds for upgrades and expansions to county vocational schools and county college technical training programs. At a time when there is a growing crisis of too few automotive techs with proper training, NJ vo-tech schools have had to turn away thousands of applicants every year because their facilities are too small and outdated to accept them. The bill passed the Assembly 76-0 on 6/21/19, was signed by the Governor on 8/27/18, and was approved by the voters on 11/6/18. A **YES** vote supported NJGCA's position.

### HYDROGEN FUEL CELL TASK FORCE

A-4781 would create the "NJ Fuel Cell Task Force" of 15 members of government and various industry to examine ways to increase the use of fuel cells in the state. While battery electric vehicles get the most attention currently, hydrogen powered fuel cells can be used to power motor vehicles with zero carbon emissions and with an infrastructure similar to the current fueling infrastructure. The bill passed the Assembly 76-0 on 6/20/19 but has not yet been acted on by the Senate. A **YES** vote supported NJGCA's position.

### NORTHEAST GASOLINE SUPPLY RESERVE RESOLUTION

AR-76 is a resolution stating that the Assembly opposes a proposal from the Trump Administration to abolish the Northeast Gasoline Supply Reserve (NGSR), a reserve of 1 million barrels of refined gasoline (700,000 in Central Jersey) created after the gas shortages caused by Sandy in 2012. The resolution was approved 75-0-2 on 6/21/18. A **YES** vote supported NJGCA's position.

### FINE SUSPENSION BILL

A-1677 would suspend fines for certain first-time paperwork violations committed by small businesses. It passed the Assembly 73-0 on 6/10/19 and awaits actions in the Senate. A **YES** vote supported NJGCA's position.

### HEALTHY SMALL FOOD RETAILER ACT

A-2164 creates a new voluntary grant program for food retailers with less than 2,500 square feet, located in certain urban and rural areas of the state.



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Eligible businesses can apply for up to \$5,000 to purchase refrigeration and shelving to store and sell fresh, healthy groceries. It passed the Assembly 61-16-1 on 12/17/18 and was signed into law on 1/31/19. A **YES** vote supported NJGCA's position.

### CONSUMER WARRANTY RIGHTS NOTIFICATION

A-2612 (217th session) would require auto manufacturers to mail every new car buyer a notification of their rights right under the federal Magnuson-Moss Warranty Protection Act of 1975 that their vehicle's warranty cannot be voided simply because they went to an independent repair shop for service or used an aftermarket part. It passed the Assembly 59-12-4 on 6/22/17 but expired in January 2018 before the Senate took action. It has since been reintroduced and passed the Senate on 9/12/19, but needs to be re-voted on by the Assembly before January 2020. A **YES** vote supported NJGCA's position.

## How Did Assemblymembers Vote on the Issues?

District	Party	Name	\$15 Minimum Wage	Paid Sick Leave	"Wage Theft"	Family Leave Expansion	Rain Tax	Plastic Bag Tax	Out of Network Reform	UJ Misconduct Change	Towing Act Fix	Vo-Tech Board Act	Fuel Cell Task Force	NGSR Resolution	Fire Suspension Bill	Healthy Retailer Bill	Vehicle Warranty Info
1	D	Bob Andrzejczak*	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1	D	Bruce Land	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1	D	Matt Milam	No	*	No	Yes	No	*	*	*	*	*	Yes	*	Yes	*	*
2	D	Vince Mazzeo	Yes	Yes	Abs	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Abs	Yes
2	D	John Armato	Yes	Yes	Abs	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
3	D	John Burzichelli	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	D	Adam Taliaferro	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	D	Paul Moriarty	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	D	Gabriela Mosquera	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV	Yes	NV	Yes	Yes
5	D	William Spearman	Yes	*	Yes	Yes	Yes	*	*	*	Yes	*	Yes	*	Yes	Yes	*
6	D	Lou Greenwald	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6	D	Pamela Lampitt	Yes	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
7	D	Herb Conaway	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
7	D	Carol Murphy	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
8	R	Ryan Peters	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	*
9	R	Brian Rumpf	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	NV
9	R	DiAnne Gove	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	Abs
10	R	Greg McGuckin	No	No	No	No	No	No	No	No	Yes	Yes	NV	Yes	Yes	No	Yes
11	D	Joann Downey	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
11	D	Eric Houghtaling	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
12	R	Ron Dancer	No	No	No	No	No	Abs	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Abs
12	R	Rob Clifton	NV	No	No	NV	No	Abs	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Abs
13	R	Serena DiMaso	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	*
14	D	Wayne DeAngelo	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
14	D	Dan Benson	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
15	D	Verlina Reynolds-Jackson	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV	*
15	D	Anthony Verrelli	Yes	*	Yes	Yes	Yes	*	*	*	*	*	Yes	*	Yes	Yes	*
16	D	Andrew Zwicker	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
16	D	Roy Freiman	Yes	Yes	Abs	NV	NV	No	NV	Yes	NV	Yes	Yes	Yes	Yes	Yes	*
17	D	Joe Egan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes	Yes	NV	Yes
17	D	Joe Danielsen	Yes	Abs	Abs	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV	Yes
18	D	Nancy Pinkin	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
18	D	Robert Karabinchak	Yes	Yes	Abs	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
19	D	Craig Coughlin	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
19	D	Yvonne Lopez	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
20	D	Annette Quijano	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV
20	D	Jamel Holley	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
21	R	Jon Bramnick	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No
21	R	Nancy Munoz	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No



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District	Party	Name	\$15 Minimum Wage	Paid Sick Leave	"Wage Theft"	Family Leave Expansion	Rain Tax	Plastic Bag Tax	Out of Network Reform	UI Misconduct Change	JC Payroll Tax	Towing Act Fix	Vo-Tech Bond Act	Fuel Cell Task Force	NGSR Resolution	Fine Suspension Bill	Healthy Retailer Act	Vehicle Warranty Info
22	D	James Kennedy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
22	D	Linda Carter	Yes	*	Yes	Yes	Yes	*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
23	R	John DiMaio	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No	No
23	R	Erik Peterson	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No	No
24	R	Parker Space	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No	No
24	R	Hal Wirths	No	No	No	No	No	NV	No	No	Yes	Yes	Yes	Yes	Yes	No	*	*
25	R	Anthony M. Bucco	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	NV	No	No	No
26	R	Jay Webber	NV	No	No	NV	NV	No	No	No	Yes	Yes	Yes	Abs	Yes	No	Yes	Yes
26	R	BettyLou DeCroce	No	No	No	No	No	NV	No	No	Yes	Yes	Yes	Yes	Yes	Yes	NV	NV
27	D	John McKeon	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
27	D	Mila Jasey	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
28	D	Ralph Caputo	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
28	D	Cleopatra Tucker	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
29	D	Eliana Pintor Marin	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
29	D	Shanique Speight	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
30	R	Sean Kean	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	No	No
30	R	Ned Thomson	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No	*	*
31	D	Nick Chiaravalloti	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
31	D	Angela McKnight	Yes	Yes	Yes	Yes	Yes	NV	Yes	NV	NV	Yes	NV	Yes	Yes	Yes	Yes	Yes
32	D	Angelica Jimenez	Yes	Yes	Yes	Yes	Yes	NV	Yes	NV	NV	Yes	NV	NV	Yes	Yes	Yes	Yes
32	D	Pedro Mejia	Yes	*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
33	D	Raj Mukherji	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
33	D	Annette Chaparro	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
34	D	Tom Giblin	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
34	D	Britnee Timberlake	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
35	D	Shavonda Sumter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
35	D	Benjie Wimberly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV
36	D	Gary Schaer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes
36	D	Clinton Calabrese	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*
37	D	Gordon Johnson	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
37	D	Valerie Vainieri Huttie	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
38	D	Lisa Swain	Yes	*	Abs	Yes	No	No	*	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	*
38	D	Chris Tully	Yes	*	Abs	Yes	No	No	*	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	*
39	R	Holly Schepisi	No	NV	No	Abs	No	NV	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
39	R	Robert Auth	No	No	No	Abs	No	No	No	No	Yes	Yes	NV	Yes	Yes	No	Abs	Abs
40	R	Kevin Rooney	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes
40	R	Chris DePhillips	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	*

An Answer listed in **Green** indicates they agreed with the NJGCA position  
 An Answer listed in **Red** indicates they disagreed with the NJGCA position  
 Abs indicates the member was present but abstained from voting  
 NV indicates the member was not present for the vote  
 \* indicates the individual was not a member when the vote occurred



# Decision 2019



The NJGCA Voter Guide

## NJGCA Candidate Survey Questions

1. New Jersey is now the only state in the nation with a full ban on motorists pumping their own gasoline. This prohibition drives up the cost of gas and is an inconvenience to those who would prefer to save time by pumping their own gas. **Would you support a bill which legalized the option of self-serve gas?**
2. New Jersey, like many states, has longstanding laws which prohibit the sale of motor fuel below cost. Some large national corporations would like to see this law weakened or eliminated so that they can undercut their small business competitors. **Do you support continuing the ban to prohibit businesses to sell motor fuel below cost?**
3. Nationwide, about 80% of convenience stores sell beer and wine, where it is often a cornerstone of their business. In New Jersey, almost no c-stores are able to sell these products because of our antiquated liquor laws. **Would you support reforming New Jersey's liquor license laws to make it easier for small businesses like convenience stores to sell beer and wine?**
4. State law currently sets a minimum price at which cigarettes must be sold. As costs for small businesses have increased over the years, fewer and fewer can survive on the small margins earned by selling at the state minimum price. However, competition from big chains prevents them from increasing their markup. **Would you support an increase in the mandatory minimum price that can be charged for cigarettes?**
5. Credit card interchange fees have become one of the largest expenses a business incurs. Visa and MasterCard have created a virtual monopoly and are able to charge retailers whatever rate they wish, knowing no business in this modern age can survive without accepting credit cards. **A-577 is bipartisan legislation to lower the cost of credit card fees by injecting competition into the market. Would you support this legislation?**
6. S-109 is a bill which would add new regulations and requirements to the way employees can be scheduled for work. Among other requirements, any employee who is on-call and not needed, who works a split-shift, or whose shift is changed within 24 hours would need to be paid an additional hour's salary. **Would you support this bill?**
7. In 2010 the State eliminated its requirement that all passenger vehicles undergo a biennial safety inspection. This requirement was a vital tool in ensuring that motorists' vehicles were fully road safe and compliant with the law. In the years since, auto repairers have seen a sharp decrease in motorist compliance with safety laws. **Would you support the return of required safety inspections?**
8. Most emissions inspections in NJ are performed at Central Inspection Facilities (CIFs), costing the State over \$35 million per year. The State can save that expense by joining almost every state in the nation and requiring all inspections be performed at Private Inspection Facilities (PIFs). Such a change would save millions of dollars annually and provide a big boost for approximately 1,500 independent small businesses throughout the state. **Would you support closing and selling the properties that CIFs occupy and moving to an all PIF inspection system?**
9. Many motorists don't realize it, but the modern automobile is effectively a smartphone on wheels, and it collects and transmits a tremendous amount of data about the vehicle and the person driving it. This is known in the industry as telematics. Society is growing more and more concerned with the issue of who owns our personal data, and what rights to it consumers should have. With manufacturers in total control of this data, they can use it to steer customers away from small businesses when it comes time for repair and maintenance. **Would you support legislation that would guarantee consumers have the right to securely access their vehicle's data and have some control over where it is sent?**
10. One of the biggest challenges facing auto repair shops is the inability to find quality, well-trained technicians to fix their customer's cars, particularly given how complex the modern automobile is. Working as an auto technician can provide someone with a good salary performing fulfilling work. **Would you support state funding for workforce development programs which include helping more New Jerseyans become trained auto technicians?**
11. Support continues to increase, and technology continues to advance, for alternative forms of powering consumer vehicles. Motor fuel retailers are already positioned in the best locations to provide motorists with a way to refuel their vehicle, whether it is powered by gasoline, hydrogen, or electricity. **Would you support a program which gave tax credits or other financial incentives to existing motor fuel retailers to promote the installation of hydrogen fuel refilling stations and/or battery fast charging stations?**



# Decision 2019



The NJGCA Voter Guide

## NJGCA Candidate Survey Results

LD	Party	Incumbent Name	1. Allw Self-Serve?	2. Ban BCS?	3. Allw beer c-store?	4. Increase cig markup?	5. Credit card bill?	6. Scheduling bill?	7. Safety inspections?	8. Eliminate CIPs?	9. Telematics Bill?	10. Workforce \$?	11. Alt Infra \$?
1 D	*	Matt Milam	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
1 R		Mike Testa	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
2 R		John Risley	No	Yes	No	Yes	Yes	No	No	No	Yes	Yes	Yes
3 D	*	John Burzichelli	?	Yes	Yes	No	Yes	?	?	?	Yes	Yes	Yes
5 R		Nick Kush	No	Yes	No	No	Yes	No	No	No	Yes	No	No
7 D	*	Carol Murphy	Yes	Yes	Yes	Yes	Yes	?	Yes	?	Yes	Yes	Yes
9 R	*	Brian Rumpf	No	No	No	No	?	No	No	No	Yes	Yes	?
9 R	*	DiAnne Gove	No	No	No	No	?	No	No	No	Yes	Yes	?
9 D		Wayne Lewis	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
10 R	*	Greg McGuckin	No	Yes	Yes	Yes	Yes	Yes	?	[1]	Yes	Yes	Yes
10 R		John Catalano	No	Yes	Yes	Yes	Yes	Yes	?	[1]	Yes	Yes	Yes
11 R		Matt Wooley	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
12 R	*	Rob Clifton	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
12 R	*	Ron Dancer	Yes	No	Yes	Yes	Yes	No	Yes	[1]	Yes	Yes	Yes
12 D		David Lande	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
13 R	*	Serena DiMaso	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes
13 D		Allison Friedman	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
14 D	*	Wayne DeAngelo	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
15 D	*	Verlina Reynolds-Jackson	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
15 R		Jennifer Williams	Yes	Yes	No	Yes	Yes	?	Yes	No	Yes	Yes	Yes
16 D	*	Andrew Zwicker	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
16 R		Christine Madrid	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
17 D	*	Joe Danielsen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
17 R		Maria Concepcion Powell	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
17 R		Patricia Badovinac	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes
19 R		Rocco Genova	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
20 R		Charles Donnelly	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes
22 R		Patricia Quattrocchi	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
23 R	*	John DiMaio	Yes	Yes	?	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
23 R	*	Erik Peterson	No	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes



# Decision 2019



The NJGCA Voter Guide

## NJGCA Candidate Survey Results

LD	Party	Incumbent Name	1. Allow Self-Serve?	2. Ban BCS?	3. Allow beer c-store?	4. Increase cig markup?	5. Credit card bill?	6. Scheduling bill?	7. Safety inspections?	8. Eliminate CLEs?	9. Telematics Bill?	10. Workforce \$?	11. Alt Infra \$?
23	D	Denise King	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
24	R	* Parker Space	No	Yes	Yes	No	Yes	No	No	No	Yes	Yes	Yes
24	D	Deana Lykins	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
24	D	Dan Smith	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
25	R	* Anthony Bucco	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
25	D	Lisa Bhimani	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
25	D	Darcy Draeger	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
26	R	* BettyLou DeCroce	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
27	R	Mauro Tucci	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
30	R	* Sean Kean	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes
30	R	* Ned Thomson	Yes	Yes	No	No	Yes	No	No	No	Yes	Yes	Yes
30	D	Jason Celik	Yes	Yes	?	?	Yes	Yes	?	?	Yes	Yes	Yes
31	D	* Nick Chiaravalloti	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
32	D	* Angelica Jimenez	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
34	D	* Tom Giblin	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
34	D	* Britnee Timberlake	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
34	R	Irene DeVita	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
35	D	* Benjie Wimberly	No	Yes	Yes	?	Yes	?	?	?	Yes	Yes	Yes
36	D	* Gary Schaer	Yes	Yes	?	Yes	Yes	?	Yes	?	Yes	Yes	Yes
36	D	* Clinton Calabrese	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
36	R	Foster Lowe	Yes	Yes	Yes	Yes	Yes	Yes	?	[1]	No	Yes	Yes
37	D	* Gordon Johnson	Yes	Yes	No	Yes	Yes	Yes	No	No	No	Yes	Yes
37	D	* Valerie Vainieri Huttle	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
39	R	* Holly Schepisi	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
40	R	* Kevin Rooney	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
40	R	* Christopher DePhillips	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes

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 are unsure or need more information

[1] for older cars only

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





## *Retirement Acknowledgements*

NJGCA wishes to say farewell to those legislators we have worked with who retired mid-session or are retiring at the end of this legislative session in January. These retirements represent over 200 years of lawmaking experience.

Sen. Jeff Van Drew (D-Cape May), 2002-2019 (elected to Congress)

Sen. Anthony R. Bucco (R-Morris), 1995-2019 (RIP)

Sen. Robert Gordon (D-Bergen), 2004-2018 (appointed BPU Commissioner)

Asw. Patricia Egan Jones (D-Camden), 2015-2020

Asm. Arthur Barclay (D-Camden), 2016-2018

Asm. Joe Howarth (R-Burlington), 2016-2020

Asm. David Wolfe (R-Ocean), 1992-2020

Asw. Amy Handlin (R-Monmouth), 2006-2020

Asw. Elizabeth Muoio (D-Mercer), 2015-2018 (appointed Treasurer)

Asm. Reed Gusciora (D-Mercer), 1996-2018 (elected Trenton Mayor)

Asm. Gerald Green (D-Union), 1992-2018 (RIP)

Asm. Michael Patrick Carroll (R-Morris), 1996-2020

Asm. Vincent Prieto (D-Hudson), 2004-2018

Asw. Marlene Caride (D-Bergen), 2012-2018 (appointed DOBI Commissioner)

Asm. Tim Eustace (D-Bergen), 2012-2018



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# **HORROR HIGHLIGHT**

## **Violent Employees: How You Can Avoid Hiring Them and How to Protect Yourself**

**By: Michelle Horowitz**

Sunday, May 19th seemed like a completely average day for repair shop owner Greg Schmidt. Greg got to the garage and immediately began his work for the day. Next thing he knew, he was being viciously attacked. "He charged me, punched me in the back of the head, stabbed me with his car keys in the head, and tried to bite my thumb off" recalls Greg, of his injuries. "He continued to attack me and we fought for about fifteen minutes, I almost passed out." Luckily, a customer who witnessed the attack called the police and Greg is recovering from his injuries, but the fear and questions remain, why did this happen?

Just two weeks before Greg's encounter, another NJGCA member had just begun the work day at 7 AM getting the front office ready for customers. He owns a repair shop as well, and rents his gas pumps to his former fuel suppliers, therefore making them responsible for their own hires. On May 1st, while the member was getting ready to start the day, one of the gas station employees charged him, punched him in his head and pinned him up against the wall. He continued to beat him for several minutes, until three more employees came in that morning for work and pulled the employee off him. "If they hadn't come when they did, he would have killed me" the member told me of his attack.

There are many parallels to both of these stories. Both told me that there were no prior issues with the employee, but a few weeks before both incidents both managers noticed the employee acting strangely, but could be chalked up to personal

issues. Both also told me that they did not suspect drug or alcohol issues were at play. But the biggest parallel that was discovered after Greg's attack was that the employee in question happened to be the same person in both incidents. After the 1st incident on May 1st, the perpetrator was arrested but the member was shocked to find out he was quickly released. Both business owners agreed they wish they knew more about the person they were hiring before they hired, but what can a business owner do to prevent something like this from happening?

Unfortunately, it is not quite as simple as one would imagine. According to employment law attorney and NJGCA MBP Steven Horowitz, there are several laws and statutes in place that prevent a business owner from conducting certain background checks on potential employees:

There are a number of Statutes (both Federal and State) that prevent an Employer from any type of direct questioning of a prospective employees mental state and prior arrest record. The Federal Americans with Disabilities Act (ADA), along with the NJ Law Against Discrimination (LAD) prohibits employers from discriminating against employees and applicants due to a disability. In fact, employers are, in a general sense, prohibited from even inquiring about an employee's disability. Complicating this issue more is the fact that a mental/cognitive disability is generally one that is not obvious or apparent until way after the interview and hiring of an employee.

In 2015, New Jersey also enacted the "Ban the Box" law. This law prevents "any oral or written inquiry regarding an applicant's criminal record during the initial employment application process." The "initial employment application process" means "the period beginning when an applicant for employment first makes an inquiry to an employer about a prospective employment position or job vacancy or when an employer first makes any inquiry to an applicant for employment about a prospective employment position or job vacancy, and ending when an employer has conducted a first interview, whether in person or by any other means, of an applicant for employment." The law

does permit employers to ask an individual about his or her criminal history once they extend a job offer. However, it should be pointed out that any inquiry, including paying an outside service to research an applicant's criminal history, is strictly prohibited prior to an offer of employment. Using an online service to look into a potential employee's criminal history is considered illegal prior to hiring the employee. It should also be noted that the Ban the Box law is to be read in conjunction with the federal Fair Credit Reporting Act, which strictly limits any use of a third party company to conduct a background check.

The law also permits employers to refuse to hire someone based on their criminal record after the offer is extended. However, the law requires an employer to consider other factors before termination, including the nature of the offense; how long ago the offense occurred; the nature of the job; information about the accuracy of the criminal record; and information about the job candidate's rehabilitation and good conduct.

So what should these employers have done differently? Based on the above, not much. Employee violent outbursts are an extremely rare and unique thing, and while employers should be on the lookout for drastic mood swings and erratic behavior in their employees, the vast majority of hires and current employees conduct themselves appropriately on the job. If you begin to see problems arising with employee behavior, you should engage the ADA's required "interactive process" to see if an accommodation to a work schedule, or even time off, is appropriate. Of course, indirect or direct acts of violence should always be taken seriously, and dealt with immediately. When in these situations, I always advise clients that a labor attorney should be their *second* call. The first should always be the police.

While that advice may not be very fulfilling for the Members of the NJGCA, keep in mind that violations of the Ban the Box statute alone can result in a Reinstatement and Back Pay order, along with a fine of \$1000 for the first

violation, and up to \$5000 thereafter. The ADA/LAD allows for Reinstatement and Back Pay, plus Compensatory AND Punitive damages.

There are other actions business owners can take to protect themselves from potentially dangerous situations and give more peace of mind. Having a security or panic button at your front desk brings the police right away should you need to discreetly alert the authorities. If you do not have it already, security cameras can allow you to monitor all aspects of your business, including employees and can reduce the likelihood of violent situations arising and criminal acts. Employers can also find out about a potential employee's history by asking for and checking employee references. This is likely the safest method of finding out a person's work history and their ability to perform the tasks of the job.



Specializing in Labor and Employment Law on behalf of businesses, including litigating State and Federal cases involving Title VII, ADA, ADEA, OSHA Compliance, Fair Labor Standards Act (Wage and Hour); preparation of Employee Handbooks; and guidance on effective hiring, discipline, and termination of employees.



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NJGCA Member Benefit Partner

# Battle to Preserve Repair Industry is Again Going Thru Massachusetts

By: Aaron Lowe, AAP, Senior Vice President, Regulatory and Government Affairs, Auto Care Association



You may have read that there is an increasing number of late model vehicles with the potential to transmit huge amounts of data including vehicle health data, geolocation information and driving habits. This data holds the potential to provide significant benefits to a vehicle owner through

improved safety, more efficient and effective repairs, and the availability of new on-road services. For example, imagine the benefits to consumers, the shop and the entire supply chain of being able to obtain a customer's diagnostic codes before the car arrives in the shop; ordering the right parts, tools and information so that the vehicle can be back on the road with only a short wait time for the customer.

Unfortunately, as currently configured, the manufacturers are harvesting all of the vehicle data and are placing themselves in the enviable position of gatekeeper, allowing them to dictate the terms and limits to access to this critical data. While the independent auto care industry has clearly thrived over the past several years despite the growing technological sophistication of vehicles, their ability to compete has been based on full and unlimited access to the vehicle's diagnostic system, as well as the tools, information and software needed to provide repairs. The growing number of connected cars and the controls being put in place by the manufacturers over data available from connected cars may be slowly changing the competitive dynamics in the repair industry.

## The First Pass in Mass

In 2012, the Auto Care Association and Coalition for Auto Repair Equality (CARE) successfully obtained passage of the Massachusetts "Right to Repair" law, when the voters in that state approved a ballot measure by a 86-14 margin to require equal access for

independent repairers to the same service information, tools and software that manufacturers provide to their franchised dealers. In 2014, the vehicle manufacturers signed a Right to Repair Memorandum of Understanding (MOU) whereby they agreed to abide by the Massachusetts Right to Repair law nationwide. While the Massachusetts Right to Repair law and subsequent MOU have been successful for the most part in ensuring independents have the ability to work on late model vehicles, new challenges to competition in the repair industry are quickly emerging as car companies seek to lock down access to the on-board diagnostic system in the name of "cybersecurity."

The industry only needs to look as far as Fiat Chrysler (FCA), which, beginning with its model year 2018 vehicles, requires shops, the technician and the tools to be authorized by the manufacturer before they can access the on-board diagnostic (OBD) system for many repairs. Other car companies are looking at similar systems or are considering their own approach to cybersecurity that could force shops to access diagnostic codes for a customer's vehicle through the manufacturer's cloud.

## Justifying the Means?

Clearly, due to the security issues related to the connected vehicle, the days are numbered when a technician can plug into the OBD port and pull off all the data needed to repair the vehicle. Car companies will argue that the ends—a secure vehicle—are worth the means (i.e., a locked-down port). It is critical to understand that with control of data comes market power, whether it is now or sometime in the future.

It is not just the independence of the repair industry that is currently threatened. The ability to control data will provide the manufacturers with a significant leg up on other entities including fleet owners, car rental companies and insurance companies, all of which could become beholden to the manufacturer for the data that they need for their operations. Think about a fleet of vehicles and being forced to rely on the vehicle manufacturer to obtain the logistics and health data for the vehicles that you own.

## Standardizing Cybersecurity

While cybersecurity is clearly an important issue, the independent auto care industry cannot let the manufacturers argue that they now must control access to that vehicle from factory to junkyard. Instead, it is important that the issue of cybersecurity be addressed in a manner that is standards-based and ensures that the control of the data is with the owner of the vehicle. The Auto Care Association has shown that this can be done through what is called the Secure Vehicle Interface (SVI). SVI offers a common language and set of interfaces for securely communicating vehicle information to third parties. SVI will be demonstrated in the Technology of Tomorrow section at AAPEX 2019 and more information can be found on the Auto Care Association website. AAPEX also will have a panel discussion, Your Car Your Data, on Wednesday, Nov. 6, from 1:30 – 2:30. To attend, make sure to register for AAPEX.

## The Next Round of Right to Repair

Which brings me to the latest action by our industry to ensure our competitive future. The Auto Care Association and CARE, working with the Massachusetts Right to Repair Coalition, has introduced legislation in Massachusetts that would amend the state's Right to Repair law in order to require that the vehicle owner has the ability to control where the repair data on their vehicle is sent. The legislation also seeks to take on actions by FCA to lock down the OBD port by prohibiting manufacturers from restricting access to the on-board diagnostic system unless access is standardized across all makes and models and that control over access is independent of the manufacturer.

The coalition also recently filed a referendum, similar to the bill under consideration by the state legislature with the state attorney general, that if approved, would appear on the 2020 ballot should the legislature fail to act on our data access bill. Similar to the effort in 2012, this ballot measure would give the citizens of Massachusetts the ability to vote on the issue of whether they or the vehicle manufacturers should be able to control the repair data from their vehicle.

The time has come to allow the innovations and competitiveness of the independent repair industry to continue to serve the motoring public. By removing the manufacturer as the gatekeeper for access to on-board diagnostic systems and the data that shops need to service their customers, the industry can do what it does best: provide affordable, convenient and effective repairs for vehicles. That battle is on for the industry's future.

Additional information on the Massachusetts Right to Repair effort can be found at:  
[www.massrighttorepair.org](http://www.massrighttorepair.org).

*Aaron Lowe, AAP, is senior vice president of regulatory and government affairs for the Auto Care Association. With the Association for more than 35 years, he currently oversees Auto Care's federal and state legislative and regulatory efforts, focusing on a wide range of environmental, vehicle safety, workplace-health and safety and international trade issues.*

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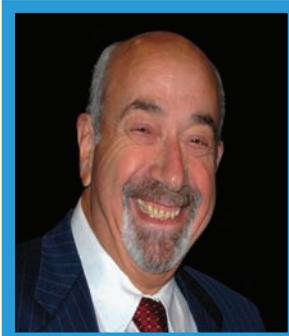
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# Customer Service Corner

By: Bill Rosenberg

## Establishing Trust?



It's not a mistake. The question mark is there on purpose. You're most likely a qualified technician and/or a skilled manager in the auto service industry. If not, you would be following a different career. Hopefully you're on a path of

constant learning in your chosen profession. It raises the bar higher for us all. It allows us to offer our customers ever increasing levels of professional service. The reason for the question mark is this. Do you really study and understand the challenge and opportunity of establishing trust and rapport with your customers?

My continuing reminder to us all is to approach these questions relating to customer service from a standpoint of our own experiences when we ourselves are the customer. There is no one better than yourself to provide you the honest answers. It becomes extremely personal when you are the sole judge and jury. You are the sum of what you have experienced. If you have made it past adolescence you have plenty to base your judgements on. Enough psycho-babble!!

So, how do we establish trust? Many of the places we choose to do business with can be attributed to convenience or, when it comes to a branded product, who's got the lowest price. Here are a couple of examples. If you do most of your food shopping at a particular store, you are probably doing it because they are close to your home or they are located along the route you take on the way home from work. I'll bet there are items that cost more than one of their competitors in your shopping basket, but, hey, you're there and it's convenient. On the other hand, if you're looking for a new TV

before the big game, you've probably checked out the price of Brand XYZ p/n 12345 and are headed to the store with the lowest price.

Within reason, I could make a case for you that says it is still possible to change that customer's buying habits but we are not ready for that conversation yet. Instead, I want to keep our focus on the folks who come into your business every day. All things being equal, why do they come to you (for something other than an advertised special)? There are probably lots of places to get their vehicle serviced in your area.

Having spent most of my life in the automotive aftermarket (which is a considerable number of years), I can't tell you how many times I have been asked; "Where is a good place to get my car repaired?" Sometimes I have heard that question from people who knew I was in the business and other times I was standing with a group of people at a party and overheard the discussion. Here's how it usually went. "Hey. I'm looking for a good place to get my brakes checked. I think I need to have them looked at because I hear some squealing and I'm concerned. I've been going to Bill's Friendly Auto Repair the last couple of times and I'm not sure they always have my best interest in mind." Keep in mind this is just a rough example. Most of the times the conversation about their present repair shop isn't so "gentle."

So, now there's 6 people standing around this circle and, let's say it's me that offers up an answer. Remember, only one guy was asking the question. Here I go with a glowing recommendation. I start with a story that lays out a scenario where Andy over at Andy's Service Center "did right by me" when he told me that what I was told by another shop was going to be a major repair was only going to be an inexpensive fix. I added how nice the techs were and how professional looking the shop was and

how accommodating they were. AND, that I've been going there for the last 5 years AND everyone I ever sent to Andy has been happy with his service. The guy who asked the question is now asking me to text his contact info to his phone. AND so are the other 4 people who were listening.

There are lots of lessons in this simple example. Getting a new customer into your place is an expensive and exhaustive proposition. Shops spend tons on advertising; newspapers, direct mail, radio or, where it is affordable, putting ads on TV. All this is good and worthwhile to do. You need to cast a broad net on the water. But, remember, the first time one of those customers comes into your shop TRUST has not yet been established.

In the example where I made the recommendation, that person (or those people) will be hitting your place with a pre-conceived notion that there is trust to be found here. I can't tell you how much that means. The fact is that when someone in the crowd asks for a recommendation, the person who answers has set themselves up as an authority on that subject. Everybody likes to be looked to as an authority. Think about it. "Hey, my insurance rates just went through the roof. Anybody got a good 'guy'?" I'll bet you've heard that one before. That's how we make decisions. With a little help from our friends. That's why you'll drive a little out of your way on the way home. That's why you might be willing to pay a little more. It's not always the "Complete Brake Service" advertised at a set price. Your most meaningful customers value the TRUST in your service. They are the most likely to "sell" your shop and they're going to do it when you're not even there or trying. The reality is that you've obviously already established trust and rapport. You've done your job. What can you do to earn that kind of trust from your customer to make them that passionate about your business. It's simple. **Everything you can possibly think of.** Before you engage the customer, go to those "outside your business"

experiences you've had and remember all the times when you were treated well enough to create a positive memory. It would serve you well to also remember when you were not treated so well and how that made you feel. Then, don't take your customer there.

Trust doesn't just happen. It is built over time. Even with a good recommendation from an existing customer, you've only gotten past the first step. What are you waiting for? You've got trust to build!

*Bill Rosenberg has spent most of his life in the automotive industry. His father had a gas station and parts house in Monticello, NY in the 1940's. He began as a salesman in the mid 70's for an auto parts distributor. In 1983 he joined BWP Distributors, a CARQUEST member and rose through the ranks to become Sales Manager, Vice President of Sales & Marketing and eventually Sr. VP. During this time he also served on several CARQUEST national committees, one of which was Training. Bill has authored and delivered customized training to thousands of aftermarket personnel including a major program addressing Quality Customer Service. He continues to collaborate with EAST Training and still writes and consults on issues of training and customer service.*



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# Are You A Licensed Emission Repair Technician?

## When Does Your ERT License Expire?

By: Debbie Hill

If your ERT License expires this year on/or before December 31, 2019 you still can take the Emission Technician Education Program (ETEP) to re-certify your ERT license for the next five years.

However, if your license expires any time after December 31, 2019, you no longer can take the ETEP courses for re-certification.

NJGCA has several options for taking the ENTIRE and/or Re-Certification courses in December of 2019. **This is the last time we will be offering these educational programs!**

Effective January 1, 2020 NJDEP, who oversees the ERT program, will no longer be accepting the ETEP program. NJDEP is transitioning over to the “Automotive Service Excellence” (ASE) Test Track ONLY for all future education for ERT’s.

Currently you have been allowed to use ASE or ETEP, and/or a combination of both of these education formats to attain, and re-certify your ERT license.

After January 1, 2020 – ERT’s will be required to certify in the following: (this information found on NJDEP’s website): **stopthesoot.org**

- ASE A6 – Electrical/Electronics
- ASE A8 – Engine Performance
- Completion of free online NJ-CERT Course\* (NJ-Certification Emission Repair Technician Course)
- BONUS: Optional Advanced Recognition for those with ASE A9 (Light Duty Diesel Engines) and/or L3 (Hybrid/Electrical) Certifications.

Why will ASE testing be the only method of certification? Vehicle emission systems today are much more technologically and electronically advance than they were 15 to 20 years ago. The ASE certification process most comprehensively addresses these advances and best reflects knowledge of the rapidly evolving field of vehicle emissions technology, as well as the highly computerized equipment used to research, diagnose, and repair emissions-related system failures. If you have any questions, or need more information please feel free to contact [Debbie@njgca.org](mailto:Debbie@njgca.org) or simply call NJDEP at: 609-292-7953

# **Fall 2019 TRAINING CLASS SCHEDULE**

Classes will be held at NJGCA Headquarters  
4900 Route 33 West, Wall Township, NJ 07753  
Call 732-256-9646, email [debbie@njgca.org](mailto:debbie@njgca.org) or visit [njgca.org](http://njgca.org) to register

## **1. ENTIRE Emission Technician Education Program & ETEP Re-Certification Courses**

If you need re-certification of your Emission Repair Technician License, or would like to get your Emission Repair Technician License for the first time, this course will offer exactly what you need. Take the entire course or pick up where you left off if you've already completed part of the program!

Classes: 1:00 PM to 9:00 PM

### Entire ETEP Program:

Wednesdays and Thursdays,  
November 6, 7, 13, 14, 20, 21,  
December 4, 5, 11, 12

### ETEP Re-Certification:

**Evening Option (1 - 9 PM): December 4, 5, 11, 12**

**Day Option (8 AM - 4 PM): December 3, 9, 10, 17**

**\*\*Manuals Included in Cost of Class\*\***

### Entire ETEP Class Fees:

NJGCA Member = \$2,195  
Non-Member = \$2,395

Note: \$500 deposit due upon registration

### ETEP Re-Certification Class Fees:

NJGCA Member = \$729  
Non-Member = \$879

## **2. Two- Day Class for NJ Emissions Inspectors Training**

In order to be licensed as a Motor Vehicle Emission Inspector, you must complete this course and pass **both a written and hands-on exam** given by the State of New Jersey. NJGCA will now be offering this TWO DAY State approved training program which will cover the written test and hands-on training. This will provide an understanding of inspection related issues including EPA Regulations, Safety, Diesel, Customer Service and the New Jersey State Specific Curriculum. **This specially tailored NJGCA course fulfills all requirements.**

Class Dates: October 23 + 24th;  
December 18th + 19th

**DAY 1 Agenda:** 7:00 AM (Donuts & Coffee and Pizza & Soda provided for lunch break), NJMVC Test at 1:30 PM, Hands-On Training PowerPoint at 3 PM

**DAY 2 Agenda:** 12:30 PM begin hands-on training on location provided in Information Sheet (see "How to Register" below)

### Class Fees:

Members = \$479  
Non-Members = \$529  
We accept credit cards.

**\*\*PLUS\*\* License Fee of \$50.00, check made payable to NJ MVC**  
**NJ Drivers License Required with registration**

If out-of-State, 6 Points of ID Required

**\*\*\*DO NOT wait until the last minute! Completed registrations must be sent five days prior to the class date!\*\*\***

# Medical Marijuana & CBD in the Workplace

By Alicyn B. Craig, Esq.



Legalization of recreational marijuana is a hot button issue in New Jersey, with many of its legislators, as well as Governor Murphy, pressing efforts to make it so by the end of 2019. While that remains to be seen, the use

of marijuana for medical purposes is legal in New Jersey, and its being prescribed for a wide range of ailments more and more. Too, cannabidiol or CBD is also gaining momentum in popularity. It seems to be everywhere but, is it legal to use, sell or purchase? Understanding the ramifications of medical marijuana and CBD oil usage is crucial for modern day employers.

## How to Deal with Employees that are Card-Carrying Medical Marijuana Users?

For years, New Jersey employers have struggled with how to align their drug-free workplace and drug testing policies with New Jersey's medical marijuana law, known formally as Jake Honig's Compassionate Use Medical Cannabis Act ("CUMCA"). For example, could employers reject a job applicant that is a medical cannabis patient? Could an employer reject a patient applicant or fire a patient employee for failing a drug test or using on the job? These legal questions have remained in flux since the passage of CUMCA. However, CUMCA was recently amended in July 2019 and now provides some much-needed guidance to employers to determine what is and what is not legal for them to do.

For example, prior to the amendments, employers had no guidance as to whether they were legally

required to accommodate an employee's or applicant's use of medical marijuana at the workplace. The amendments now make clear that an employer is prohibited from taking any unlawful adverse employment action (hiring, firing, change of duties) against an approved medical marijuana user based solely on that person's status as a registered qualified cannabis patient. An adverse employment action is lawful, however, if the employer has a non-discriminatory reason for that action. In other words, you can't refuse to hire or you can't fire or change the duties of an employee solely because they are authorized to use medical marijuana. If that same person, however, for example, steals from the job or is not performing up to expectations, then an employer may legally take action. Despite this, employers may still prohibit the possession or use of "intoxicating substances," including medical marijuana, in the workplace or on the premises outside of work hours. If that policy is in place, and a qualified cannabis patient violates that policy, then the employer may legally decide to take disciplinary actions. In this regard, it is always best to consult with an experienced employment attorney to best protect yourself from any missteps.

As for drug testing, employers are now required to provide an employee or job applicant an "opportunity to present a legitimate medical explanation for the positive test result" and employers must "provide written notice of the right to explain." The individual then has three days to provide proof of their status as a registered cannabis user.

## CBD Oil, it's everywhere but is it legal?

Today we see CBD products being sold everywhere, at health food stores, online, pet stores and even your local gas stations. Still, many people do not understand what CBD is and whether it is legal to consume, sell or purchase. Weeding through these issues is no easy task.

By way of quick background, marijuana and hemp are both cannabis plants. Marijuana commonly refers to cannabis plants that contain high levels of tetrahydrocannabinol (“TCH”), which is the psychoactive compound that produces the “high.” Hemp, on the other hand, is considered very environmentally friendly, given how quickly and easily the plant can grow, with an almost unlimited number of potential non-drug related uses, from clothing to paper to cosmetics. Generally, hemp contain high levels of cannabidiol or CBD, which is non-psychoactive. CBD’s purported health-related benefits include relief from pain, reduction of anxiety and depression, and even alleviation of cancer-related symptoms.

In recognition of hemp’s substantial benefits, the United States has recently radically shifted its cannabis policies under the 2018 Farm Bill. Now, in order for a cannabis plant to be legally identified as hemp, it must contain less than 0.3% THC. By removing hemp from the definition of marijuana, it is not an illegal “controlled substance,” but rather, now, hemp plants with low THC concentrations are legal to grow and sell so long as the business is following all other cannabis-related regulations.

Many have taken the 2018 Farm Bill’s amendments regarding hemp to mean that CBD is now legal and, technically it is. In New Jersey, you can sell, purchase or use CBD oil that is derived from a hemp plant. However, the answer is not so simple and this is an ever-evolving legal framework. CBD remains subject to FDA regulation. Partly because it has become “newly” legal, CBD hasn’t been thoroughly studied as a medicine or health product. It’s not clear if the products on sale to the public have the ingredients that are listed on the label, and these products may contain other unknown chemicals. Since CBD Oil is as yet unregulated by the FDA, if a CBD product has levels of THC above what is legally allowed for hemp products, then a seller, purchaser, or user, who unknowingly purchase this product, may be charged with using, purchasing or selling marijuana, which is a “controlled substance,” and, therefore, may subject the individual to criminal penalties.

In conclusion, I always encourage business

owners to familiarize themselves with these new rules and review their drug-free workplace and testing policies. If you need assistance in evaluating your business’s compliance with any of these or other employment issues, I can assist you with drafting and/or revising policies, training, employment compliance practices and audits, as well as your litigation needs.

*Alicyn Craig is a partner at MARC Law, an NJGCA Member Benefit Partner handling employer and environmental issues for NJGCA members. Recently, Alicyn shared her expert advice in several NJGCA webinars to help educate members about New Jersey’s labor laws.*



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# Member Spotlight

## Kneble's Auto Service Center

By: Michelle Horowitz



From the moment you walk into Kneble's Auto Service Center in Mays Landing, you feel as though you are walking into your family living room. It may be the set-up of the waiting room itself, with the stacks of books lining the walls, desk with free wifi for customers to be able to quietly work (including local politicians, as owner Fred Kneble tells me), or possibly the family artwork hanging on almost every free space of wall in the shop (that is not being occupied by awards and certificates). There certainly is a "our customers are our family" vibe you get by walking through the doors of Knebles. If it's not the general atmosphere that gives you that feeling, then certainly Stephanie Kneble, daughter of owner Fred Kneble does; proudly telling me that she knows most of their customers and their vehicles the second they pull into the parking lot and greets them by name as they walk through the door. She even tells me that often customers stay long after their car has been repaired just to hang out and catch up with the family, or come in just to talk and hang out. She comes in five to

six days a week to help her father and mother with the family business, putting her passion for customer service and hospitality to good use.

Kneble's has been in business for 39 years, starting out in Voorhees and moving down to May's Landing in the last several years. Stephanie tells me that many of their customers in Voorhees drive down to Mays Landing to continue getting their car worked on by Fred and



his technicians, building a customer loyalty base in those decades since they first opened. Lots has changed since then, and that's due in part to their son, Grant Kneble, also involved in the family business and responsible for all their marketing efforts. He produces, films, writes, and edits

informative Youtube videos with his mom, Nancy Kneble in front of the camera, disseminating important information not only on car upkeep and maintenance, but also topical areas such as child safety and lemon laws. They even raised money by letting customers smash cars on camera to raise money for the South Jersey branch of the Community FoodBank. He tells me that they have customers come from all over the state because of their videos and Facebook page; so far they have produced 150 videos with many more new ideas on the way. "I'm not making these videos with the mindset 'is this going to make me money' but more 'this is important information we need to communicate to the customer'" says Grant. "The biggest issue in this industry is trust, we are just trying to bridge the gap between the customer and this business."



In an industry where customers can be quick to distrust and question, Kneble's does what they can to ease their customers minds. One of the first things you see when you walk in is an entire wall dedicated to the awards and certifications their business and technicians have earned throughout the years, including the gold award "Best in the Press" for auto repair. They pay their technicians competitive wages and encourage them to pursue as many certifications and educational opportunities as they can, and with each workshop completed, test passed, and milestone achieved, the Knebles celebrate and reward their staff. Stephanie Kneble also does her part in building a sense of trust, communicating with the customer herself and taking the time to learn as much as she can about the businesses. She writes estimates and repair orders and encourages the customer to ask her questions. She told me "you have to trust the people working on your car. At the end of the day, you are putting your loved ones in your vehicle and want to know that you are keeping them safe." They also take the time to build trust by staying active in their community. They participate in several charitable opportunities, and when their town banned plastic bags, they created their own canvas bags with their logo on them, so potential new customers would see their business wherever they go.

Working with family can present its obvious challenges, but the Knebles play off each others' strengths and passions and put them back into their business. Besides Fred's decades of experience in auto repair, Stephanie's background in hospitality and customer service makes her a great fit for front of shop work. She takes it the extra mile by learning as much as she can about auto repair and taking the time to educate the customers in layman's terms so the customer leaves the shop feeling comfortable and taken care of. Grant brings in his marketing expertise and perfectionism to Knebles. His convincing his parents to invest in his skills has brought in more business from all over the state. The videos he produces



have been so lucrative, he turned the upstairs portion of their shop into an elaborate video set, purchasing all new equipment to take them to the next level. As for what's next for him, he's redesigned the business logo, is creating a new Instagram and LinkedIn account, is installing a new point of sale system, and is constantly pitching new ideas to his parents. Investing and trusting in their children's passions allow Fred and Nancy Kneble to focus on their own passion, providing top quality auto repair service to their customers.

To Fred Kneble, its constant changes that aim to elevate the business, a clean and attractive shop, and superb customer service that sets them apart from the rest. The little things like someone to greet you at the door with a smile, planted flowers outside your shop, and a clean waiting area with books and charging stations can contribute to taking your business to the next level. Empathizing with the customer and showing that you care about their safety as well as educating them is of chief importance to the Knebles. It's all of the above that makes this business memorable, in addition to feeling like you are part of the family the moment you walk through the door. It may take a while, but if you show patience, constant changes to improve the business and putting yourself out there. As Grant says, "if the customer remembers Kneble's Auto Service Center, than I've done my job."



**Knebles Auto Service Center is located at 5473 Somers Point Road, Mays Landing, NJ 08330.**

Want to feature your business in our next Member Spotlight? Contact Michelle to set up an interview: [michelle@njgca.org](mailto:michelle@njgca.org) or 732-956-9646.

# 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.

\*\*\* ENERGY EXAMINER \*\*\*

## UPDATE: ETHANOL / BIOFUELS / BIODIESEL RIN EXEMPTIONS PROHIBIT ETHANOL BLENDING, DECREASING ETHANOL DEMAND

\*\*\* ENERGY EXAMINER \*\*\*

The ethanol industry may have considered the year-round E15 ruling a win, but the industry was also dealt a major setback in early August. The Trump administration approved 31 of the 37 renewable identification number (RIN) exemption waiver requests to oil refineries; granting them permission to not blend ethanol into their gasoline. This is in addition to 54 waivers that have been approved previously. At least 16 ethanol plants have shut down as a result of these waivers from the Trump administration, and with no plans to raise the amount of corn ethanol that will be blended with gasoline, demand is expected to remain stagnant.

\*\*\* ENERGY EXAMINER \*\*\*

## UPDATE: ELECTRICITY & ELECTRIC POWERED VEHICLES AMERICA'S TRANSPORTATION INFRASTRUCTURE ACT; INCENTIVES FOR EVs

\*\*\* ENERGY EXAMINER \*\*\*

At the federal level, the America's Transportation Infrastructure Act of 2019 was introduced in late July. The act establishes a \$1 billion competitive grant program for states to build electric, hydrogen, and natural gas fueling infrastructure along highway corridors. Some fuel retailer stakeholders have expressed concern that there is a risk that electric utilities may be able to "double dip" by allowing electric utilities to bill customers more money to pay for the infrastructure, while also taxing them to subsidize the project.

In New Jersey, the legislature is currently considering a bill that would provide incentives for electric vehicle car owners and to build the infrastructure needed to charge vehicles. \$100 million per year for three years dedicated to promote electric vehicle purchases and increased infrastructure development would come from the societal benefit charge on utility bills and settlement money from the Volkswagen emissions case. This incentive (up to \$5,000 per vehicle) could help put customer's fears to bed on the price tag of purchasing an electric vehicle as well as making sure vehicles are charged and won't be stranded.

## UPDATE: NUCLEAR / WIND / SOLAR / GEOTHERMAL SOLAR INCENTIVES; AC WIND FARM; WILL NUCLEAR GET SUBSIDY?; RUST ENERGY

**Solar:** As New Jersey is thinking about new clean energy initiatives, incorporating and incentivizing solar energy has been high on the list of wants, but slow to take off. NJBPU recently offered a draft proposal on funding solar projects that has solar developers worried, as the financial incentives offered to developers of residential solar projects are too low to attract additional investments. Currently, solar renewable energy certificates (SRECs), range around \$230, in comparison to the proposal, in which residential projects would receive between \$10 and \$30. Solar stakeholders are hopeful that incentives can be fixed as discussions are ongoing, though some progress may be in the works. A proposal for a massive solar farm on about 166 acres of property in Toms River was revealed mid-September and could be the largest solar field in New Jersey should plans move forward. The farm would be able to generate up to 35 megawatts of electricity.

**Wind:** In late June, the state Board of Public Utilities (BPU) selected Ørsted to build a wind farm off the coast of Atlantic City. The farm will generate 1,100 megawatts of energy, or enough to power around 500,000 homes. The BPU estimates the project will generate \$1.17 billion in economic benefits and 15,000 jobs. Once the wind farm is built, it will be the third largest facility in the world.

To continue furthering New Jersey’s efforts in wind energy, in August Governor Murphy signed an executive order establishing a council for the Wind Innovation and New Development (WIND) Institute. This council will be a regional coordinating hub to help fulfil the governor’s goal of 3,500 megawatts of wind energy by 2030.

**Nuclear:** In April, NJBPU approved a \$300 million subsidy over three years for PSEG’s three nuclear power plants. However, in early September, the fate of the current subsidies are in question, specifically whether they should be extended or reduced. This will likely be an ongoing discussion as more clean energy initiatives begin to take off.

**Rust:** Researchers are studying how rust may be able to generate electricity when it reacts with salt water. This process is known as electrokinetic effect and can generate electricity at a rate higher than solar panels, around 30% efficiency. However, this is not the same kind of rust you would find on your old cars, this kind of rust must be developed in a lab and would be expensive to scale up. It is an exciting solution for items that run using tidal energy, such as buoys.

## UPDATE: NATURAL GAS/PROPANE NJ TO CLOSE MOST NATURAL GAS POWER PLANTS

PSEG announced plans to close all but three of its natural gas power plants by 2046 in order to reduce climate warming emissions. The plans align with PSEG’s intentions to move away from fossil fuels and switch to cleaner energy producing methods. The company is hoping to retire the plants on the condition that it would not adversely affect costs to consumers and reliability to the grid, considering this would mean eliminating 6,000 megawatts of gas-fired power. This is mostly contingent on the state figuring out cleaner energy options that could replace natural gas.

## UPDATE: HYDROGEN/HYDROGEN FUEL CELLS INFRASTRUCTURE; START UPS

Lack of infrastructure and selling vehicles continue to be among the biggest issues with scaling up alternative energy vehicles, and hydrogen fuel-cell vehicles are no exception. Like electric vehicles, one of the biggest dilemmas continue to be whether to prioritize first scaling up infrastructure or vehicle sales, though it is clear that more investments and attention to the issue are needed. China is stepping up to the plate to move forward hydrogen vehicles, investing \$1 billion to Chinese companies developing the technology. China, the world's biggest car market, hopes to have one million fuel-cell vehicles on the road in a decade. In America, one startup has raised \$250 million and grown that investment to \$500 million towards the development of hydrogen heavy-duty trucks. Additionally, Hyundai has invested \$6.7 billion into hydrogen projects, Honda will open an \$85 million fuel-cell factory in Michigan, and Toyota will open a refinery in Long Beach to turn cow manure into hydrogen to power trucks.

## UPDATE: HYBRIDS LAMBORGHINI DEVELOPS FIRST HYBRID CAR

It seems that all of the biggest automakers have a hybrid car available in their fleets, and that nowadays automakers are looking to the next big thing; which looks to be fully alternative fuel (electric or hydrogen) vehicles. However, hybrid vehicles continue to outpace electric and hydrogen and are the safest bet for a cleaner vehicle that you can depend on getting you to your destination. They may be late to the party, but luxury brand Lamborghini will release a "light" hybrid vehicle that they say is the fastest and most powerful Lamborghini ever made. Only 63 vehicles will be made, and will be able to go from zero to sixty in under three seconds.



Lamborghini Sián, <https://www.cnn.com/2019/09/03/cars/lamborghini-sian-hybrid/index.html>

## UPDATE: FOSSIL FUELS

### HIGH COST TO ELIMINATE FOSSIL FUELS; EMISSIONS STANDARDS; NO NJ GAS TAX INCREASE

With much talk around alternative energy vehicles and fueling and adopting “greener” policies, many can get on board with making more environmentally conscious changes. But at what cost? Energy research firm Wood Mackenzie recently released a report estimating the cost to eliminate fossil fuels from the U.S. power sector would cost \$4.7 trillion; \$35,000 per household. While it is true that we should continue to think about the cost to the environment when thinking through policy changes, this is a massive burden on the average family.

We have been closely following the battle between California and the Trump Administration over emissions standards and establishing stricter standards on the national level. The story continues to get messier. In late July, California and four automakers (BMW, Ford, Honda, and Volkswagen) had agreed to a deal on emissions standards that mirrors those put in place by the Obama Administration and were much tougher than what the Trump Administration proposed. The automakers will produce vehicles averaging close to 50 mpg by model year 2026. The new fleet would meet both federal and state requirements and allows for a uniform standard that can still reduce greenhouse gas emissions. President Trump was highly critical of the compromise, tweeting attacks against the automakers and alleging that more rigorous emissions standards may degrade vehicle performance. Trump also launched an antitrust investigation into the partnership with the automakers. The Trump Administration’s proposal was to freeze Obama-era emissions targets at 37 miles per gallon through 2026. Foreign automakers also feared that siding with California may result in fallout from the Trump Administration and tariff threats. New Jersey joined several other states including New York and California in asking the National Highway Traffic Safety Administration to reduce the penalty for automakers that exceed national fuel-economy standards. In September 2019, the Trump administration pushed back on these previous efforts and announced they would be revoking the waiver that allowed California to set its own emissions standards. He also has made clear plans to rescind the Obama-era federal vehicle emission standard. The President tweeted that revoking the waiver would allow for cheaper and safer vehicle models and promised there would be very little difference in emissions between California and the United States standard. There has been significant pushback on this decision all around, and with environmental policies, especially around emissions ramping up, this is likely not the last word on this.

In New Jersey news, raising the gas tax has effectively been taken off the table for the moment, remaining at 41.4 cents per gallon since last year’s increase. There were some questions if the gas tax would be raised again after lower fuel consumption levels. The state is required to keep a steady revenue stream for the state’s Transportation Trust Fund, effectively allowing the government to raise the tax should consumption drop.

## NEW ENERGY MASTER PLAN

### GOVERNOR RELEASES DRAFT PLAN

We continue to see pushback from several communities over the draft energy master plan. Despite the plan’s ambitious goal to reach 100% clean energy in the next thirty years, it does not put an immediate end to New Jersey’s fossil fuel projects, much to the disappointment of environmental groups, who have made this issue very clear in several public hearings for comments on the plan. Environmentalists also disapprove of the particular language that defines clean energy. The plan notes this as “model scenarios and pathways to achieve 100 percent clean, carbon neutral

electricity generation by 2050 with consideration for least-cost options." However, some environmental groups read this broad definition as leaving the door open to natural gas and fossil fuel plants with carbon sequestration, a controversial method of storing carbon dioxide and an unproven way to help stop climate change. About 75% of homes in the state are heated with natural gas, which is another point of contention for environmental groups. Additionally, the language leaves open the possibility for incinerators and carbon credits, which some experts argue fail to actually reduce emissions.

I had the opportunity to attend one of the public comment meetings for the draft Energy Master Plan on September 12th. Of course, there were plenty of people there pushing for a total end to all fossil fuel projects in the state, but one of the more frequently noted issues I heard was how people were going to be able to heat their homes in the winter. While electric heating systems are more efficient and environmentally cleaner, they are more expensive and there are some concerns they do not get warm enough to heat a home. Forcing people to change their systems and to take on that added cost would not be a reasonable request for everyone. There would also need to be a system in place to prevent shutoffs. One thing that was agreed on by all sides is that the transportation sector can do much to improve its carbon footprint, citing the fact that 46% of emissions come from that sector. Some called for the elimination of diesel fleets, while others called for more charging stations and utility upgrades. There was also some mention of energy diversity with the need to incorporate nuclear and natural gas in the grid. ■



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# Disruptions Coming To Your Business

By: Michelle Horowitz

## Artificial Intelligence:

Convenience stores are looking into how artificial intelligence can be used to make security easier and more efficient. At Jacksons Food Store in Washington, a camera with facial recognition software takes pictures of customer's faces and cross-references them with a database of robbers and shoplifters during evening hours. The door also won't unlock if someone is wearing a mask or has previously been identified as a shoplifter using the camera system.

7-Eleven is also using artificial intelligence for an enhanced customer service program. The company is working with Azure, a data company, to incorporate AI services to its delivery app. AI technology is used within the app to personalize recommendations to customers. This builds customer loyalty to the brand.

## Frictionless Payments:

Frictionless payment opportunities at the pump and in the convenience stores are still taking off. A new frictionless program for gas stations sends a message to your smartphone as you pull up to the pump. You then select the pump you want to use and the transaction is recorded and charged. This method does not require downloading an app, but does promote joining gas rewards programs. 7-Eleven's in New York will also get to test out frictionless payments using a mobile checkout app. Customers would also be able to use the 7Rewards loyalty program and automatically earn and redeem coupons and points. Other businesses are choosing to use cameras in order to make checkout experiences faster, tracking items shoppers pick up and automatically charging them when they walk out the door.

But one method of reducing checkout times that I recently read about terrified me so badly, I felt it was only appropriate it be included in October's update. In Sweden, thousands of people have already inserted microchips into their hands that contains all of the owners personal information, grants them access into their homes, offices, and

gyms, stores emergency contacts, social media profiles, and e-tickets, and eventually, your credit card information to be able to pay for your items with the swipe of your actual hand. Developers claim the personal microchips are more secure and more difficult to hack than many other data sources since they are stored beneath the skin. This raises so many questions for me, if hackers found a way to hack into credit cards that never left the owners purses or pockets, how does that not apply to this situation? What are the health risks for having a chip implanted? How secure is something really just because it is implanted in your body? We'll see if this manages to take off in America, but you won't see me in line getting this!

## Autonomous Vehicles:

I think we will likely be talking about Walmart as a disruptor in almost every issue. The latest: the company will be testing a new program for autonomous delivery vehicles in Arkansas. The company has already been testing an autonomous vehicle fleet in Arizona. The vehicles, Ford transit vans, are not completely autonomous as they will have human drivers monitoring the environment (level 2 autonomy). As previously mentioned, Walmart has already been piloting autonomous cargo delivery vans in addition to vans that pick up customers to get orders they placed online.

Widespread use of autonomous vehicles is still in its beginning stages, and there is still much to do policy- and development-wise in order for autonomous vehicles to scale up in progress. Some stakeholders suggest first promoting autonomous vehicles for ride sharing and transit opportunities only in order to prevent vehicle congestion in urban and highly populated areas and promote safety. Seeing news stories of autonomous vehicle "drivers" asleep behind the wheel while driving on the highway is also certainly not helping public perception and public safety concerns (although Tesla has responded to these stories saying they are a hoax).

## Robots:

Businesses continue to "hire" robots to help with restocking, safety, and other day-to-

day tasks around the shop. Robots can also be used for deliveries; company Starship Technologies recently raised \$40 million to expand its robot delivery fleet to 100 college campuses across the U.S. within the next two years. The robots deliver Starbucks, food orders, and other items to students on campuses. Postmates will also start testing the use of its autonomous delivery robot in San Francisco. The robot can carry up to 50 pounds for 25 miles on one charge. Keeping our members informed on these tests is important, as this technology could find its way to your stores should they be successful.

**Cannabis:**

I have been debating in previous issues whether to include some cannabis updates here, seeing as how this will be a big disruptor to the convenience store industry as state policy and public opinion around the country relaxes towards these products. Recent data from Neilson found that the market for legalized cannabis products (including CBD) could see a huge growth spike from \$8 billion in 2018 to \$41 billion by 2025. New products and brands are constantly being developed as more states begin to legalize cannabis. I recently attended a seminar on CBD and learned that the cannabis market is expected to eclipse the dairy market in North America by 2022. Perhaps in the upcoming years we will see more people running to the corner convenience store for their cannabis products than running out to restock on milk.



CBD products. [https://www.google.com/url?sa=i&source=images&cd=&cad=rja&uact=8&ved=2ahUKEwiXp\\_74j\\_kAhUpuVkkHeWRCy0QjRx6BAGBEAQ&url=%2Furl%3Fsa%3Di%26source%3Dimages%26cd%3D%26ved%3D%26url%3Dhttps%253A%252F%252Fwww.flickr.com%252Fphotos%252Fvaping360%252F36895303946%26psig%3DAOvVaw0bsy6MaP7VAJJhZH0XdvM\\_%26ust%3D1569608884405763&psig=AovVaw0bsy6MaP7VAJJhZH0XdvM\\_&st=1569608884405763](https://www.google.com/url?sa=i&source=images&cd=&cad=rja&uact=8&ved=2ahUKEwiXp_74j_kAhUpuVkkHeWRCy0QjRx6BAGBEAQ&url=%2Furl%3Fsa%3Di%26source%3Dimages%26cd%3D%26ved%3D%26url%3Dhttps%253A%252F%252Fwww.flickr.com%252Fphotos%252Fvaping360%252F36895303946%26psig%3DAOvVaw0bsy6MaP7VAJJhZH0XdvM_%26ust%3D1569608884405763&psig=AovVaw0bsy6MaP7VAJJhZH0XdvM_&st=1569608884405763)



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# US DOL Question and Answer



**Member questions are submitted to Debbie Hill who is the NJGCA Director of Member Services, and then forwarded to John Kelly of the USDOL. Members' identities are never revealed. John's answers are published below:**

**Member Question:** I was having a conversation with a member who called about "overtime" being used as comp time for time off. This member called because he was recently having a conversation with a friend who works for the Port Authority. At Port Authority when employees work overtime they can "bank/save" the overtime hours to be used for comp time off. For example: This week an employee worked 50 hours. Which would mean he/she would have 10 hours overtime at the time and a half rate for 15 hours. He/she could actually choose to take payment on the overtime hours, or he/she could choose to "bank/save" the 15 hours to be used for time off.

**Kelly:** Different rules apply to the Port Authority since they are a governmental agency. Limited compensatory time is allowed in the state and local government sector. Unfortunately, such an exception does not apply to private industry. As a result, your members must pay time and one half for hours worked over 40 in a single work week. Each week stands alone. Banking hours is not allowed.

**Member Question:** I received this question from a member - how does USDOL define small businesses?

**Kelly:** The minimum wage law does not define small businesses by the number of workers. We measure business done as the test. The current test is \$500,000.00. Other laws of the USDOL may have different tests. Generally, if the firm is a corporation the owner is an employee. New Jersey also has a state Wage and Hour division to enforce state laws which may apply differently.

*John R. Kelly served in the US Army Security Agency from 1968 to 1972. After graduating in 1976 from Rutgers College with a BA in Latin American Studies, Mr. Kelly started with the Wage and Hour Division as an Investigator in the Trenton, NJ District Office. He was promoted to Assistant District Director in New York City in 1989. In his 13 years as a Wage and Hour Investigator and his 30 years as an Assistant District Director, Mr. Kelly has gained broad experience in all of the Wage and Hour Division's enforcement programs. He has received a variety of awards and commendations, including numerous Secretary's Exceptional Achievement Awards. He has taught Basic I and II, served as an Acting District Director on several occasions, and mentored many Investigators and new Assistant District Directors. He also served as supervisor of the Hurricane Ike clean up team.*

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## NJGCA Young Professionals Turkey Drive!

Last year, NJGCA's Young Professionals group was able to donate 213 turkeys to Fulfill NJ, the food bank that serves Monmouth and Ocean counties. This year, our goal is to be able to donate even more turkeys to make sure everyone in our community is able to have a turkey on their Thanksgiving dinner table.

Stay tuned for our emails to find out how to donate!



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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 2019 Member Benefit Partner Brochure should have arrived and can be viewed on our website, and this year we introduced 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

**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

**\*\*AUTOZONE\*\*** - Auto Parts Supplier

**BELLOMO FUELS** - Gasoline and Diesel Supplier

**BRENNAN LAW** - Environmental, Petroleum and Real Estate Law Specialists

**\*\*BUYWISE AUTO PARTS\*\*** - Auto Parts Supplier

**\*\*CASHA & CASHA LLC.\*\*** - Legal Services

**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

**\*\*DANA AUTOMOTIVE\*\*** - Auto Parts Supplier

**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

**\*\*HOROWITZ LAW GROUP\*\*** - Legal Services  
**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

**\*\*LOEFFELS'S WASTE OIL SERVICES\*\*** - Waste Oil Removal

**MARC LAW** - Legal Services

**MERCHANT PRO EXPRESS** - Credit Card Processing & Consulting

**MITCHELL1** - Shop Management System, OEM Information

**\*\*MURPHY BUSINESS\*\*** - New Jersey Business Sales

**\*\*OIL DRI\*\*** - Spill Containment and Shop Supplies

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

**PALISADES FUEL** - Gasoline and Diesel Supplier

**PEAK ENVIRONMENTAL** - Environmental Remediation & LSRP Services

**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 Services

**SPARK CONTRACTORS** - Tank and Pump Replacement & Generator Installation & Service

**TMP ENERGY SOLUTIONS** - Discounted Electricity and Natural Gas

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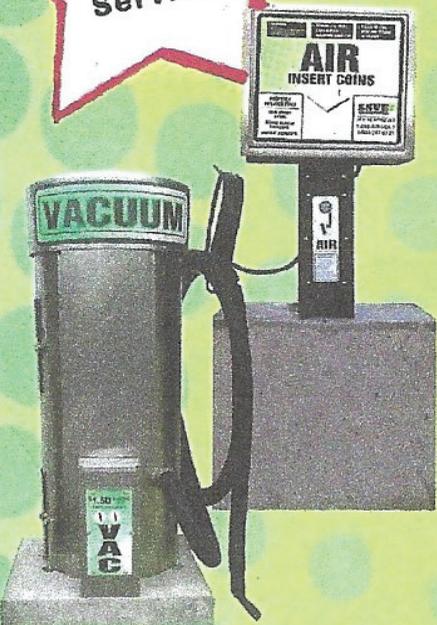
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