

**GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL NO. 5630
(SECOND REPRINT)**

Today, I am pleased to sign Assembly Bill No. 5630 (Second Reprint), requiring the Civil Service Commission to establish a telephone hotline for State employees to confidentially report incidents of discrimination and harassment in the workplace. As I explained at length last week in my signing statement on Assembly Bill No. 5628 and Assembly Bill No. 5631, I remain disappointed that the Legislature refused to include themselves in the scope of these reforms, and rejected the amendments that were repeatedly offered by my staff that would have applied these reforms across State government. The employees of the executive branch will certainly benefit from the existence of this hotline, and I would have preferred that the bill allow employees of the legislative and judicial branches to utilize the hotline as well. Nonetheless, I hope that Assembly Bill No. 5630 encourages more employees to speak out and report unacceptable behavior without the fear of retribution and without concern for their privacy.

While my desire to protect victims of harassment or discrimination compels me to sign Assembly Bill No. 5630, it also prevents me from signing Assembly Bill No. 5629 (First Reprint) in its current form. I unequivocally support the bill's goal of allowing survivors to speak out about potentially discriminatory or harassing behavior experienced at work. That is why my Administration, through the Civil Service Commission, is in the process of reconsidering its regulations regarding the confidential nature of such complaints. I would have gladly signed a bill into law that would ensure that confidentiality requirements are not interpreted to preclude employees who file complaints alleging discrimination or harassment or employees with whom those complaints are filed from disclosing those complaints to other individuals.

I cannot, however, support a bill that jeopardizes the safety and security of employees alleging discrimination or harassment. This bill was amended in the final days of the legislative session to require the person who receives a complaint to inform the individual against whom the complaint is filed within a 30-day period of the existence and the contents of the complaint. I am advised that this mandatory disclosure could lead to disastrous results, as it is not always appropriate to inform the subject of an investigation of the allegations that are made against them. In many circumstances, disclosing the contents of the complaint to the accused will effectively expose the identity of the person who filed the complaint. This is particularly dangerous in situations where a complaint is made by a subordinate against a supervisor, giving the supervisor the opportunity to retaliate.

There are current practices in place regulating how information is conveyed to alleged perpetrators about complaints filed against them. Those practices should remain in place to avoid subjecting survivors and victims who are brave enough to speak up to further harassment and discrimination. As I have repeatedly said, we must address issues of discrimination and harassment by putting survivors and victims first. Assembly Bill No. 5629 (First Reprint) as drafted does not do that, and, for that reason, I cannot sign it into law.

Date: January 21, 2020

/s/ Philip D. Murphy

Governor

Attest:

/s/ Robert L. Garrenger III

Acting Chief Counsel to the Governor