



March 16, 2026

## NJSBA Position Statement

### Oppose; Seeking Amendments

#### A-1161 (Danielsen, Speight)

**Requires employers to include in job posting whether posting is for existing position and sets additional job posting requirements.**

The NJSBA believes the authority for management of public schools should rest with local boards of education and State authority over school districts should not exceed the scope necessary to fulfill the constitutional mandate for a thorough and efficient system of free public education. Further, the NJSBA believes that all legislation that seeks to impose additional mandates on boards of education should have an identified funding source or appropriation.

Critically, New Jersey school districts face unique hiring needs and procedures – differing from those of private entities in several meaningful ways relevant to the requirements of A-1161 – that render the bill an inappropriate fit. The NJSBA urges the Assembly Labor Committee to pull the bill or vote no; should the bill continue to move, we would urge the legislature to amend it to exempt school district boards of education from its requirements.

Specifically, the NJSBA’s concerns regarding A-1161 are as follows:

- **Boards of Education should be removed from the definition of “Employer.”** Boards of Education are in constant and consistent need of certain positions. Positions such as substitutes, school nurses, special education and science teachers, for instance, are in continual demand in school districts. It is not uncommon for postings for such titles to be for an indeterminate number of positions. Such is the unique nature of school district operations: for example, the quality of the applicant pool, student needs, and other ever-evolving circumstances may influence whether a district chooses to assign a school nurse full time to each school building, share school nurses between multiple buildings, or other staffing models. These factors may also influence how many substitute teachers a school district chooses to employ. Therefore, the bill’s requirements correlating postings to existing vacancies and/or to individual prospective hires are particularly ill-suited to the school district hiring context. As such, A-1161 should not apply to the public schools.
- **Fines for failure to remove postings.** A-1161 imposes fines between \$1,000 and \$5,000 against any person who violates its provisions. Under this bill, a simple administrative oversight could result in the imposition of financial penalties on employers. For our members – local boards of education – this would cause a diversion of public funds away from important educational spending priorities, which would do a disservice to both students and taxpayers.
- **Third-party postings.** A-1161 places a responsibility on the employer to notify third parties of which “it is aware or should reasonably be aware” that the position has been filled to remove the posting. To make the employers liable for third-party postings over which it may have no control is overly burdensome. Employers should only be responsible for the posting actions of their employees or their vendors, not over third parties with whom they have no relationship.

- **Notification of applicant.** The requirement that employers provide interviewees with an estimated timeframe of when the position will be filled is impractical, particularly for school districts. School district hiring can often be an extremely fluid process that necessitates flexibility which is constrained by this bill.
- **New Mandate.** A-1161 imposes a new mandate on boards of education to ensure the removal of outdated job postings from its website and from third party websites of which it is aware. Beyond the conflict this poses with the unique and fluid nature of school district hiring outlined above, this bill lacks a funding mechanism to implement with fidelity its proposed requirements. In the case of local school districts, this bill will impose additional affirmative duties on board of education employees to remove postings within two weeks of the position being filled.

**The NJSBA urges the Assembly Labor Committee to oppose A-1161. Should the bill continue to move, we would urge the legislature to amend it to exempt school district boards of education from its requirements.** For the reasons summarized above, the NJSBA must respectfully oppose A-1161 in its current form and request amendments.

Thank you for your consideration of our perspective on the bill. Any questions or comments may be directed to John J. Burns, Esq., Senior Legislative and Policy Counsel, at 609-278-5275.