



May 11, 2026

## NJSBA Position Statement

### Oppose; Seeking Amendment S-2136 (Moriarity)

#### **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.

While the amendments made to this bill's Assembly counterpart in March and the amendments considered by the Senate Labor Committee today do improve the bill, they do not fully cure the NJSBA's concerns. We appreciate in particular the amendments removing the bill's requirements for employers to provide interviewees certain information, and commend the sponsors for working with public employers to address this burdensome provision. Critically, however, New Jersey school districts continue to face unique hiring needs and procedures – differing from those of private entities in several meaningful ways relevant to the requirements of S-2136 – that still render the bill an inappropriate fit.

The NJSBA urges the Senate 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.

Please consider the following additional details:

- **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 in the school district hiring context. As such, S-2136 should not apply to the public schools.
- **Fines for failure to remove postings.** S-2136 imposes fines between \$300 and \$600 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. Additionally this section should clarify if the fine is levied on the employer or if the fine is to be personally paid by the employee.

- **Anticipated Vacancy.** S-2136 needs greater clarity concerning how anticipated vacancies are handled. Its current requirements are ill-suited to schools. The language in the bill says that an anticipated vacancy can only be listed if, within the preceding 18 months, the employer has listed the same position not less than three times or hired not less than four employees for similar roles, and provided further that the posting and disclaimer shall expire after 120 days and the posting shall be removed. For schools, satisfying this requirement will be extremely difficult, if not impossible. For example, a district only has one chief school administrator at a time. If they know that their current CSA is retiring or otherwise leaving the district, they will advertise this anticipated vacancy months in advance but the last time the district may have advertised for such a position may have been several years prior. NJSBA urges the sponsor to eliminate this provision of the bill or exempt public schools from its requirements.
- **Third-party postings.** The committee amendments to S-2136 ensure that an employer will not be held liable for the continued display of a posting or advertisement by a third-party job posting company that was not created, controlled, or requested by the employer. The amendments also clarify that requirements to notify third party posting companies that a position has been filled may be fulfilled by reasonable notification efforts using publicly available contact information or through an existing business relationship. The NJSBA appreciates this clarifying amendments .
- **New Mandate.** S-2136 imposes a new mandate on boards of education to ensure the removal of outdated job postings created, controlled, or requested by the employer. 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 Senate Labor Committee to oppose S-2136. 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 S-2136 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 or [jburns@njsba.org](mailto:jburns@njsba.org).