

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1238 STATE OF NEW JERSEY 221st LEGISLATURE

DATED: FEBRUARY 8, 2024

SUMMARY

- Synopsis:** Concerns training of employees about access to public facilities for individuals with service or guide dogs.
- Type of Impact:** One-time State cost increase; potential annual State and local cost increases.
- Agencies Affected:** Department of Labor and Workforce Development; certain State and local government employers.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Cost Increase	Indeterminate
Potential Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) notes that this bill may result in an indeterminate annual expenditure increase for certain State and local government employers to provide the required training to their employees. The extent of the cost increase, if any, will depend on the guidelines provided by the Department of Labor and Workforce Development and the manner of training implemented by the State and local government employers.
- The department will incur a one-time, likely marginal, cost increase to produce the required electronic pamphlet detailing the rights of an individual with a disability to have a guide or service dog in a public facility and to develop the topics that are to be included in employee training.

BILL DESCRIPTION

The bill requires the Department of Labor and Workforce Development to establish a training pamphlet that provides information concerning the rights of an individual with a disability to have a guide or service dog in a place of public accommodation or other public facility. This pamphlet is to be made available to the public electronically on the department's website.

This bill requires certain employers to utilize the department's training pamphlet when providing training to their employees regarding the rights of an individual with a disability to have

a guide or service dog in places of public accommodation or other public facilities. An employer may satisfy the training requirement by utilizing training that may be provided at no cost by the Division on Civil Rights in the Department of Law and Public Safety, the New Jersey State Bar Association, or any other entity, or may implement a training program at its own cost.

The employee is required to sign and return to the employer a form acknowledging the employee's receipt of the pamphlet. The signed form is required to be retained by the employer during the employees' period of employment and for a period of at least three years following any termination of employment. Further, the documentation is to be made available for inspection by the department upon request.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that this bill may result in an indeterminate annual expenditure increase for certain State and local government employers to provide the required training to their employees. The extent of the cost increase, if any, will depend on the guidelines provided by the Department of Labor and Workforce Development and the manner of training implemented by the State and local government employers. The bill leaves it to the discretion of the department to develop the topics that are to be included in the training pamphlet and does not specify a particular training regimen that an employer is to follow. To the extent that existing resources are utilized in fulfilling the training requirement of this bill, or if a no-cost option provided by the Department of Law and Public Safety, the New Jersey State Bar Association, or another entity is available, State and local costs would be reduced or eliminated. If more extensive training is undertaken by the State or local government employers, as is permitted by the bill, additional indeterminate expenditure increases may be incurred.

The provisions of this bill are estimated to also result in a marginal, one-time expenditure increase to the department to establish the electronic employee-training pamphlet. To the extent that the department can utilize existing operational resources, any potential expenses from the creation of the online pamphlet may be reduced.

The OLS notes that the Americans with Disabilities Act protects the rights of an individual with a disability to have a service dog accompany them to assist in that individual's mobility. Currently, the Americans with Disabilities Act *National Network Information, Guidance, and Training on the Americans with Disabilities Act* provides employers with virtual training encompassing best practices for effectively working with, and serving, individuals with disabilities. The OLS notes that the provisions of the bill may result in a decrease in State court cases involving discrimination against those individuals with legitimate service animals based on the increased education required by the bill.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).