

THE NEW JERSEY FIRST ACT: A SUMMARY
SENATE BILL NO. 1730, P.L. 2011, CHAPTER 70
EFFECTIVE SEPTEMBER 1, 2011

This law, known as “**The New Jersey First Act**,” requires all *newly-hired* public officers and employees to reside in the state of New Jersey, or to move to the State within one year of being hired.

Specifically, any individual **hired by NJ TRANSIT on or after September 1, 2011** who is not a resident of New Jersey will be required to:

- Establish a “*Principal Residency*” in New Jersey within 365 days from the effective date of hire, and must maintain such Principal Residency during his or her employment; or
 - Petition for exemption from the residency requirement based on “Critical Need or Hardship.”
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The New Jersey First Act is applicable to:

- All state, county and municipal employees,
- Employees of public authorities, boards, agencies, commissions, instrumentalities, and
- Employees working within the educational system, including state colleges and universities.

The New Jersey First Act mandates employees to:

- Establish their legal or “*Principal Residency*” in New Jersey within 365 days of being hired for a public service position.

Principal Residency: A person may have at most, one Principal Residency. The fact that a person has a mailing address in this State shall not by itself satisfy the requirement of Principal Residency. The term is defined as:

- Where the person spends the majority of his or her non-working time, and
- The place which is most clearly the center of his or her domestic life, and
- The place which is designated as his or her legal address and legal residence for voting.

This law’s residency requirement does not apply to:

- Any person who is employed full-time by the State who serves in an office, employment or position that requires the person to spend the majority of his working hours in a location outside of the state of New Jersey. An example for us would be a locomotive engineer who works out of Morrisville, PA.

Current employees are exempted from residency requirements:

Every **current NJ TRANSIT employee** living outside of the State as of September 1, 2011 will be:

- Exempted from the new residency requirement law; and
- As long as the current employee remains a public service employee without a break in public service of more than seven (7) days, s/he will continue to be exempted from the residency requirements.

Every **current NJ TRANSIT employee**, who lives in New Jersey as of September 1, 2011, may not move out of the State unless:

- S/he files for, and receives an exemption based on a “Critical Need or Hardship.”

Exemption from residency requirements based on “Critical Need or Hardship”:

Under The New Jersey First Act, employees could apply to a five-member Committee to request an exemption from the residency requirement in cases involving extreme hardship or other unique circumstances.

- Exemptions are provided on a case-by-case basis.
- The decision on whether to approve an application shall be made by a majority vote of the members of the Committee.
- If the Committee fails to act on an application requesting exemption within 30 days of its receipt, no exemption will be granted, and the employee must comply with the residency requirement law.

Penalty under The New Jersey First Act:

- Absent any exemptions, residency within the state of New Jersey is required as a condition of employment for public employees.
- Failure to establish and maintain residency within the state of New Jersey, as mandated by The New Jersey First Act, may result in forfeiture of employment.