

# NEW JERSEY SENATE

## SENATE REPUBLICAN OFFICE

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October 25, 2021

The Honorable Steve Sweeney  
Senate Democratic Office  
P.O. Box 099  
Trenton, NJ, 08625

The Honorable Craig Coughlin  
Assembly Democratic Office  
P.O. Box 098  
Trenton, NJ, 08625

Dear Senate President Sweeney and Assembly Speaker Coughlin,

We are writing as a caucus to express our grave concerns with a policy under consideration by the Joint Management Commission (JMC) that would severely limit access to the State Capitol Complex and to the legislative process.

As you are aware, the policy would set strict COVID-19 vaccination or testing requirements for access to the State House that would apply to the public, legislators, and staff.

We are deeply concerned that this policy, if enacted, will prevent public participation in the legislative process.

For example, committee agendas often are not issued in a timely manner which could make it impossible for unvaccinated individuals to comply with the testing alternative to enter the State House and testify at public hearings, as is their right.

Further, agendas are frequently modified at the last minute with the addition of important bills that may have a substantial public interest.

These were issues of concern even before the pandemic, but, to the extent that late or revised agendas would impact the ability of the public to participate in the legislative process given lengthy COVID-19 testing timelines, the testing requirement for unvaccinated individuals is exclusionary.

We also have concerns that the policy is intended to apply to legislators who are uniquely and explicitly covered by a constitutional provision that is meant to protect their right to participate unimpeded in legislative proceedings.

If a member declines to comply, the policy states, vaguely, that the presiding officer of the member's house will be notified of non-compliance and "determine whether to admit the member and under what conditions or accommodations admission will be permitted."

What criteria will be used in any such determination of admittance or accommodation? Under what authority may the Senate President or Assembly Speaker prevent a duly elected legislator from entering the State House or participating in legislative proceedings on behalf of their constituents? We believe no such authority exists.

Given the composition of the JMC, which includes representatives of the Executive Branch, we believe the imposition of mandates on the Legislature and legislators by the commission is inappropriate and raises serious concerns related to the separation of powers.

With regards to legislative staff in the Senate Republican Office (SRO), this policy would supersede our existing return-to-work policy, which is much more flexible than those adopted by the Office of Legislative Services (OLS) and the other partisan offices for their employees.

By design, our policy provides staff a variety of choices to ensure a safe work environment, including options for vaccination, testing, and accommodations for those with natural immunity due to prior COVID-19 infection or other concerns.

The SRO policy was implemented in coordination with the executive directors of the other partisan offices and OLS with the understanding that the adoption of individual policies by each office would preclude the imposition of a more restrictive State House policy such as that under consideration by the JMC.

We are extremely disappointed that the Senate and Assembly Majority Offices and the Murphy administration are working together to circumvent our existing policy and to impose draconian mandates on Republican staff in the State House, and others.

Finally, we want to emphasize that the testing option for the public, legislators, and staff to enter the State House complex is really no option at all.

Despite having extensive resources at his disposal, Governor Murphy has been unable to implement a workable testing process for the many Executive Branch employees who are unvaccinated, which is why the Murphy administration failed to reopen State government offices by the October 18 deadline the governor set back in August.

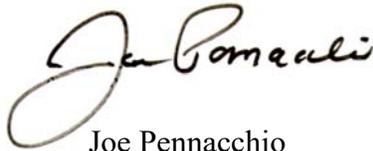
Even that failed implementation by the Murphy administration stands in stark contrast with the Legislature, which has made no attempt at all to offer members or staff (or the public) a means to get tested easily.

Without an accessible system for testing, an unvaccinated person who wishes to enter the State House must find testing on their own. According to published reports, COVID-19 testing facilities have long scheduling delays with additional waits for results to be reported.

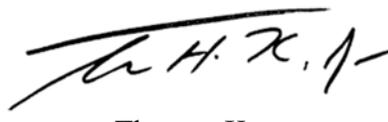
Quite simply, the policy under consideration will exclude the large segment of New Jersey society that is unvaccinated from the legislative process in a manner that could be perceived as deliberate.

Given these numerous concerns, we strongly urge you to pull the proposed JMC resolution from consideration.

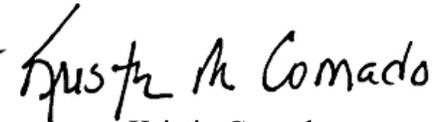
Sincerely,



Joe Pennacchio  
Whip



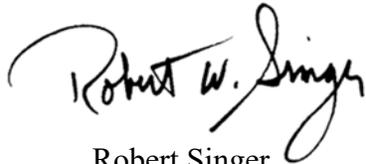
Thomas Kean  
Leader



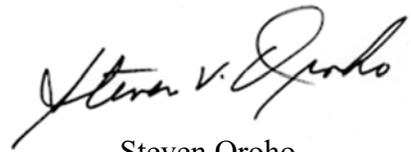
Kristin Corrado  
Conference Leader



Kip Bateman  
Deputy Whip



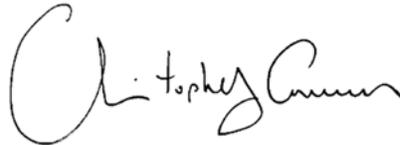
Robert Singer  
Deputy Leader



Steven Oroho  
Budget Officer



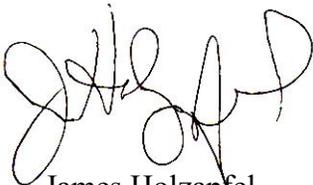
Anthony M. Bucco  
Senator – District 25



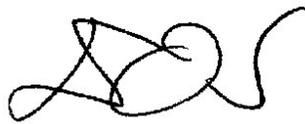
Christopher Connors  
Senator – District 9



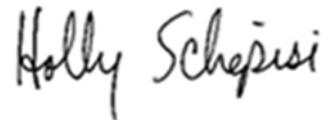
Michael Doherty  
Senator – District 23



James Holzapfel  
Senator – District 10



Declan O'Scanlon  
Senator – District 13



Holly Schepisi  
Senator – District 39



Michael Testa  
Senator – District 1



Samuel Thompson  
Senator – District 12