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To: Kimberly Jenkins, Director Office of Legal and Regulatory Compliance
New Jersey Department of Health
PO Box 360
Trenton, NJ 08625-0360

From: Althea D. Ford, NJBIA Vice President of Government Affairs

Date: April 19, 2024

Re: PRN 2024-020: Concerning New Jersey Youth Camp Safety Standards

Dear Ms. Jenkins:

On behalf of our member companies that make the New Jersey Business & Industry Association the largest, most impactful statewide association representing New Jersey businesses, I submit the following comments regarding PRN 2024-020 (the “Rule Proposal”), which seeks to amend N.J.A.C. 8:25 et seq., the regulations that implement the New Jersey Youth Safety Act, N.J.S.A. 26:12-1 et seq. (the “Act”). These comments are based on input from our NJBIA member companies that are concerned about the Rule Proposal in a variety of ways.

Businesses of all sizes and industry rely exclusively on the ability of employees to work at their optimal level to provide valuable services and vital products to customers. From essential healthcare workers and law enforcement to retail and hospitality, every industry requires their employees to be adequately supported so that they may work to their optimal level. For working parents, we know that childcare is of paramount importance, and the lack of or inconsistent access to care challenges their ability to literally show up for work.

As proposed, the Department’s rules will hinder the delivery of vital care services for the over 100,000 children that utilize camp services during the 2024 summer season and will place an undue burden on the providers that seek to offer these services.

It should be stated clearly that the Department’s current background check rules, which include name reference and sex offender registry checks, are some of the most stringent in the country and are sufficient to ensure the Department and providers are prioritizing youth safety. There was no evidence provided by the Department to suggest that the current background check rules were inadequate or lacking.

Requiring summer camp employees 18 years and older, to be fingerprinted through the New Jersey Fingerprint-Based Criminal History Record Information (“CHRI”) process to work at a camp for the 2024 summer season presents several significant logistical challenges beyond camps’ control. The youth camp industry relies exclusively on a staff population that ranges from age 18 to 23. In the current

workforce environment, this population has many alternatives for employment during the summer and this proposal will disincentivize their pursuit of employment in the youth camp industry with this added barrier.

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The inability for operators to identify staff for this season will have a significant and negative impact on working parents and those who rely on summer camps for care of their school-aged youth, as providers will be unable to meet necessary staffing ratios. Without a workforce, youth camp operators will be unable to honor the contracts they entered into with parents months ago to provide vital summer care service for school-aged youth. Additionally, the additional cost of fingerprinting for this very fluid and seasonal workforce will have financial implications for those who need access to this important service.

This Rule Proposal fails to consider the operational timeline for youth camp operations. If adopted, there will be an influx of over 40,000 to 50,000 individuals across private, nonprofit and municipal camps attempting to schedule and secure fingerprinting appointments over the next 6-8 weeks with approximately 20 state-contracted Identogo locations prior to beginning their June 2024 summer camp employment. This swell of requests will overwhelm the current fingerprinting system and will create detrimental operating delays for youth camps. Furthermore, the Rule Proposal challenges the flexibility camps need to meet operational demand in real time, as camps often continue to hire staff in the weeks and days preceding the start of camp and fingerprinting delays will hinder their ability to meet the necessary operational demand.

The Department’s current background check rules, which include the CHRI Name-Based checks, provide the necessary protections with virtually immediate results. Should the Department seek to make any changes to the existing background check requirement, we recommend the Department propose camps conduct a national, 50-state CHRI name check on each prospective adult staff member.

The Rule Proposal places camps at significant risk of non-compliance and creates uncertainty every pre-season when fingerprinting appointments cannot be completed, results are delayed, and camps cannot meet ratios. Consequently, camps will have to limit enrollment when staff are unable to start working, thus limiting access to school-aged summer programming.

Thank you for taking NJBIA’s perspective into consideration. If you have any questions, I can be reached at aford@njbja.org.