

[First Reprint]

SENATE, No. 993

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

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SYNOPSIS

Concerns arbitration for certain non-teaching school staff.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 25, 2020, with amendments.

(Sponsorship Updated As Of: 6/29/2020)

1 AN ACT concerning arbitration for certain non-teaching school staff
2 and amending P.L.1989, c.269.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 8 of P.L.1989, c.269 (C.34:13A-29) is amended to
8 read as follows:

9 8. a. The grievance procedures that employers covered by this
10 act are required to negotiate pursuant to section 7 of
11 P.L.1968, c.303 (C.34:13A-5.3) shall be deemed to require binding
12 arbitration as the terminal step with respect to disputes concerning
13 imposition of reprimands and discipline as that term is defined in
14 this act.

15 b. In any grievance procedure negotiated pursuant to this act,
16 the burden of proof shall be on the employer covered by this act
17 seeking to impose discipline as that term is defined in this act.

18 c. In addition to any rights provided pursuant to subsection a.
19 of this section, an employee who is not a teaching staff member ¹as
20 defined by section 1 of P.L.1989, c.269 (C.34:13A-22)¹ shall have
21 the right to submit to binding arbitration any dispute regarding
22 whether there is just cause for a disciplinary action, including, but
23 not limited to, reprimands, withholding of increments, termination
24 or non-renewal of an employment contract, expiration or lapse of an
25 employment contract or term, or lack of continuation of
26 employment, irrespective of the reason for the employer's action or
27 failure to act, and irrespective of any contractual or negotiated
28 provision or lack thereof. In the arbitration, the burden of proof
29 shall be on the employer.

30 ¹The provisions of this subsection c. shall also apply to county
31 college employees other than faculty members or members of the
32 professional staff.¹

33 d. Nothing in this section shall be regarded as affecting the
34 right of any teaching staff member or majority representative to
35 submit to binding arbitration any dispute involving or relating to a
36 teaching staff member.

37 (cf: P.L.1989, c.269, s.8)

38

39 ¹2. Section 1 of P.L.1989, c.269 (C.34:13A-22) is amended to
40 read as follows:

41 1. As used in this act:

42 "Commission" means the New Jersey Public Employment
43 Relations Commission.

44 "Commissioner" means the Commissioner of Education.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 25, 2020.

1 "Discipline" includes all forms of discipline, except tenure
2 charges filed pursuant to the provisions of subsubarticle 2 of
3 subarticle B of Article 2 of chapter 6 of Subtitle 3 of Title 18A of
4 the New Jersey Statutes, N.J.S. 18A:6-10 et seq., or the withholding
5 of increments pursuant to N.J.S.18A:29-14.

6 "Employees" means employees of an employer as defined by this
7 act.

8 "Employer" means any local or regional school district,
9 educational services commission, jointure commission, county
10 special services school district, or board or commission under the
11 authority of the commissioner or the State Board of Education, and
12 with respect to section 8 of P.L.1989, c.269 (C.34:13A-29), any
13 county college under the authority of the Secretary of Higher
14 Education.

15 "Extracurricular activities" include those activities or
16 assignments not specified as part of the teaching and duty
17 assignments scheduled in the regular work day, work week, or work
18 year.

19 "Minor discipline" includes, but is not limited to, various forms
20 of fines and suspensions, but does not include tenure charges filed
21 pursuant to the provisions of subsubarticle 2 of subarticle B of
22 Article 2 of chapter 6 of Subtitle 3 of Title 18A of the New Jersey
23 Statutes, N.J.S.18A:6-10 et seq., or the withholding of increments
24 pursuant to N.J.S.18A:29-14, letters of reprimand, or suspensions
25 with pay pursuant to section 1 of P.L. 1971, c. 435 (C.18A:6-8.3)
26 and N.J.S. 18A:25-6.

27 "Regular work day, work week, or work year" means that period
28 of time that all members of the bargaining unit are required to be
29 present and at work.

30 "Teaching staff member" means a member of the professional
31 staff of any employer holding office, position or employment of
32 such character that the qualifications, for the office, position or
33 employment, require him to hold a valid and effective standard,
34 provisional or emergency certificate, appropriate to that office,
35 position or employment, issued by the State Board of Examiners.

36 "Teaching staff member" includes a school nurse.¹

37 (cf: P.L.1989, c.269, s.1)

38

39 ¹**[2.] 3.**¹ This act shall take effect immediately.