34:13A-56 to 34:13A-64; 34:13A-60.1 et al
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2021 **CHAPTER:** 411

NJSA: 34:13A-56 to 34:13A-64; 34:13A-60.1 et al ("Responsible Collective Negotiations Act.")

BILL NO: S3810 (Substituted for A5862 (ACS))

SPONSOR(S) Sweeney, Stephen M. and others

DATE INTRODUCED: 5/20/2021

COMMITTEE: **ASSEMBLY:** ---

SENATE: Labor
Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 1/10/2022

SENATE: 1/10/2022

DATE OF APPROVAL: 1/18/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Fourth Reprint enacted) Yes

S3810

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Labor
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 6/21/2021
12/20/2021

LEGISLATIVE FISCAL ESTIMATE: No

A5862 (ACS)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Budget
Appropriations

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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RWH/JA

§§1-9
C.34:13A-56 to
34:13A-64
§13
C.34:13A-60.1
§14
Note to
C.34:13A-59

CORRECTED COPY

P.L. 2021, CHAPTER 411, ***approved January 18, 2022***

Senate, No. 3810 ***(Fourth Reprint)***

AN ACT concerning public employment relations, amending P.L.1967, c.310 and P.L.2018, c.15, and supplementing Title 34 of the Revised Statutes.

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

1. (New section) This act shall be known and may be cited as the "Responsible Collective Negotiations Act."

2. (New section) [4]**[**It is hereby declared as the public policy of this State**]** The Legislature finds and declares[4] that the public interest is best served in the prompt settlement of labor disputes and in achieving cost effective and creative solutions to ensure the efficient delivery of public services and that policy is best achieved by entrusting democratically elected government officials with broad authority to negotiate over the terms of employment of their employees[4]**[**; that the constitutional mandate that public employees have the right to organize and present grievances to their employers will be promoted by the establishment of an system of collective negotiations between public employers and the representatives of public employees that includes all matters that intimately and directly affect employee work and welfare, unless a negotiated agreement would prevent government from carrying out its statutory mission; and that when public employers and employee representatives agree upon subjects of collective negotiations, it is in the public interest that those agreements are enforceable by both public employee organizations and public employers and that the parties to a collective negotiations agreement respect and abide by their mutual promises and agreements**]**[4].

3. (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary, as used in sections

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:
[1]Senate SLA committee amendments adopted June 10, 2021.
[2]Senate floor amendments adopted June 21, 2021.
[3]Senate floor amendments adopted December 20, 2021.
[4]Senate SBA committee amendments adopted January 6, 2022.

1 through 9 of P.L. , c. (C.) (1[now]1 pending before the 1[legislature] Legislature1 as this bill):

a. The term "commission" means the New Jersey Public Employment Relations Commission.

b. The term "employer" means the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or any special district, or any county college, or any authority, commission or board, or any branch or agency of the 3[public service] State3, except that the term does not include any local or regional school district, or board or commission under the authority of the Commissioner of Education or the State Board of Education4[3, and except that for purposes of sections 4, 5, and 11 of P.L. , c. (C.)(pending before the Legislature as this bill), the term "employer" does not include:

(1) the several counties and municipalities;

(2) authorities, commissions, boards or other instrumentalities of the several counties and municipalities;

(3) State colleges and universities;

(4) Rutgers, the State University of New Jersey; or

(5) the New Jersey Institute of Technology3]4.

c. The term "employee" means an employee of an employer as defined by subparagraph b above, but does not include firefighting employees of public fire departments or employees engaged in performing police services for public police departments as those terms are defined by section 2 of P.L.1977, c.85 (C.34:13A-15)1, except that, for the purposes of sections 6 through 9 of P.L. , c. (C.) (pending before the Legislature as this bill), the term "employee" also includes firefighting employees of public fire departments or employees engaged in performing police services for public police departments as those terms are defined by section 2 of P.L.1977, c.85 (C.34:13A-15)1.

d. 2["Terms and conditions of employment" are all matters that intimately and directly affect the work and welfare of public employees. Examples of terms and conditions of employment include, but are not limited to: compensation; hours and schedules of work; fringe benefits; layoffs; subcontracting and privatization; criteria and procedures for promotions, performance evaluations and hiring; transfers of employees; assignments and reassignments of employees; transfer of negotiations unit work; and job security, discipline disputes and disciplinary review procedures.

e. "Disciplinary review procedures" are procedures to review all forms of discipline, including but not limited to, oral and written reprimands, written warnings, suspensions with and without pay, fines, terminations, non-renewals, non-reappointments, demotions, disciplinary transfers and all other adverse personnel actions based on employee performance or conduct.

f.]2 The terms "employee organization" and "majority representative", unless otherwise specified, 3[means] mean3 the

"exclusive majority representative" either certified by the commission or recognized by the public employer.

[1]4. (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary:

a. [2][Mandatory] Permissive[2] subjects for collective negotiation [2][in public employment] [3][involving the several counties and municipalities, and any authorities, boards, commissions or other instrumentalities of the several counties or municipalities,[2] shall include [2]all[2] terms and conditions of employment [2][of public employees][2] that are not [2]otherwise mandatorily negotiable and that intimately and directly affect employee work and welfare, unless those subjects are[2] specifically exempted from collective negotiations by State statute, [2]or[2] unless a negotiated agreement would prevent government from carrying out its statutory mission. [2]Mandatory subjects for collective negotiation involving public employers other than the several counties and municipalities, and any authorities, boards, commissions or other instrumentalities of the several counties and municipalities, shall include terms and conditions of employment that intimately and directly affect the work and welfare of public employees and that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent government from carrying out its statutory mission.[2] Statutes and administrative] shall include all terms and conditions of employment that are not otherwise mandatorily negotiable and that intimately and directly affect employee work and welfare, unless otherwise preempted by State or federal statute, or unless a negotiated agreement would prevent government from carrying out its statutory mission.

b. Administrative[3] regulations [3]adopted after the effective date of P.L. c. (C.)(pending before the Legislature as this bill)[3] that set terms and conditions of employment or that grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement.

[3][b.] c.[3] [2]Parties may [3][agree to][3] submit disputes about whether a matter is within the scope of collective negotiations to the commission, pursuant to the authority vested in it by subsection d. of section 1 of P.L. 1974, c.123 (C.34:13A-5.4).

[3][c.[2]] d.[3] Grievance [2][and disciplinary review][2] procedures shall provide for binding arbitration as [2][a] the means for resolving disputes over the application, interpretation or violation of the terms of a collective negotiations agreement entered into by the parties. [3][With respect to the discipline of employees without statutory protection under

tenure or civil service laws, binding arbitration shall be the final dispute resolution mechanism of any dispute regarding whether there is just cause for a disciplinary dispute, including, but not limited to, reprimands, withholding of increments, termination or non-renewal of an employment contract, expiration or lapse of an employment contract or term, or lack of continuation of employment, irrespective of the reason for the employer's action or failure to act. In arbitration, the burden of proof shall be on the employer. Parties may negotiate alternative disciplinary review procedures that may provide for binding arbitration as the[2] means for resolving disputes involving [2]**[**mandatory subjects for collective negotiations**]** discipline of employees with statutory protection under tenure or civil service laws. For any collective negotiations agreement in effect on the effective date of P.L. , c. (C.)(pending before the Legislature as this bill), subsection c. of this section, shall become effective upon the expiration of that collective negotiations agreement[2].

[2]**[**c.**]** d.[2]**]** e. Where an employer and a majority representative agree to disciplinary review procedures that provide for binding arbitration of disputes involving employees who are covered by alternate statutory review procedures, other than public employees subject to discipline pursuant to R.S.53:1-10, the disciplinary review procedures established by agreement between an employer and a majority representative shall be utilized for any dispute covered by the terms of such agreement.

f.[3] Notwithstanding the expiration of a collective negotiations agreement, an impasse in negotiations, an exhaustion of the commission's impasse procedures, or the utilization or completion of the procedures required by [3]**[**of**]**[3] P.L. , c. (C.)(pending before the Legislature as this bill) to resolve disputes involving collective negotiations, and notwithstanding any law or regulation to the contrary, no public employer, its representatives, or its agents shall unilaterally impose, modify, amend, delete[3]**,**[3] or alter any [3]mandatorily negotiable[3] terms and conditions of employment as set forth in the expired or expiring collective negotiations agreement, or unilaterally impose, modify, amend, delete, or alter any other [3]mandatorily[3] negotiable terms and conditions of employment [3]that are not set forth in a collective negotiations agreement[3], without the specific written agreement of the majority representative. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration of the collective negotiations agreement, all terms and conditions of the agreement, including, but not limited to the payment of salary increments, shall remain in effect following the agreement's expiration until the parties reach agreement on a successor collective negotiations agreement.[1]

[3][[2]e.] g.[3] Notwithstanding any provision of this section, the Legislature retains the right to exempt from collective negotiations subjects that would otherwise be mandatory subjects of negotiations.

[3][f.] h.[3] Notwithstanding any provision of this section, the resolution of disputes concerning negotiations over terms and conditions of employment shall not be subject to compulsory interest arbitration as set forth in P.L. 1995, c. 425 (C.34:13A-14a et seq.).[2]

[3]i. The parties to collective negotiations may not insist on negotiating over permissive subjects of negotiations. A party's decision to not negotiate or to cease negotiating over a permissive subject of negotiations is not a violation of subsection a. or b. of section 1 of P.L.1974, c.123 (C.34:13A-5.4).

j. The commission shall promulgate regulations to enforce the provisions of this section.[3]

[1]5. (New section) The communications between [3]a representative of[3] a majority representative of employees and [3][its] a[3] unit [3][members] member[3] regarding [3][collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, or any other matters that are within the scope of a majority representative's duty of fair representation, and internal union matters involving the governance or business of the union, shall be treated as confidential communications and shall not be subject to disclosure under the discovery rules of New Jersey administrative agencies, including, but not limited to the Office of Administrative Law and the Commission, or pursuant to section 17 of P.L.2003, c.95 (C.2A:23B-17), and other applicable state laws authorizing arbitrators, presiding at labor arbitrations, to issue subpoenas] the investigation and preparation for meetings and hearings of grievances and disciplinary disputes, shall be treated as confidential communications and shall not be subject to disclosure under the discovery rules of New Jersey administrative agencies, including, but not limited to the Office of Administrative Law and the commission, or pursuant to section 17 of P.L.2003, c.95 (C.2A:23B-17), and other applicable State laws authorizing arbitrators, presiding at labor arbitrations, to issue subpoenas. This section does not apply to the New Jersey Court Rules or to records that are required by statute, case law, or the New Jersey Court Rules to be made available to the public by entities provided for in Article VI of the New Jersey Constitution[3].[1]

[1][4.] 6.[1] (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary, if an employee who does not pay dues to a majority representative requests that the majority representative represent the employee in arbitration

proceedings to enforce the terms of the collective negotiations agreement between the majority representative and the public employer, including arbitration proceedings involving the resolution of disciplinary disputes, the majority representative may charge an employee for the cost of representing the employee in the arbitration proceedings, and may decline to represent an employee in the arbitration unless the employee agrees to pay for the cost of the representation.

[1]**[**5.**]** 7.[1] (New section) Only the parties to a collective negotiations agreement shall have the authority to invoke the arbitration procedures of the agreement and the public employer and the employee organization shall be the only parties to the arbitration proceeding invoked pursuant to the collective negotiations agreement.

[1]**[**6.**]** 8.[1] (New section) [3]**[**An authorization card**]** Authorization cards[3] or [3]**[**petition**]** showings of interest[3] submitted to the [3]**[**Commission**]** commission[3] for purposes of conducting an election to select a majority representative or certifying an employee organization as the exclusive majority representative based on a majority of employees in the unit signing authorization cards or a petition, may bear the electronic signature of the employee, as the term electronic signature is defined in section 2 of P.L. 2001, c. 116[3]**[**,**]**[3] (C.12A:12-2) [3], provided that the petitioner provides to the commission verification as to the authenticity of the electronic signature, such as an email from the employee signatory confirming the authenticity of their signature or such other verification deemed acceptable by the commission. Facsimile transmissions and email will be accepted in lieu of originals for authorization cards and showings of interest in certification cases; however, all original filings and submissions shall be retained by the petitioner and the originals shall be produced upon request of the commission[3].

[1]**[**7. (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary:

a. Mandatory subjects for collective negotiation in public employment shall include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent government from carrying out its statutory mission. Statutes and administrative regulations that set terms and conditions of employment or that grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except

that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement.

b. Grievance and disciplinary review procedures shall provide for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

c. Notwithstanding the expiration of a collective negotiations agreement, an impasse in negotiations, an exhaustion of the Commission's impasse procedures, or the utilization or completion of the procedures required by of P.L. , c. (C.)(now pending before the legislature as this bill) to resolve disputes involving collective negotiations, and notwithstanding any law or regulation to the contrary, no public employer, its representatives, or its agents shall unilaterally impose, modify, amend, delete or alter any terms and conditions of employment as set forth in the expired or expiring collective negotiations agreement, or unilaterally impose, modify, amend, delete, or alter any other negotiable terms and conditions of employment, without the specific written agreement of the majority representative. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration of the collective negotiations agreement, all terms and conditions of the agreement, including, but not limited to the payment of salary increments, shall remain in effect following the agreement's expiration until the parties reach agreement on a successor collective negotiations agreement.**]**[1]

[1]**[**8. (New section) The communications between a majority representative of employees and its unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, or any other matters that are within the scope of a majority representative's duty of fair representation, and internal union matters involving the governance or business of the union, shall be treated as confidential communications and shall not be subject to disclosure under the discovery rules of New Jersey administrative agencies, including, but not limited to the Office of Administrative Law and the Commission, or pursuant to section 17 of P.L.2003, c.95 (C.2A:23B-17), and other applicable state laws authorizing arbitrators, presiding at labor arbitrations, to issue subpoenas.**]**[1]

9. (New section) Complaints issued based on a violation of paragraph (3) of subsection (a) of section 1 of P.L.1974, c.123 (C.34:13A-5.4) shall be scheduled for hearing within [3]**[**60 to 90**]** <u>120</u>[3] calendar days from date of complaint issuance, unless the parties agree to extend the time for complaint issuance. Within 60 calendar days of the filing of an unfair practice charge alleging the violation the

commission shall decide whether or not to issue a complaint. The commission shall promulgate rules to provide for discovery prior to the commencement of a hearing.

[3]10. Section 1 of P.L.1974, c.123 (C.34:13A-5.4) shall be amended as follows:

1. a. Public employers, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Dominating or interfering with the formation, existence or administration of any employee organization.

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act.

(4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.

(5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative.

(6) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(7) Violating any of the rules and regulations established by the commission.

b. Employee organizations, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Interfering with, restraining or coercing a public employer in the selection of his representative for the purposes of negotiations or the adjustment of grievances.

(3) Refusing to negotiate in good faith with a public employer, if they are the majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit.

(4) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(5) Violating any of the rules and regulations established by the commission.

c. The commission shall have exclusive power as hereinafter provided to prevent anyone from engaging in any unfair practice listed in subsections a. and b. above. Whenever it is charged that anyone has engaged or is engaging in any such unfair practice, the commission, or any designated agent thereof, shall have authority to issue and cause to be served upon such party a complaint stating the specific unfair practice charged and including a notice of hearing containing the date and place

of hearing before the commission or any designated agent thereof; provided that no complaint shall issue based upon any unfair practice occurring more than 6 months prior to the filing of the charge unless the person aggrieved thereby was prevented from filing such charge in which event the 6-month period shall be computed from the day he was no longer so prevented.

In any such proceeding, the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall be applicable. Evidence shall be taken at the hearing and filed with the commission. If, upon all the evidence taken, the commission shall determine that any party charged has engaged or is engaging in any such unfair practice, the commission shall state its findings of fact and conclusions of law and issue and cause to be served on such party an order requiring such party to cease and desist from such unfair practice, and to take such reasonable affirmative action as will effectuate the policies of this act. All cases in which a complaint and notice of hearing on a charge is actually issued by the commission, shall be prosecuted before the commission or its agent, or both, by the representative of the employee organization or party filing the charge or his authorized representative.

d. The commission shall at all times have the power and duty, upon the request of any public employer or majority representative, to make a determination as to whether a matter in dispute is within the scope of collective negotiations. The commission shall serve the parties with its findings of fact and conclusions of law. Any determination made by the commission pursuant to this subsection may be appealed to the Appellate Division of the Superior Court.

e. The commission shall adopt such rules as may be required to regulate the conduct of representation elections, and to regulate the time of commencement of negotiations and of institution of impasse procedures so that there will be full opportunity for negotiations and the resolution of impasses prior to required budget submission dates.

f. The commission or any interested party shall have the power to apply to the **[**Appellate Division of the**]** Superior Court, Law Division, for an appropriate order enforcing any order of the commission issued under subsection c. or d. hereof, and its findings of fact, if based upon substantial evidence on the record as a whole, shall not, in such action, be set aside or modified; any order for remedial or affirmative action, if reasonably designed to effectuate the purposes of this act, shall be affirmed and enforced in such proceeding.

g. The Director of the Division of Local Government Services in the Department of Community Affairs may notify the commission that a municipality deemed a "municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4) shall not be subject to the commission's authority to prevent an unfair practice pursuant to subsection a. of this section. Upon such notice, neither the commission, nor any designee, shall have the authority to issue or cause to be served upon such municipality in need of stabilization and

recovery any complaint alleging an unfair practice under subsection a. of this section or to hold any hearings with respect thereto. Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the Director set forth in P.L.2016, c.4 (C.52:27BBBB-1 et al.).

The provisions of this subsection shall no longer be applicable on and after the first day of the sixth year next following the determination by the Commissioner of Community Affairs that the municipality shall be deemed "a municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4); however, actions taken pursuant to this subsection prior to the effective date of P.L.2021, c.124 (C.52:27BBBB-4 et al.) shall be final and shall not be subject to reconsideration.[3]

(cf: P.L.2021, c.124, s.4)

[3][10.] 11.[3] Section 5 of P.L.2018, c.15 (C.34:13A-5.15) is amended to read as follows:

5. a. All regular full-time and part-time employees of the public employer who perform negotiations unit work shall be included in the negotiations unit represented by the exclusive representative employee organization.

b. Negotiations unit work means work that is performed by any employees who are included in a negotiations unit represented by an exclusive representative employee organization without regard to job title, job classification or number of hours worked, except that employees who are confidential employees or managerial executives, as those terms are defined by section 1 of P.L.1941, c.100 (C.34:13A-3), or elected officials, members of boards and commissions, or casual employees, may be excluded from the negotiations unit. Casual employees are employees who work an average of fewer than four hours per week over a period of 90 calendar days.

c. Every 120 calendar days beginning on January 1 following the effective date of P.L. , c. (C.)(now pending before the legislature as this bill), public employers shall provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization: name, job title, worksite location, work email and work phone number. Within 30 days of a request by an exclusive representative employee organization, a public employer shall provide a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer subject to the request.

d. Employees who are performing negotiations unit work and who are not included in a negotiations unit because they did not meet the threshold of hours or percent of time worked as set forth in a

certification of representative, recognition clause or other provision in a collective negotiations agreement, shall be included in the negotiations unit by operation of this act, within 90 calendar days from the effective date of this act.

[d.**]** e. The Public Employment Relations Commission shall promulgate rules to implement this section, including rules to resolve disputes over the inclusion of employees performing negotiations unit work in the appropriate negotiations unit. The rules promulgated by the commission shall provide for the resolution of disputes that arise under this section, within 60 calendar days from the submission of the dispute to the commission by either the exclusive representative employee organization or the public employer.

(cf: P.L.2018, c.15, s.5)

3[11.**]** 12.**3** Section 1 of P.L.1967, c.310 (C.52:14-15.9e) is amended to read as follows:

1. Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality, board of education or authority in this State, or by any board, body, agency or commission thereof shall indicate in writing, including by electronic communications, and which writing or communication may be evidenced by the electronic signature of the employee, as the term electronic signature is defined in section 2 of P.L.2001, c.116 (C.12A:12-2), to the proper disbursing officer his desire to have any deductions made from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request.

Employees who have authorized the payroll deduction of fees to employee organizations prior to the effective date of the "Workplace Democracy Enhancement Act", P.L. 2018, c.15 (C.34:13A-5.11 et seq.), may revoke such authorization **3[**by providing written notice to their public employer consistent with the terms of the authorization by the employee to have any deductions made from the employee's compensation for the purpose of paying the employee's dues to a bona fide employee organization, as those terms are set forth on the writing signed by the employee authorizing the payroll deduction of dues, provided the writing was consistent with the law at the time the authorization was given. If the writing was not consistent with law, the revocation of authorization shall be effective on the dates provided by law at the time the authorization was given**]** in accordance with the law in effect at the time of their initial authorization of payroll deduction of fees or with the terms of that authorization as those terms are set forth

on the record bearing the employee's signature, provided the terms were consistent with the law in effect at the time[3].

Employees who have authorized the payroll deduction of fees to employee organizations on or after the effective date of the "Workplace Democracy Enhancement Act", P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke such authorization by providing written notice to their public employer [during the 10 days following each anniversary date of their employment]. [3][Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization.][3] An employee's notice of revocation of authorization for the payroll deduction of employee organization fees shall be effective on the 30th day after the anniversary date of employment.

Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization.

Nothing herein shall preclude a public employer and a duly certified majority representative from entering into a collectively negotiated written agreement which provides that employees included in the negotiating unit may only request deduction for the payment of dues to the duly certified majority representative. Such collectively negotiated agreement may include a provision that existing written authorizations for payment of dues to an employee organization other than the duly certified majority representative be terminated. Such collectively negotiated agreement may also include a provision specifying the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by an employee with the public employer's disbursing officer.

This authorization for negotiation of exclusive dues deduction provisions shall not apply to any negotiating unit which includes employees of any local school district or county college.

As used in this section, dues shall mean all moneys required to be paid by the employee as a condition of membership in an employee organization and any voluntary employee contribution to a committee or fund established by such organization, including but not limited to welfare funds, political action committees, charity funds, legal defense funds, educational funds, and funds for donations to schools, colleges, and universities.

(cf: P.L.2018, c.15, s.6)

[4]13. (New section) The provisions of sections 4 and 5 of P.L. , c. (C.)(pending before the Legislature as this bill), and of subsection c. of section 5 of P.L.2018, c.15 (C.34:13A-5.15) shall not apply to:

a. the several counties and municipalities;

b. authorities, commissions, boards or other instrumentalities of the several counties and municipalities;

c. State colleges and universities, including Kean University, Montclair State University, and Rowan University;

d. county colleges;

e. Rutgers, the State University of New Jersey; or

f. the New Jersey Institute of Technology.[4]

[3][12.] [4][13.[3]] 14.[4] This act shall take effect immediately[3]; provided, however, that subsection a., and subsections c. through i., of section 4 of P.L. c. (C.)(pending before the Legislature as this bill) shall be applicable upon the expiration of any binding collective negotiations agreements or contracts of employment in force on the date of enactment[3].

"Responsible Collective Negotiations Act."

SENATE, No. 3810

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 20, 2021

Sponsored by:
Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator DAWN MARIE ADDIEGO
District 8 (Atlantic, Burlington and Camden)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Senators Rice and Cryan

SYNOPSIS

"Responsible Collective Negotiations Act."

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/10/2021)

AN ACT concerning public employment relations, amending P.L.1967, c.310 and P.L.2018, c.15, and supplementing Title 34 of the Revised Statutes.

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

1. (New section) This act shall be known and may be cited as the "Responsible Collective Negotiations Act."

2. (New section) It is hereby declared as the public policy of this State that the public interest is best served in the prompt settlement of labor disputes and in achieving cost effective and creative solutions to ensure the efficient delivery of public services and that policy is best achieved by entrusting democratically elected government officials with broad authority to negotiate over the terms of employment of their employees; that the constitutional mandate that public employees have the right to organize and present grievances to their employers will be promoted by the establishment of an system of collective negotiations between public employers and the representatives of public employees that includes all matters that intimately and directly affect employee work and welfare, unless a negotiated agreement would prevent government from carrying out its statutory mission; and that when public employers and employee representatives agree upon subjects of collective negotiations, it is in the public interest that those agreements are enforceable by both public employee organizations and public employers and that the parties to a collective negotiations agreement respect and abide by their mutual promises and agreements.

3. (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary, as used in sections 1 through 9 of P.L. , c. (C.)(now pending before the legislature as this bill):

a. The term "commission" means the New Jersey Public Employment Relations Commission.

b. The term "employer" means the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or any special district, or any county college, or any authority, commission or board, or any branch or agency of the public service, except that the term does not include any local or regional school district, or board or commission under

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 <u>thus</u> is new matter.

the authority of the Commissioner of Education or the State Board of Education.

c. The term “employee” means an employee of an employer as defined by subparagraph b above, but does not include firefighting employees of public fire departments or employees engaged in performing police services for public police departments as those terms are defined by section 2 of P.L.1977, c.85 (C.34:13A-15).

d. “Terms and conditions of employment" are all matters that intimately and directly affect the work and welfare of public employees. Examples of terms and conditions of employment include, but are not limited to: compensation; hours and schedules of work; fringe benefits; layoffs; subcontracting and privatization; criteria and procedures for promotions, performance evaluations and hiring; transfers of employees; assignments and reassignments of employees; transfer of negotiations unit work; and job security, discipline disputes and disciplinary review procedures.

e. “Disciplinary review procedures” are procedures to review all forms of discipline, including but not limited to, oral and written reprimands, written warnings, suspensions with and without pay, fines, terminations, non-renewals, non-reappointments, demotions, disciplinary transfers and all other adverse personnel actions based on employee performance or conduct.

f. The terms “employee organization” and “majority representative”, unless otherwise specified, means the “exclusive majority representative” either certified by the commission or recognized by the public employer.

4. (New section) Notwithstanding any provisions of the “New Jersey Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary, if an employee who does not pay dues to a majority representative requests that the majority representative represent the employee in arbitration proceedings to enforce the terms of the collective negotiations agreement between the majority representative and the public employer, including arbitration proceedings involving the resolution of disciplinary disputes, the majority representative may charge an employee for the cost of representing the employee in the arbitration proceedings, and may decline to represent an employee in the arbitration unless the employee agrees to pay for the cost of the representation.

5. (New section) Only the parties to a collective negotiations agreement shall have the authority to invoke the arbitration procedures of the agreement and the public employer and the employee organization shall be the only parties to the arbitration proceeding invoked pursuant to the collective negotiations agreement.

6. (New section) An authorization card or petition submitted to the Commission for purposes of conducting an election to select a majority representative or certifying an employee organization as the exclusive majority representative based on a majority of employees in the unit signing authorization cards or a petition, may bear the electronic signature of the employee, as the term electronic signature is defined in section 2 of P.L. 2001, c. 116, (C. 12A:12-2).

7. (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary:

a. Mandatory subjects for collective negotiation in public employment shall include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent government from carrying out its statutory mission. Statutes and administrative regulations that set terms and conditions of employment or that grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement.

b. Grievance and disciplinary review procedures shall provide for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

c. Notwithstanding the expiration of a collective negotiations agreement, an impasse in negotiations, an exhaustion of the Commission's impasse procedures, or the utilization or completion of the procedures required by of P.L. , c. (C.)(now pending before the legislature as this bill) to resolve disputes involving collective negotiations, and notwithstanding any law or regulation to the contrary, no public employer, its representatives, or its agents shall unilaterally impose, modify, amend, delete or alter any terms and conditions of employment as set forth in the expired or expiring collective negotiations agreement, or unilaterally impose, modify, amend, delete, or alter any other negotiable terms and conditions of employment, without the specific written agreement of the majority representative. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration of the collective negotiations agreement, all terms and conditions of the agreement, including, but not limited to the payment of salary increments, shall remain in effect following the agreement's expiration until the parties reach agreement on a successor collective negotiations agreement.

8. (New section) The communications between a majority representative of employees and its unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, or any other matters that are within the scope of a majority representative's duty of fair representation, and internal union matters involving the governance or business of the union, shall be treated as confidential communications and shall not be subject to disclosure under the discovery rules of New Jersey administrative agencies, including, but not limited to the Office of Administrative Law and the Commission, or pursuant to section 17 of P.L.2003, c.95 (C.2A:23B-17), and other applicable state laws authorizing arbitrators, presiding at labor arbitrations, to issue subpoenas.

9. (New section) Complaints issued based on a violation of paragraph (3) of subsection (a) of section 1 of P.L.1974, c.123 (C.34:13A-5.4) shall be scheduled for hearing within 60 to 90 calendar days from date of complaint issuance, unless the parties agree to extend the time for complaint issuance. Within 60 calendar days of the filing of an unfair practice charge alleging the violation the commission shall decide whether or not to issue a complaint. The commission shall promulgate rules to provide for discovery prior to the commencement of a hearing.

10. Section 5 of P.L.2018, c.15 (C.34:13A-5.15) is amended to read as follows:

5. a. All regular full-time and part-time employees of the public employer who perform negotiations unit work shall be included in the negotiations unit represented by the exclusive representative employee organization.

b. Negotiations unit work means work that is performed by any employees who are included in a negotiations unit represented by an exclusive representative employee organization without regard to job title, job classification or number of hours worked, except that employees who are confidential employees or managerial executives, as those terms are defined by section 1 of P.L.1941, c.100 (C.34:13A-3), or elected officials, members of boards and commissions, or casual employees, may be excluded from the negotiations unit. Casual employees are employees who work an average of fewer than four hours per week over a period of 90 calendar days.

c. <u>Every 120 calendar days beginning on January 1 following the effective date of P.L. , c. (C.)(now pending before the legislature as this bill), public employers shall provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee</u>

organization: name, job title, worksite location, work email and work phone number. Within 30 days of a request by an exclusive representative employee organization, a public employer shall provide a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer subject to the request.

d. Employees who are performing negotiations unit work and who are not included in a negotiations unit because they did not meet the threshold of hours or percent of time worked as set forth in a certification of representative, recognition clause or other provision in a collective negotiations agreement, shall be included in the negotiations unit by operation of this act, within 90 calendar days from the effective date of this act.

[d.**]** e. The Public Employment Relations Commission shall promulgate rules to implement this section, including rules to resolve disputes over the inclusion of employees performing negotiations unit work in the appropriate negotiations unit. The rules promulgated by the commission shall provide for the resolution of disputes that arise under this section, within 60 calendar days from the submission of the dispute to the commission by either the exclusive representative employee organization or the public employer.

(cf: P.L.2018, c.15, s.5)

11. Section 1 of P.L.1967, c.310 (C.52:14-15.9e) is amended to read as follows:

1. Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality, board of education or authority in this State, or by any board, body, agency or commission thereof shall indicate in writing, including by electronic communications, and which writing or communication may be evidenced by the electronic signature of the employee, as the term electronic signature is defined in section 2 of P.L.2001, c.116 (C.12A:12-2), to the proper disbursing officer his desire to have any deductions made from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request.

Employees who have authorized the payroll deduction of fees to employee organizations prior to the effective date of the "Workplace Democracy Enhancement Act", P.L. 2018, c.15 (C.34:13A-5.11 et seq.), may revoke such authorization by providing written notice to their public employer consistent with the terms of the authorization by the employee to have any deductions made from the employee's compensation for the purpose of paying the employee's dues to a bona fide employee organization, as those

terms are set forth on the writing signed by the employee authorizing the payroll deduction of dues, provided the writing was consistent with the law at the time the authorization was given. If the writing was not consistent with law, the revocation of authorization shall be effective on the dates provided by law at the time the authorization was given.

Employees who have authorized the payroll deduction of fees to employee organizations on or after the effective date of the "Workplace Democracy Enhancement Act", P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke such authorization by providing written notice to their public employer [during the 10 days following each anniversary date of their employment]. Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization. An employee's notice of revocation of authorization for the payroll deduction of employee organization fees shall be effective on the 30th day after the anniversary date of employment.

Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization.

Nothing herein shall preclude a public employer and a duly certified majority representative from entering into a collectively negotiated written agreement which provides that employees included in the negotiating unit may only request deduction for the payment of dues to the duly certified majority representative. Such collectively negotiated agreement may include a provision that existing written authorizations for payment of dues to an employee organization other than the duly certified majority representative be terminated. Such collectively negotiated agreement may also include a provision specifying the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by an employee with the public employer's disbursing officer.

This authorization for negotiation of exclusive dues deduction provisions shall not apply to any negotiating unit which includes employees of any local school district or county college.

As used in this section, dues shall mean all moneys required to be paid by the employee as a condition of membership in an employee organization and any voluntary employee contribution to a committee or fund established by such organization, including but not limited to welfare funds, political action committees, charity funds, legal defense funds, educational funds, and funds for donations to schools, colleges, and universities.

(cf: P.L.2018, c.15, s.6)

12. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to promote the public interest by facilitating the prompt settlement of labor disputes and achieving cost effective and creative solutions for the efficient delivery of public services by entrusting elected government officials with broad authority to negotiate over the terms of employment of their employees, and by providing a system of collective negotiations between public employers and the representatives of public employees that includes all matters that intimately and directly affect employee work and welfare, unless a negotiated agreement would prevent government from carrying out its statutory mission. The bill defines “terms and conditions of employment" as all matters affecting the work and welfare of employees, including compensation, work hours and schedules, fringe benefits, layoffs, subcontracting and privatization, criteria and procedures for promotions, performance evaluations, hiring, employee transfers and assignments, transfers; job security, and disciplinary matters.

The bill provides that a public employee union may charge an employee, who does not pay dues to the union, for the cost of representing the employee in arbitration proceedings, including arbitration regarding disciplinary disputes, and that the union may decline to represent an employee who does not pay union dues in arbitration unless the employee agrees to pay for the cost of representation.

The bill provides that only the parties to a collective negotiations agreement may invoke the arbitration procedures of the agreement and be parties to the arbitration.

Electronic signatures of employees may be used for authorization cards and petitions to conduct union representation elections.

The bill provides that mandatory subjects for collective negotiation in public employment include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent a governmental agency from carrying out its statutory mission. Statutes and regulations that set terms and conditions of employment or grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement. The bill provides for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

The bill prohibits public employers from unilaterally imposing or changing any terms and conditions of employment set forth in an expired or expiring collective negotiations agreement, or unilaterally imposing or changing any other negotiable terms and conditions of employment, without the specific written agreement

of the union. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration, all terms and conditions of the agreement, including the payment of salary increments, are required by the bill to remain in effect following the agreement's expiration until the parties agree on a successor collective agreement.

The bill provides that communications between a public employee union and its members regarding collective negotiations, administration of collective negotiations agreements, investigation of grievances, and any other matters within the scope of the union's duty of fair representation, and regarding internal union matters, are confidential communications and not subject to disclosure under the discovery rules of New Jersey administrative agencies, including the Office of Administrative Law and the Commission, or under state laws authorizing arbitrators to issue subpoenas.

The bill requires that employee complaints regarding discrimination against employees for exercising their rights under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), be scheduled for hearing within 60 to 90 calendar days, unless the parties agree to extend the time. A decision is required on whether to issue a complaint within 60 calendar days.

The bill requires that every 120 calendar days public employers provide to the union the following information for each employee not represented by the union: name, job title, worksite location, work email and work phone number, and, within 30 days of a request by the union, a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer.

The bill provides that employees who authorized a payroll deduction of union fees prior to the effective date of the "Workplace Democracy Enhancement Act," P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke the authorization by providing written notice to their employer, consistent with the terms of the authorization as consistent with the law when time the authorization was given.

A public employer is required to notify the union of an employee's revocation of authorization for the payroll deduction of fees within five days of receipt.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 3810

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Labor Committee reports favorably, with committee amendments, Senate Bill No. 3810.

The purpose of this bill is to promote the public interest by facilitating the prompt settlement of labor disputes and achieving cost effective and creative solutions for the efficient delivery of public services by entrusting elected government officials with broad authority to negotiate over the terms of employment of their employees, and by providing a system of collective negotiations between public employers and the representatives of public employees that includes all matters that intimately and directly affect employee work and welfare, unless a negotiated agreement would prevent government from carrying out its statutory mission.

The bill provides that mandatory subjects for collective negotiation in public employment include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent a governmental agency from carrying out its statutory mission. Statutes and regulations that set terms and conditions of employment or grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement. The bill provides for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

The bill prohibits public employers from unilaterally imposing or changing any terms and conditions of employment set forth in an expired or expiring collective negotiations agreement, or unilaterally imposing or changing any other negotiable terms and conditions of employment, without the specific written agreement of the union. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration, all terms and conditions of the agreement, including the payment of salary increments, are required

by the bill to remain in effect following the agreement's expiration until the parties agree on a successor collective agreement.

The bill defines "terms and conditions of employment" as all matters affecting the work and welfare of employees, including compensation, work hours and schedules, fringe benefits, layoffs, subcontracting and privatization, criteria and procedures for promotions, performance evaluations, hiring, employee transfers and assignments, job security, and disciplinary matters.

The bill provides that a public employee union may charge an employee, who does not pay dues to the union, for the cost of representing the employee in arbitration proceedings, including arbitration regarding disciplinary disputes, and that the union may decline to represent an employee who does not pay union dues in arbitration unless the employee agrees to pay for the cost of representation.

The bill provides that only the parties to a collective negotiations agreement may invoke the arbitration procedures of the agreement and be parties to the arbitration.

The bill permits electronic signatures of employees to be used for authorization cards and petitions to conduct union representation elections.

The bill provides that communications between a public employee union and its members regarding collective negotiations, administration of collective negotiations agreements, investigation of grievances, and any other matters within the scope of the union's duty of fair representation, and regarding internal union matters, are confidential communications and not subject to disclosure under the discovery rules of New Jersey administrative agencies, including the Office of Administrative Law and the Commission, or under state laws authorizing arbitrators to issue subpoenas.

The bill requires that employee complaints regarding discrimination against employees for exercising their rights under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), be scheduled for hearing within 60 to 90 calendar days, unless the parties agree to extend the time. A decision is required on whether to issue a complaint within 60 calendar days.

The bill requires that every 120 calendar days public employers provide to the union the following information for each employee not represented by the union: name, job title, worksite location, work email and work phone number, and, within 30 days of a request by the union, a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer.

The bill provides that employees who authorized a payroll deduction of union fees prior to the effective date of the "Workplace Democracy Enhancement Act," P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke the authorization by providing written notice to their

employer, consistent with the terms of the authorization as consistent with the law when time the authorization was given.

A public employer is required to notify the union of an employee's revocation of authorization for the payroll deduction of fees within five days of receipt.

The amendments adopted by the committee provide that certain fire and police service employees, who had been exempt from all provisions of the bill as introduced, are covered by the provisions of the bill regarding unions being permitted to charge employees representation costs, unions having authority to invoke arbitration procedures, electronic signatures for cards and petitions in union representation elections, and time limits for the scheduling of hearings on discrimination claims.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 3810

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3810 (3R), with committee amendments.

This bill provides that a public employee union may charge an employee, who does not pay dues to the union, for the cost of representing the employee in arbitration proceedings, including arbitration regarding disciplinary disputes, and that the union may decline to represent an employee who does not pay union dues in arbitration unless the employee agrees to pay for the cost of representation.

The bill provides that only the parties to a collective negotiations agreement may invoke the arbitration procedures of the agreement and be parties to the arbitration.

Electronic signatures of employees may be used for authorization cards and petitions to conduct union representation elections.

The bill provides for government employers other than counties and municipalities that mandatory subjects for collective negotiation in public employment include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent a governmental agency from carrying out its statutory mission, and, that for counties and municipalities, those subjects are permissive, rather than mandatory, subjects of collective negotiation. Statutes and regulations that set terms and conditions of employment or grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that a negotiated agreement is not permitted to diminish terms and conditions of employment set by statutes and regulations. The bill provides for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

The bill prohibits public employers from unilaterally imposing or changing any terms and conditions of employment set forth in an expired or expiring collective negotiations agreement, or unilaterally imposing or changing any other negotiable terms and conditions of

employment, without the specific written agreement of the union. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration, all terms and conditions of the agreement, including the payment of salary increments, are required by the bill to remain in effect following the agreement's expiration until the parties agree on a successor collective agreement.

The bill provides that communications between a public employee union and its members regarding collective negotiations, administration of collective negotiations agreements, investigation of grievances, and any other matters within the scope of the union's duty of fair representation, and regarding internal union matters, are confidential communications and not subject to disclosure under the discovery rules of New Jersey administrative agencies, including the Office of Administrative Law and the Commission, or under state laws authorizing arbitrators to issue subpoenas.

The bill requires that employee complaints regarding discrimination against employees for exercising their rights under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), be scheduled for hearing within 60 to 90 calendar days, unless the parties agree to extend the time. A decision is required on whether to issue a complaint within 60 calendar days.

The bill requires that every 120 calendar days public employers provide to the union the following information for each employee not represented by the union: name, job title, worksite location, work email and work phone number, and, within 30 days of a request by the union, a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer.

The bill provides that employees who authorized a payroll deduction of union fees prior to the effective date of the "Workplace Democracy Enhancement Act," P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke the authorization by providing written notice to their employer, consistent with the terms of the authorization as consistent with the law when time the authorization was given.

The provisions of sections 4 and 5 of the bill, and the subsection added to current law by section 11 of the bill, do not apply to: counties or municipalities or their authorities, commissions, boards or other instrumentalities; any county college; any State college or university, including Kean University, Montclair State University, and Rowan University; Rutgers, the State University of New Jersey; or the New Jersey Institute of Technology. Those provisions concern:

(1) permissive subjects of negotiation, grievance procedures, disciplinary matters for which there is not an alternate statutory appeal procedure (section 4);

(2) the confidentiality of communications between a majority representative and its unit members regarding collective negotiations,

the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, and other matters that are within the scope of a majority representative's duty of fair representation (section 5); and

(3) the requirement that every 120 calendar days beginning on January 1 following the effective date of the bill, public employers are required to provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization: name, job title, worksite location, work email and work phone number (section 11).

A public employer is required to notify the union of an employee's revocation of authorization for the payroll deduction of fees within five days of receipt.

COMMITTEE AMENDMENTS:

The committee amendments clarify that the provisions of sections 4 and 5 of the bill, and the subsection added to current law by section 11 of the bill, do not apply to: counties or municipalities or their authorities, commissions, boards or other instrumentalities; any county college; any State college or university, including Kean University, Montclair State University, and Rowan University; Rutgers, the State University of New Jersey; or the New Jersey Institute of Technology.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

STATEMENT TO

[First Reprint]

SENATE, No. 3810

with Senate Floor Amendments
(Proposed by Senator SWEENEY)

ADOPTED: JUNE 21, 2021

These amendments:

1. Add a permissive category of collective negotiations for municipalities and counties, with permissive subjects including subjects that are not currently mandatory subjects, except if exempted from negotiations by legislation or if a negotiated agreement would prevent government from carrying out its statutory mission.

2. Retain the bill's expanded mandatory category for all government employers other than counties and municipalities, but add the specification that a subject of negotiation is not mandatory unless it is intimately and directly affects the work and welfare of public employees.

3. Clarify that the Public Employment Relations Commission retains jurisdiction over scope of negotiations disputes.

4. Require that grievance procedures provide that all disputes over the application, interpretation or violation of the terms of a collective negotiations agreement are subject to binding arbitration.

5. Indicate that all disciplinary matters for which there is not an alternate statutory appeal procedure are subject to binding arbitration, and that where there is an alternate statutory appeal procedure, such as civil service or tenure procedures, the parties may negotiate to have discipline submitted to arbitration.

6. State that collective negotiations agreements that are in effect are not impacted until the expiration of those agreements.

7. State that the Legislature retains the authority to exempt from collective negotiations subjects that would otherwise be mandatory.

8. State that nothing in the bill allows negotiations disputes to be submitted to compulsory interest arbitration.

STATEMENT TO

[Second Reprint]
SENATE, No. 3810

with Senate Floor Amendments
(Proposed by Senator SWEENEY)

ADOPTED: DECEMBER 20, 2021

The floor amendments:

1. Exclude local government bodies and State colleges and universities, Rutgers, the State University of New Jersey or the New Jersey Institute of Technology from sections 4, 5, and 11 of the bill, regarding:

(1) permissive subjects of negotiation, grievance procedures, disciplinary matters for which there is not an alternate statutory appeal procedure (section 4);

(2) the confidentiality of communications between a majority representative and its unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, and other matters that are within the scope of a majority representative's duty of fair representation (section 5); and

(3) the requirement that every 120 calendar days beginning on January 1 following the effective date of the bill, public employers are required to provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization: name, job title, worksite location, work email and work phone number (section 10 which is being renumbered as section 11).

2. Clarify that all terms and conditions of employment that are not mandatory subjects of negotiation are permissive subjects of negotiation, unless explicitly exempted by State or federal statute, or unless a negotiated agreement would prevent government from carrying out its statutory mission.

3. Authorize any party to a collective negotiation agreement (CNA) to submit a dispute regarding the interpretation of the CNA without agreement from other parties.

4. Delete the bill's provisions requiring disciplinary review procedures to include binding arbitration as the means for resolving disputes of interpretation of CNAs.

5. Stipulate that parties may not insist on negotiations of permissive subjects of negotiations.

6. Remove the requirements for confidentiality for communications of unions to their members if the communications are about union business other than grievances or disciplinary disputes.

7. Specify standards for verification of electronic signatures in union representation matters.

8. Increase the time in which a hearing on a complaint must be scheduled to 120 days after the complaint is filed.

9. Authorize any interested party to apply to a court for orders enforcing an order of the commission.

10. Eliminate the time limits on when an employee may revoke a dues authorization.

11. Specify that certain parts of the bill take effect where there is a CNA in effect only after the CNA expires.

The amendments will make the bill identical to Assembly Bill No. 5862 (2R) of the 2020-2021 Legislative Session.

ASSEMBLY, No. 5862

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 9, 2021

Sponsored by:
Assemblyman JOHN ARMATO
District 2 (Atlantic)
Assemblywoman ANNETTE QUIJANO
District 20 (Union)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Assemblywomen Reynolds-Jackson, Murphy, Assemblymen Giblin, Verrelli, Zwicker, Assemblywomen Chaparro, Sumter, Jasey, McKnight, Assemblyman McKeon, Assemblywoman Carter, Assemblyman Stanley and Assemblywoman Lopez

SYNOPSIS

"Responsible Collective Negotiations Act."

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/21/2021)

AN ACT concerning public employment relations, amending P.L.1967, c.310 and P.L. 2018, c.15, and supplementing Title 34 of the Revised Statutes.

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

1. (New section) This act shall be known and may be cited as the "Responsible Collective Negotiations Act."

2. (New section) It is hereby declared as the public policy of this State that the public interest is best served in the prompt settlement of labor disputes and in achieving cost effective and creative solutions to ensure the efficient delivery of public services and that policy is best achieved by entrusting democratically elected government officials with broad authority to negotiate over the terms of employment of their employees; that the constitutional mandate that public employees have the right to organize and present grievances to their employers will be promoted by the establishment of an system of collective negotiations between public employers and the representatives of public employees that includes all matters that intimately and directly affect employee work and welfare, unless a negotiated agreement would prevent government from carrying out its statutory mission; and that when public employers and employee representatives agree upon subjects of collective negotiations, it is in the public interest that those agreements are enforceable by both public employee organizations and public employers and that the parties to a collective negotiations agreement respect and abide by their mutual promises and agreements.

3. (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary, as used in sections 1 through 9 of P.L. , c. (C.) (now pending before the legislature as this bill):

a. The term "commission" means the New Jersey Public Employment Relations Commission.

b. The term "employer" means the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or any special district, or any county college, or any authority, commission or board, or any branch or agency of the public service, except that the term does not include any local or regional school district, or board or commission under the authority of the Commissioner of Education or the State Board 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 <u>thus</u> is new matter.

c. The term “employee” means an employee of an employer as defined by subparagraph b above, but does not include firefighting employees of public fire departments or employees engaged in performing police services for public police departments as those terms are defined by section 2 of P.L.1977, c.85 (C.34:13A-15).

d. “Terms and conditions of employment" are all matters that intimately and directly affect the work and welfare of public employees. Examples of terms and conditions of employment include, but are not limited to: compensation; hours and schedules of work; fringe benefits; layoffs; subcontracting and privatization; criteria and procedures for promotions, performance evaluations and hiring; transfers of employees; assignments and reassignments of employees; transfer of negotiations unit work; and job security, discipline disputes and disciplinary review procedures.

e. “Disciplinary review procedures” are procedures to review all forms of discipline, including but not limited to, oral and written reprimands, written warnings, suspensions with and without pay, fines, terminations, non-renewals, non-reappointments, demotions, disciplinary transfers and all other adverse personnel actions based on employee performance or conduct.

f. The terms “employee organization” and “majority representative”, unless otherwise specified, means the “exclusive majority representative” either certified by the commission or recognized by the public employer.

4. (New section) Notwithstanding any provisions of the “New Jersey Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary, if an employee who does not pay dues to a majority representative requests that the majority representative represent the employee in arbitration proceedings to enforce the terms of the collective negotiations agreement between the majority representative and the public employer, including arbitration proceedings involving the resolution of disciplinary disputes, the majority representative may charge an employee for the cost of representing the employee in the arbitration proceedings, and may decline to represent an employee in the arbitration unless the employee agrees to pay for the cost of the representation.

5. (New section) Only the parties to a collective negotiations agreement shall have the authority to invoke the arbitration procedures of the agreement and the public employer and the employee organization shall be the only parties to the arbitration proceeding invoked pursuant to the collective negotiations agreement.

6. (New section) An authorization card or petition submitted to the Commission for purposes of conducting an election to select a

majority representative or certifying an employee organization as the exclusive majority representative based on a majority of employees in the unit signing authorization cards or a petition, may bear the electronic signature of the employee, as the term electronic signature is defined in section 2 of P.L. 2001, c. 116, (C. 12A:12-2).

7. (New section) Notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or any other law to the contrary:

a. Mandatory subjects for collective negotiation in public employment shall include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent government from carrying out its statutory mission. Statutes and administrative regulations that set terms and conditions of employment or that grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement.

b. Grievance and disciplinary review procedures shall provide for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

c. Notwithstanding the expiration of a collective negotiations agreement, an impasse in negotiations, an exhaustion of the Commission's impasse procedures, or the utilization or completion of the procedures required by of P.L. , c. (C.)(now pending before the legislature as this bill) to resolve disputes involving collective negotiations, and notwithstanding any law or regulation to the contrary, no public employer, its representatives, or its agents shall unilaterally impose, modify, amend, delete or alter any terms and conditions of employment as set forth in the expired or expiring collective negotiations agreement, or unilaterally impose, modify, amend, delete, or alter any other negotiable terms and conditions of employment, without the specific written agreement of the majority representative. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration of the collective negotiations agreement, all terms and conditions of the agreement, including, but not limited to the payment of salary increments, shall remain in effect following the agreement's expiration until the parties reach agreement on a successor collective negotiations agreement.

8. (New section) The communications between a majority representative of employees and its unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related

complaints and issues, or any other matters that are within the scope of a majority representative's duty of fair representation, and internal union matters involving the governance or business of the union, shall be treated as confidential communications and shall not be subject to disclosure under the discovery rules of New Jersey administrative agencies, including, but not limited to the Office of Administrative Law and the Commission, or pursuant to section 17 of P.L.2003, c.95 (C.2A:23B-17), and other applicable state laws authorizing arbitrators, presiding at labor arbitrations, to issue subpoenas.

9. (New section) Complaints issued based on a violation of paragraph (3) of subsection (a) of section 1 of P.L.1974, c.123 (C.34:13A-5.4) shall be scheduled for hearing within 60 to 90 calendar days from date of complaint issuance, unless the parties agree to extend the time for complaint issuance. Within 60 calendar days of the filing of an unfair practice charge alleging the violation the commission shall decide whether or not to issue a complaint. The commission shall promulgate rules to provide for discovery prior to the commencement of a hearing.

10. Section 5 of P.L.2018, c.15 (C.34:13A-5.15) is amended to read as follows:

5. a. All regular full-time and part-time employees of the public employer who perform negotiations unit work shall be included in the negotiations unit represented by the exclusive representative employee organization.

b. Negotiations unit work means work that is performed by any employees who are included in a negotiations unit represented by an exclusive representative employee organization without regard to job title, job classification or number of hours worked, except that employees who are confidential employees or managerial executives, as those terms are defined by section 1 of P.L.1941, c.100 (C.34:13A-3), or elected officials, members of boards and commissions, or casual employees, may be excluded from the negotiations unit. Casual employees are employees who work an average of fewer than four hours per week over a period of 90 calendar days.

c. Every 120 calendar days beginning on January 1 following the effective date of P.L. , c. (C.)(now pending before the legislature as this bill), public employers shall provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization: name, job title, worksite location, work email and work phone number. Within 30 days of a request by an exclusive representative employee organization, a public employer shall provide a job description for each non-represented employee,

including the names and job titles of all employees supervised by the employer subject to the request.

d. Employees who are performing negotiations unit work and who are not included in a negotiations unit because they did not meet the threshold of hours or percent of time worked as set forth in a certification of representative, recognition clause or other provision in a collective negotiations agreement, shall be included in the negotiations unit by operation of this act, within 90 calendar days from the effective date of this act.

[d.**]** e. The Public Employment Relations Commission shall promulgate rules to implement this section, including rules to resolve disputes over the inclusion of employees performing negotiations unit work in the appropriate negotiations unit. The rules promulgated by the commission shall provide for the resolution of disputes that arise under this section, within 60 calendar days from the submission of the dispute to the commission by either the exclusive representative employee organization or the public employer.

(cf: P.L.2018, c.15, s.5)

11. Section 1 of P.L.1967, c.310 (C.52:14-15.9e) is amended to read as follows:

1. Whenever any person holding employment, whose compensation is paid by this State or by any county, municipality, board of education or authority in this State, or by any board, body, agency or commission thereof shall indicate in writing, including by electronic communications, and which writing or communication may be evidenced by the electronic signature of the employee, as the term electronic signature is defined in section 2 of P.L.2001, c.116 (C.12A:12-2), to the proper disbursing officer his desire to have any deductions made from his compensation, for the purpose of paying the employee's dues to a bona fide employee organization, designated by the employee in such request, and of which said employee is a member, such disbursing officer shall make such deduction from the compensation of such person and such disbursing officer shall transmit the sum so deducted to the employee organization designated by the employee in such request.

Employees who have authorized the payroll deduction of fees to employee organizations prior to the effective date of the "Workplace Democracy Enhancement Act", P.L. 2018, c.15 (C.34:13A-5.11 et seq.), may revoke such authorization by providing written notice to their public employer consistent with the terms of the authorization by the employee to have any deductions made from the employee's compensation for the purpose of paying the employee's dues to a bona fide employee organization, as those terms are set forth on the writing signed by the employee authorizing the payroll deduction of dues, provided the writing was consistent with the law at the time the authorization was given. If the writing was not consistent with law,

the revocation of authorization shall be effective on the dates provided by law at the time the authorization was given.

Employees who have authorized the payroll deduction of fees to employee organizations on or after the effective date of the "Workplace Democracy Enhancement Act", P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke such authorization by providing written notice to their public employer **[**during the 10 days following each anniversary date of their employment**]**. Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization. An employee's notice of revocation of authorization for the payroll deduction of employee organization fees shall be effective on the 30th day after the anniversary date of employment.

Within five days of receipt of notice from an employee of revocation of authorization for the payroll deduction of fees, the public employer shall provide notice to the employee organization of an employee's revocation of such authorization.

Nothing herein shall preclude a public employer and a duly certified majority representative from entering into a collectively negotiated written agreement which provides that employees included in the negotiating unit may only request deduction for the payment of dues to the duly certified majority representative. Such collectively negotiated agreement may include a provision that existing written authorizations for payment of dues to an employee organization other than the duly certified majority representative be terminated. Such collectively negotiated agreement may also include a provision specifying the effective date of a termination in deductions as of the July 1 next succeeding the date on which notice of withdrawal is filed by an employee with the public employer's disbursing officer.

This authorization for negotiation of exclusive dues deduction provisions shall not apply to any negotiating unit which includes employees of any local school district or county college.

As used in this section, dues shall mean all moneys required to be paid by the employee as a condition of membership in an employee organization and any voluntary employee contribution to a committee or fund established by such organization, including but not limited to welfare funds, political action committees, charity funds, legal defense funds, educational funds, and funds for donations to schools, colleges, and universities.

(cf: P.L.2018, c.15, s.6)

12. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to promote the public interest by facilitating the prompt settlement of labor disputes and achieving cost effective and creative solutions for the efficient delivery of public services by entrusting elected government officials with broad authority to negotiate over the terms of employment of their employees, and by providing a system of collective negotiations between public employers and the representatives of public employees that includes all matters that intimately and directly affect employee work and welfare, unless a negotiated agreement would prevent government from carrying out its statutory mission. The bill defines “terms and conditions of employment" as all matters affecting the work and welfare of employees, including compensation, work hours and schedules, fringe benefits, layoffs, subcontracting and privatization, criteria and procedures for promotions, performance evaluations, hiring, employee transfers and assignments, transfers; job security, and disciplinary matters.

The bill provides that a public employee union may charge an employee, who does not pay dues to the union, for the cost of representing the employee in arbitration proceedings, including arbitration regarding disciplinary disputes, and that the union may decline to represent an employee who does not pay union dues in arbitration unless the employee agrees to pay for the cost of representation.

The bill provides that only the parties to a collective negotiations agreement may invoke the arbitration procedures of the agreement and be parties to the arbitration.

Electronic signatures of employees may be used for authorization cards and petitions to conduct union representation elections.

The bill provides that mandatory subjects for collective negotiation in public employment include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent a governmental agency from carrying out its statutory mission. Statutes and regulations that set terms and conditions of employment or grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that terms and conditions of employment set by statutes and regulations shall not be diminished by a negotiated agreement. The bill provides for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

The bill prohibits public employers from unilaterally imposing or changing any terms and conditions of employment set forth in an expired or expiring collective negotiations agreement, or unilaterally imposing or changing any other negotiable terms and conditions of

employment, without the specific written agreement of the union. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration, all terms and conditions of the agreement, including the payment of salary increments, are required by the bill to remain in effect following the agreement's expiration until the parties agree on a successor collective agreement.

The bill provides that communications between a public employee union and its members regarding collective negotiations, administration of collective negotiations agreements, investigation of grievances, and any other matters within the scope of the union's duty of fair representation, and regarding internal union matters, are confidential communications and not subject to disclosure under the discovery rules of New Jersey administrative agencies, including the Office of Administrative Law and the Commission, or under state laws authorizing arbitrators to issue subpoenas.

The bill requires that employee complaints regarding discrimination against employees for exercising their rights under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), be scheduled for hearing within 60 to 90 calendar days, unless the parties agree to extend the time. A decision is required on whether to issue a complaint within 60 calendar days.

The bill requires that every 120 calendar days public employers provide to the union the following information for each employee not represented by the union: name, job title, worksite location, work email and work phone number, and, within 30 days of a request by the union, a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer.

The bill provides that employees who authorized a payroll deduction of union fees prior to the effective date of the "Workplace Democracy Enhancement Act," P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke the authorization by providing written notice to their employer, consistent with the terms of the authorization as consistent with the law when time the authorization was given.

A public employer is required to notify the union of an employee's revocation of authorization for the payroll deduction of fees within five days of receipt.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5862

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Assembly Budget Committee reports favorably Assembly Bill No. 5862, with committee amendments.

The purpose of this bill is to promote the public interest by facilitating the prompt settlement of labor disputes and achieving cost effective and creative solutions for the efficient delivery of public services by entrusting elected government officials with broad authority to negotiate over the terms of employment of their employees, and by providing a system of collective negotiations between public employers and the representatives of public employees that includes all matters that intimately and directly affect employee work and welfare, unless a negotiated agreement would prevent government from carrying out its statutory mission.

The bill provides that a public employee union may charge an employee, who does not pay dues to the union, for the cost of representing the employee in arbitration proceedings, including arbitration regarding disciplinary disputes, and that the union may decline to represent an employee who does not pay union dues in arbitration unless the employee agrees to pay for the cost of representation.

The bill provides that only the parties to a collective negotiations agreement may invoke the arbitration procedures of the agreement and be parties to the arbitration.

Electronic signatures of employees may be used for authorization cards and petitions to conduct union representation elections.

As amended by the committee, the bill provides for government employers other than counties and municipalities that mandatory subjects for collective negotiation in public employment include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent a governmental agency from carrying out its statutory mission, and, that for counties and municipalities, those subjects are permissive, rather than mandatory, subjects of collective negotiation. Statutes and regulations that set terms and conditions of employment or grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any

negotiated agreement, except that a negotiated agreement is not permitted to diminish terms and conditions of employment set by statutes and regulations. The bill provides for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

The bill prohibits public employers from unilaterally imposing or changing any terms and conditions of employment set forth in an expired or expiring collective negotiations agreement, or unilaterally imposing or changing any other negotiable terms and conditions of employment, without the specific written agreement of the union. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration, all terms and conditions of the agreement, including the payment of salary increments, are required by the bill to remain in effect following the agreement's expiration until the parties agree on a successor collective agreement.

The bill provides that communications between a public employee union and its members regarding collective negotiations, administration of collective negotiations agreements, investigation of grievances, and any other matters within the scope of the union's duty of fair representation, and regarding internal union matters, are confidential communications and not subject to disclosure under the discovery rules of New Jersey administrative agencies, including the Office of Administrative Law and the Commission, or under state laws authorizing arbitrators to issue subpoenas.

The bill requires that employee complaints regarding discrimination against employees for exercising their rights under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), be scheduled for hearing within 60 to 90 calendar days, unless the parties agree to extend the time. A decision is required on whether to issue a complaint within 60 calendar days.

The bill requires that every 120 calendar days public employers provide to the union the following information for each employee not represented by the union: name, job title, worksite location, work email and work phone number, and, within 30 days of a request by the union, a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer.

The bill provides that employees who authorized a payroll deduction of union fees prior to the effective date of the "Workplace Democracy Enhancement Act," P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke the authorization by providing written notice to their employer, consistent with the terms of the authorization as consistent with the law when time the authorization was given.

A public employer is required to notify the union of an employee's revocation of authorization for the payroll deduction of fees within five days of receipt.

COMMITTEE AMENDMENTS:

The committee amendments:

1. Add a permissive category of collective negotiations for municipalities and counties, with permissive subjects including subjects that are not currently mandatory subjects, except if exempted from negotiations by legislation or if a negotiated agreement would prevent government from carrying out its statutory mission.

2. Retain the bill's expanded mandatory category for all government employers other than counties and municipalities, but add the specification that a subject of negotiation is not mandatory unless it is intimately and directly affects the work and welfare of public employees.

3. Clarify that the Public Employment Relations Commission retains jurisdiction over scope of negotiations disputes.

4. Require that grievance procedures provide that all disputes over the application, interpretation or violation of the terms of a collective negotiations agreement are subject to binding arbitration.

5. Indicate that all disciplinary matters for which there is not an alternate statutory appeal procedure are subject to binding arbitration, and that where there is an alternate statutory appeal procedure, such as civil service or tenure procedures, the parties may negotiate to have discipline submitted to arbitration.

6. State that collective negotiations agreements that are in effect are not impacted until the expiration of those agreements.

7. State that the Legislature retains the authority to exempt from collective negotiations subjects that would otherwise be mandatory.

8. State that nothing in the bill allows negotiations disputes to be submitted to compulsory interest arbitration.

9. Provide that certain fire and police service employees, who had been exempt from all provisions of the bill as introduced, are covered by the provisions of the bill regarding unions being permitted to charge employees representation costs, unions having authority to invoke arbitration procedures, electronic signatures for cards and petitions in union representation elections, and time limits for the scheduling of hearings on discrimination claims.

FISCAL IMPACT:

Fiscal information is not available at this time.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

[Second Reprint]
ASSEMBLY, No. 5862

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Assembly Budget Committee reports favorably the Assembly Committee Substitute for Assembly Bill, No. 5862 (2R).

The purpose of this bill is to promote the public interest by facilitating the prompt settlement of labor disputes and achieving cost effective and creative solutions for the efficient delivery of public services by entrusting elected government officials with broad authority to negotiate over the terms of employment of their employees.

The bill provides that a public employee union may charge an employee, who does not pay dues to the union, for the cost of representing the employee in arbitration proceedings, including arbitration regarding disciplinary disputes, and that the union may decline to represent an employee who does not pay union dues in arbitration unless the employee agrees to pay for the cost of representation.

The bill provides that only the parties to a collective negotiations agreement may invoke the arbitration procedures of the agreement and be parties to the arbitration.

Electronic signatures of employees may be used for authorization cards and petitions to conduct union representation elections.

The bill provides for government employers other than counties and municipalities that mandatory subjects for collective negotiation in public employment include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent a governmental agency from carrying out its statutory mission, and, that for counties and municipalities, those subjects are permissive, rather than mandatory, subjects of collective negotiation. Statutes and regulations that set terms and conditions of employment or grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that a negotiated agreement is not permitted to diminish terms and conditions of employment set by statutes and regulations. The bill provides for

binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

The bill prohibits public employers from unilaterally imposing or changing any terms and conditions of employment set forth in an expired or expiring collective negotiations agreement, or unilaterally imposing or changing any other negotiable terms and conditions of employment, without the specific written agreement of the union. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration, all terms and conditions of the agreement, including the payment of salary increments, are required by the bill to remain in effect following the agreement's expiration until the parties agree on a successor collective agreement.

The bill provides that communications between a public employee union and its members regarding collective negotiations, administration of collective negotiations agreements, investigation of grievances, and any other matters within the scope of the union's duty of fair representation, and regarding internal union matters, are confidential communications and not subject to disclosure under the discovery rules of New Jersey administrative agencies, including the Office of Administrative Law and the Commission, or under state laws authorizing arbitrators to issue subpoenas.

The bill requires that employee complaints regarding discrimination against employees for exercising their rights under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), be scheduled for hearing within 60 to 90 calendar days, unless the parties agree to extend the time. A decision is required on whether to issue a complaint within 60 calendar days.

The bill requires that every 120 calendar days public employers provide to the union the following information for each employee not represented by the union: name, job title, worksite location, work email and work phone number, and, within 30 days of a request by the union, a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer.

The bill provides that employees who authorized a payroll deduction of union fees prior to the effective date of the "Workplace Democracy Enhancement Act," P.L, 2018, c.15 (C.34:13A-5.11 et seq.), may revoke the authorization by providing written notice to their employer, consistent with the terms of the authorization as consistent with the law when time the authorization was given.

The provisions of sections 4 and 5 of the bill, and the subsection added to current law by section 11 to the bill, do not apply to: counties or municipalities or their authorities, commissions, boards or other instrumentalities; any county college; any State college or university, including Kean University, Montclair State University, and Rowan

University; Rutgers, the State University of New Jersey; or the New Jersey Institute of Technology. Th0se provisions concern:

1. permissive subjects of negotiation, grievance procedures, disciplinary matters for which there is not an alternate statutory appeal procedure (section 4);

2. the confidentiality of communications between a majority representative and its unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, and other matters that are within the scope of a majority representative's duty of fair representation (section 5); and

3. the requirement that every 120 calendar days beginning on January 1 following the effective date of the bill, public employers are required to provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization: name, job title, worksite location, work email and work phone number (section 11).

A public employer is required to notify the union of an employee's revocation of authorization for the payroll deduction of fees within five days of receipt.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

STATEMENT TO

[First Reprint]
ASSEMBLY, No. 5862

with Assembly Floor Amendments
(Proposed by Assemblyman ARMATO)

ADOPTED: DECEMBER 20, 2021

The floor amendments:

1. Exclude local government bodies and State colleges and universities, Rutgers, the State University of New Jersey or the New Jersey Institute of Technology from sections 4, 5, and 11 of the bill, regarding:

(1) permissive subjects of negotiation, grievance procedures, disciplinary matters for which there is not an alternate statutory appeal procedure (section 4);

(2) the confidentiality of communications between a majority representative and its unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, and other matters that are within the scope of a majority representative's duty of fair representation (section 5); and

(3) the requirement that every 120 calendar days beginning on January 1 following the effective date of the bill, public employers are required to provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization: name, job title, worksite location, work email and work phone number (section 10 which is being renumbered as section 11).

2. Clarify that all terms and conditions of employment that are not mandatory subjects of negotiation are permissive subjects of negotiation, unless explicitly exempted by State or federal statute, or unless a negotiated agreement would prevent government from carrying out its statutory mission.

3. Authorize any party to a collective negotiation agreement (CNA) to submit a dispute regarding the interpretation of the CNA without agreement from other parties.

4. Delete the bill's provisions requiring disciplinary review procedures to include binding arbitration as the means for resolving disputes of interpretation of CNAs.

5. Stipulate that parties may not insist on negotiations of permissive subjects of negotiations.

6. Remove the requirements for confidentiality for communications of unions to their members if the communications are about union business other than grievances or disciplinary disputes.

7. Specify standards for verification of electronic signatures in union representation matters.

8. Increase the time in which a hearing on a complaint must be scheduled to 120 days after the complaint is filed.

9. Authorize any interested party to apply to a court for orders enforcing an order of the commission.

10. Eliminate the time limits on when an employee may revoke a dues authorization.

11. Specify that certain parts of the bill take effect where there is a CNA in effect only after the CNA expires.

The amendments will make the bill identical to Senate Bill No. 3810 (3R) of the 2020-2021 Legislative Session.

Governor Murphy Takes Action on Legislation

01/18/2022

TRENTON – Governor Murphy today signed the following bills:

S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttle, Wimberly, Mosquera, Downey, Chiaravalloti) – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttle, Downey, Mosquera, Lampitt, Benson) - Establishes mandatory domestic violence training for municipal prosecutors

S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji) – Adjusts statute of limitations on damage claim for construction defect in common interest communities

S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttle, Downey) – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez) – Revises reporting requirements for charitable organizations and non-profit corporations

S-867/A-2316 (Pou/Jimenez, Giblin, Johnson) – Permits physical therapists to perform dry needling under certain circumstances

S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy) – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

S-969wGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of $1 million

S-994/A-6248 (Sweeney, Singleton/Lopez) – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson) – Restricts use of neonicotinoid pesticides

S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo) – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer) – “New Jersey Insurance Fair Conduct Act”

S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttle) – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – Creates special education unit within the Office of Administrative Law; requires annual report

SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon) – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake) – "21st Century Integrated Digital Experience Act"

S-2830/A-5291 (Ruiz, Singleton/Quijano) – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey) – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji) – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli) – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

S-3081/A-5219 (Singleton/McKeon, Dunn) – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttle, Giblin) – Creates NJ Legislative Youth Council

S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji) – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake) – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates $90,000

S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space) – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates $125,000

S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

S-3493/A-5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight) – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

S-3539/A5409 (T. Kean, Gopal/Houghtaling) – Directs DEP to establish grant program for local governments to support development of community gardens

S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli) – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight) – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

S-3673/A-6219 (Gopal, Greenstein/Burzichelli) – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji) – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker) – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak) – Establishes Commission on Asian American Heritage in DOE

S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano) – "Responsible Collective Negotiations Act"

S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak) – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo) – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson) – Establishes database of certain appointed positions and elected offices

S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter) – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley) – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

S-4043/A-6005 (Cunningham/Jasey, Greenwald) – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

S-4063/A-6220 (Sweeney/Giblin, Egan) – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick) – Revises elective pass-through entity business alternative income tax

S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter) – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker) – Establishes Direct Support Professional Career Development Program; appropriates $1,000,000

S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer) – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin) – Concerns apprenticeship programs of public works contractors

S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji) – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker) – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of $4.5 million

S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji) – Appropriates $2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez) – Limits fees charged to patients and authorized third parties for copies of medical and billing records

S-4252/A-6182 (Madden/Murphy, Chaparro) – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio) – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

A-798/S-52 (Verrelli, Vainieri Huttle, Armato/Singer, Greenstein) – Establishes local drug overdose fatality review teams

A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou) – Requires certain retailers to train employees on gift card fraud

A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou) – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

A-953/S-4031 (Karabinchak, Houghtaling/Pou) – Requires architects disclose insurance coverage

ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttle/Ruiz, Beach, Singleton) – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio) – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

A-1219wGR/S-1054 (Chaparro, McKnight/Stack) – Requires owner notification of rabies testing protocol prior to testing of owner's animal for rabies

A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton) – Requires DCA to make information on homeless prevention programs and services available on its Internet website

A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal) – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari) – Establishes "New Jersey Nonprofit Security Grant Program"

A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou) – Establishes Statewide database of beds in shelters for the homeless

A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack) – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack) – Concerns information on property condition disclosure statement

A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal) – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz) – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal) – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach) – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco) – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou) – "Defense Against Porch Pirates Act"; amends theft statute

A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner) – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – Allows deduction of promotional gaming credit from gross revenue on sports wagering

A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith) – Creates program in Department of Agriculture for deer fencing on certain farmland

A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer) – Establishes minimum Medicaid reimbursement rate for adult medical day care services

A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou) – Requires DHS to conduct biennial survey of SNAP experience

ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan) – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein) – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz) – Establishes Student Wellness Grant Program in DOE

A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden) – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner) – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner) – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton) – Expands offenses eligible for expungement upon successful discharge from drug court

A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach) – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal) – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco) – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes $200,000 supplemental appropriation

A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman) – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden) – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi) – Provides for employment by State of certain persons with disabilities

A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean) – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttle/Diegnan, Madden) – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach) – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden) – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan) – Creates Office of School Bus Safety in Department of Education; appropriates $200,000

A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon) – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal) – Appropriates $500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttle/Codey) – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham) – Makes supplemental appropriation of $8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

A-6073/S-4140 (Verrelli/Vitale) – Temporarily waives certain basic life support services crewmember requirements

A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal) – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden) – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal) – Permits volunteer paramedics to operate within mobile intensive care units

A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari) – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou) – Revises penalties for transfer of certain professional and occupational licenses

A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz) – Revises and renames Office of Food Insecurity Advocate

A-6162/S-4246 (Benson, Stanley/Gopal) – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

A-6205/S-4270 (Coughlin, McKeon/Pou) – Amends certain requirements concerning insurance holding companies

A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho) – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney) – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez) – Appropriates $60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho) – Appropriates $18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein) – Appropriates $4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein) – Appropriates $440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado) – Appropriates $54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith) – Appropriates $49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith) – Appropriates $80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein) – Appropriates $14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

A-6246/S-4295 (Karabinchak/Sweeney) – Concerns changes in control of hotels and disruptions of hotel services

A-6257/S-4311 (McKnight/Sweeney, Singleton) – Imposes surcharge on casino hotel occupancies to fund public safety services

A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Appropriates $2 million to Legislative Services Commission

Governor Murphy pocket vetoed the following bills:

S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight) – Establishes requirements for sale of cottage food products

S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight) – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy) – Authorizes use of disability benefits for transportation provided by transportation network companies

S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy) – Requires paint producers to implement or participate in paint stewardship program

S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter) – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji) – Revises out-of-network arbitration process

S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn) – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

S-3715/A-5804 (Cryan/Quijano, Mukherji) – Modifies certain definitions related to transient accommodation taxes and fees

S-4189/A-6112 (Vitale, Cruz-Perez/Lopez) – Permits PERS retiree to return to elective public office after retirement under certain circumstances

A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon) – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach) – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of $1 million

A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho) – Provides temporary exemption under sales and use tax for winterizing certain small business operations

A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean) – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana) – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

A-6033/S-4194 (Bramnick/Sweeney, T. Kean) – Classifies golf caddies as independent contractors for purposes of State employment laws

A-6157/S-4202 (Speight, Moen/Ruiz, Beach) – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances