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LAW/KR

P.L.2013, CHAPTER 199, *approved January 17, 2014*
Senate, No. 1127 (*First Reprint*)

1 AN ACT concerning certain salary policies adopted by boards of
2 education and amending N.J.S.18A:29-4.1.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.18A:29-4.1 is amended to read as follows:

8 18A:29-4.1 A board of education of any district may adopt a
9 **[one, two or three year]** ¹one, two, three, four, or five year¹ salary
10 policy, including salary schedules for all full-time teaching staff
11 members which shall not be less than those required by law.
12 **[Such]** The policy and schedules shall be binding upon the
13 adopting board and upon all future boards in the same district for
14 **[a]** ¹[the entire] a¹ period **[of one, two or three years from the**
15 **effective date of such]** ¹[covered by] of one, two, three, four, or
16 five years from the effective date of¹ the policy but shall not
17 prohibit the payment of salaries higher than those required by
18 **[such]** the policy or schedules nor the subsequent adoption of
19 policies or schedules providing for higher salaries, increments or
20 adjustments.

21 ¹[Upon expiration of any salary policy adopted pursuant to this
22 section, a board of education shall be obligated to pay all
23 increments due under the expired salary policy until a salary policy
24 for a subsequent time period is agreed upon through collective
25 bargaining negotiations.]¹

26 Every school budget adopted, certified or approved by the board,
27 the voters of the district, the board of school estimate, the governing
28 body of the municipality or municipalities, or the commissioner, as
29 the case may be, shall contain such amounts as may be necessary to
30 fully implement **[such]** the policy and schedules for that budget
31 year.

32 (cf: P.L.1987, c.123, s.1)

33
34 2. This act shall take effect immediately.

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38
39 Permits a board of education to adopt a salary policy of up to
40 five years.

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:

¹Senate SED committee amendments adopted December 16, 2013.

SENATE, No. 1127

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 23, 2012

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Permits a board of education to adopt a salary policy in excess of three years and requires the payment of increments pursuant to an expired policy in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain salary policies adopted by boards of
2 education and amending N.J.S.18A:29-4.1.

3

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

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7 1. N.J.S.18A:29-4.1 is amended to read as follows:

8 18A:29-4.1 A board of education of any district may adopt a
9 **[one, two or three year]** salary policy, including salary schedules
10 for all full-time teaching staff members which shall not be less than
11 those required by law. **[Such]** The policy and schedules shall be
12 binding upon the adopting board and upon all future boards in the
13 same district for **[a]** the entire period **[of one, two or three years**
14 **from the effective date of such]** covered by the policy but shall not
15 prohibit the payment of salaries higher than those required by
16 **[such]** the policy or schedules nor the subsequent adoption of
17 policies or schedules providing for higher salaries, increments or
18 adjustments.

19 Upon expiration of any salary policy adopted pursuant to this
20 section, a board of education shall be obligated to pay all
21 increments due under the expired salary policy until a salary policy
22 for a subsequent time period is agreed upon through collective
23 bargaining negotiations.

24 Every school budget adopted, certified or approved by the board,
25 the voters of the district, the board of school estimate, the governing
26 body of the municipality or municipalities, or the commissioner, as
27 the case may be, shall contain such amounts as may be necessary to
28 fully implement **[such]** the policy and schedules for that budget
29 year.

30 (cf: P.L.1987, c.123, s.1)

31

32 2. This act shall take effect immediately.

33

34

35 STATEMENT

36

37 This bill deletes the provision of current law that provides the
38 length of term, one, two or three years, for a salary policy that a
39 board of education may adopt for teaching staff members. The bill
40 further requires that, upon expiration of the term of a salary policy,
41 the board is to pay all increments due under an expired salary policy
42 until a new salary policy is agreed upon through collective
43 bargaining.

44 This bill addresses the New Jersey Supreme Court's decision in

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.

S1127 GREENSTEIN

1 Bd. of Ed. of Tp. of Neptune v. Neptune Tp. Ed. 144 N.J.16 (1996),
2 where the court held that under current education law set forth at
3 N.J.S.A.18A:29-4.1, which includes the length of term for a salary
4 policy adopted by a board of education, that payment of a "fourth
5 year of salary increments following expiration of a three-year
6 contract violated state education law." By eliminating a specific
7 length for a salary policy adopted by a board of education, the bill
8 removes the language which would prohibit the payment in a year
9 or years beyond the term of the policy.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1127

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2013

The Senate Education Committee favorably reports Senate Bill No. 1127 with committee amendments.

Current law provides that the salary policy adopted by a board of education for teaching staff members may be for one, two, or three years. As amended, this bill also permits a board to adopt a salary policy for four or five years.

The committee amended the bill to reinsert current statutory language providing for the specific length of the term of a salary policy which may be adopted by a board of education. The amendments permit the salary policy to be for four or five years, in addition to the term of one, two, or three years provided in current law. The amendments also delete language that provided that upon expiration of the term of a salary policy, the board is required to pay all increments due under an expired salary policy until a new salary policy is agreed upon through collective bargaining.

ASSEMBLY, No. 3791

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman C.A.Brown

SYNOPSIS

Permits a board of education to adopt a salary policy in excess of three years and requires the payment of increments pursuant to an expired policy in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2014)

A3791 DIEGNAN, EUSTACE

2

1 AN ACT concerning certain salary policies adopted by boards of
2 education and amending N.J.S.18A:29-4.1.

3

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

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7 1. N.J.S.18A:29-4.1 is amended to read as follows:

8 18A:29-4.1 A board of education of any district may adopt a
9 **[one, two or three year]** salary policy, including salary schedules
10 for all full-time teaching staff members which shall not be less than
11 those required by law. **[Such]** The policy and schedules shall be
12 binding upon the adopting board and upon all future boards in the
13 same district for **[a]** the entire period **[of one, two or three years**
14 **from the effective date of such]** covered by the policy but shall not
15 prohibit the payment of salaries higher than those required by
16 **[such]** the policy or schedules nor the subsequent adoption of
17 policies or schedules providing for higher salaries, increments or
18 adjustments.

19 Upon expiration of any salary policy adopted pursuant to this
20 section, a board of education shall be obligated to pay all
21 increments due under the expired salary policy until a salary policy
22 for a subsequent time period is agreed upon through collective
23 bargaining negotiations.

24 Every school budget adopted, certified or approved by the board,
25 the voters of the district, the board of school estimate, the governing
26 body of the municipality or municipalities, or the commissioner, as
27 the case may be, shall contain such amounts as may be necessary to
28 fully implement **[such]** the policy and schedules for that budget
29 year.

30 (cf: P.L.1987, c.123, s.1)

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32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill deletes the provision of current law that provides the
38 length of term, one, two or three years, for a salary policy that a
39 board of education may adopt for teaching staff members. The bill
40 further requires that, upon expiration of the term of a salary policy,
41 the board is to pay all increments due under an expired salary policy
42 until a new salary policy is agreed upon through collective
43 bargaining.

44 This bill addresses the New Jersey Supreme Court's decision in

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.

A3791 DIEGNAN, EUSTACE

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1 Bd. of Ed. of Tp. of Neptune v. Neptune Tp. Ed. 144 N.J.16 (1996),
2 where the court held that under current education law set forth at
3 N.J.S.A.18A:29-4.1, which includes the length of term for a salary
4 policy adopted by a board of education, that payment of a "fourth
5 year of salary increments following expiration of a three-year
6 contract violated state education law." By eliminating a specific
7 length for a salary policy adopted by a board of education, the bill
8 removes the language which would prohibit the payment in a year
9 or years beyond the term of the policy.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3791

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2014

The Assembly Budget Committee reports favorably Assembly Bill No. 3791, with committee amendments.

As amended, the bill makes changes to current law to permit a board of education to adopt a salary policy of up to five years.

The bill provides that a board of education of any district may adopt a one, two, three, four, or five year salary policy, including salary schedules for all full-time teaching staff members. The bill provides that, in keeping with current law, the salary policy and schedules adopted by the board are binding upon the adopting board and all future boards in the same district for a period of one, two, three, four, or five years from the effective date of the policy.

Under current law, salary policies are limited to three years. The law provides that a board of education of any district may adopt a one, two, or three year salary policy for teaching staff members, and stipulates that the salary policy adopted by the board is binding on the adopting board, and all future boards, for the one, two, or three-year period of the policy.

The bill takes effect immediately upon enactment.

As amended and reported, this bill is identical to Senate Bill No. 1127 (1R).

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments reinsert existing statutory language specifying the length of the term of a salary policy which may be adopted by a board of education, and permit the salary policy adopted by a board to be for a term of four or five years. The amendments delete a provision of the bill that required a board of education, upon the expiration of an existing salary policy, to pay all increments due under the expired policy until a new policy is agreed upon through collective bargaining.