

52:14-17.28

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 119
NJSA: 52:14-17.28 (State Health Employees Health Benefits)
BILL NO: A3819 (Substituted for S3002)

SPONSOR(S): Sires and Cryan

DATE INTRODUCED: June 19, 2003

COMMITTEE: **ASSEMBLY:** State Government

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2003

SENATE: June 30, 2003

DATE OF APPROVAL: July 1, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A3819

[SPONSORS STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S3002

[SPONSORS STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A3819

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 119, *approved July 1, 2003*

Assembly, No. 3819

1 **AN ACT** concerning State employee benefits under the New Jersey
2 State Health Benefits Program Act and the New Jersey Employer-
3 Employee Relations Act and amending P.L.1961, c.49 and
4 P.L.1968, c.303.

5

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

8

9 1. Section 4 of P.L.1961, c.49 (C.52:14-17.28) is amended to read
10 as follows:

11 4. The commission shall negotiate with and arrange for the
12 purchase, on such terms as it deems to be in the best interests of the
13 State and its employees, from carriers licensed to operate in the State,
14 contracts providing hospital, surgical, obstetrical, medical and major
15 medical expense benefits covering employees of the State and their
16 dependents, and shall execute all documents pertaining thereto for and
17 on behalf and in the name of the State. The commission shall not enter
18 into a contract under this act unless the benefits provided thereunder
19 equal or exceed the minimum standards specified in section 5 for the
20 particular coverage which such contract provides; and unless coverage
21 is available to all eligible employees and their dependents on the basis
22 specified by section 7, except that a State employee enrolled in the
23 program on or after July 1, 2003 may not be eligible for coverage
24 under the traditional plan as defined in section 2 of P.L.1961, c.49
25 (C.52:14-17.26) pursuant to a binding collective negotiations
26 agreement or pursuant to the application by the commission, in its sole
27 discretion, of the terms of any collective negotiations agreement
28 binding on the State to State employees for whom there is no majority
29 representative for collective negotiations purposes.

30 (cf: P.L.1989, c.6, s.1)

31

32 2. Section 7 of P.L.1968, c.303 (C.34:13A-5.3) is amended to read
33 as follows:

34 7. Except as hereinafter provided, public employees shall have, and
35 shall be protected in the exercise of, the right, freely and without fear
36 of penalty or reprisal, to form, join and assist any employee
37 organization or to refrain from any such activity; provided, however,
38 that this right shall not extend to elected officials, members of boards
39 and commissions, managerial executives, or confidential employees,
40 except in a school district the term managerial executive shall mean the
41 superintendent of schools or his equivalent, nor, except where

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.

1 established practice, prior agreement or special circumstances dictate
2 the contrary, shall any supervisor having the power to hire, discharge,
3 discipline, or to effectively recommend the same, have the right to be
4 represented in collective negotiations by an employee organization that
5 admits nonsupervisory personnel to membership, and the fact that any
6 organization has such supervisory employees as members shall not
7 deny the right of that organization to represent the appropriate unit in
8 collective negotiations; and provided further, that, except where
9 established practice, prior agreement, or special circumstances dictate
10 the contrary, no policeman shall have the right to join an employee
11 organization that admits employees other than policemen to
12 membership. The negotiating unit shall be defined with due regard for
13 the community of interest among the employees concerned, but the
14 commission shall not intervene in matters of recognition and unit
15 definition except in the event of a dispute.

16 Representatives designated or selected by public employees for the
17 purposes of collective negotiation by the majority of the employees in
18 a unit appropriate for such purposes or by the majority of the
19 employees voting in an election conducted by the commission as
20 authorized by this act shall be the exclusive representatives for
21 collective negotiation concerning the terms and conditions of
22 employment of the employees in such unit. Nothing herein shall be
23 construed to prevent any official from meeting with an employee
24 organization for the purpose of hearing the views and requests of its
25 members in such unit so long as (a) the majority representative is
26 informed of the meeting; (b) any changes or modifications in terms and
27 conditions of employment are made only through negotiation with the
28 majority representative; and (c) a minority organization shall not
29 present or process grievances. Nothing herein shall be construed to
30 deny to any individual employee his rights under Civil Service laws or
31 regulations. When no majority representative has been selected as the
32 bargaining agent for the unit of which an individual employee is a part,
33 he may present his own grievance either personally or through an
34 appropriate representative or an organization of which he is a member
35 and have such grievance adjusted.

36 A majority representative of public employees in an appropriate unit
37 shall be entitled to act for and to negotiate agreements covering all
38 employees in the unit and shall be responsible for representing the
39 interest of all such employees without discrimination and without
40 regard to employee organization membership. Proposed new rules or
41 modifications of existing rules governing working conditions shall be
42 negotiated with the majority representative before they are established.
43 In addition, the majority representative and designated representatives
44 of the public employer shall meet at reasonable times and negotiate in
45 good faith with respect to grievances, disciplinary disputes, and other
46 terms and conditions of employment. Nothing herein shall be

1 construed as permitting negotiation of the standards or criteria for
2 employee performance.

3 When an agreement is reached on the terms and conditions of
4 employment, it shall be embodied in writing and signed by the
5 authorized representatives of the public employer and the majority
6 representative.

7 Public employers shall negotiate written policies setting forth
8 grievance and disciplinary review procedures by means of which their
9 employees or representatives of employees may appeal the
10 interpretation, application or violation of policies, agreements, and
11 administrative decisions, including disciplinary determinations,
12 affecting them, provided that such grievance and disciplinary review
13 procedures shall be included in any agreement entered into between
14 the public employer and the representative organization. Such
15 grievance and disciplinary review procedures may provide for binding
16 arbitration as a means for resolving disputes. ~~[The] Except as~~
17 ~~otherwise provided herein, the~~ procedures agreed to by the parties may
18 not replace or be inconsistent with any alternate statutory appeal
19 procedure nor may they provide for binding arbitration of disputes
20 involving the discipline of employees with statutory protection under
21 tenure or civil service laws, except that such procedures may provide
22 for binding arbitration of disputes involving the minor discipline of any
23 public employees protected under the provisions of section 7 of
24 P.L.1968, c.303 (C.34:13A-5.3), other than public employees subject
25 to discipline pursuant to R.S.53:1-10. Grievance and disciplinary
26 review procedures established by agreement between the public
27 employer and the representative organization shall be utilized for any
28 dispute covered by the terms of such agreement. For the purposes of
29 this section, minor discipline shall mean a suspension or fine of less
30 than five days unless the employee has been suspended or fined an
31 aggregate of 15 or more days or received more than three suspensions
32 or fines of five days or less in one calendar year.

33 Where the State of New Jersey and the majority representative have
34 agreed to a disciplinary review procedure that provides for binding
35 arbitration of disputes involving the major discipline of any public
36 employee protected under the provisions of this section, other than
37 public employees subject to discipline pursuant to R.S.53:1-10, the
38 grievance and disciplinary review procedures established by agreement
39 between the State of New Jersey and the majority representative shall
40 be utilized for any dispute covered by the terms of such agreement.
41 For the purposes this section, major discipline shall mean a removal,
42 disciplinary demotion, suspension or fine of more than five days, or
43 less where the aggregate number of days suspended or fined in any one
44 calendar year is 15 or more days or unless the employee received more

1 than three suspensions or fines of five days or less in one calendar
2 year.

3 (cf: P.L.1996, c.115, s.4)

4

5 3. This act shall take effect immediately.

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8

STATEMENT

9

10 This bill modifies the benefits of State employees under the New
11 Jersey State Health Benefits Program (SHBP) and the New Jersey
12 Employer-Employee Relations Act. The bill provides that a State
13 employee enrolled in SHBP on or after July 1, 2003 may not be
14 eligible for coverage in the traditional plan pursuant to a binding
15 collective negotiations agreement or pursuant to the application by the
16 State Health Benefits Commission, in its sole discretion, of the terms
17 of any collective negotiations agreement binding on the State to non-
18 aligned State employees.

19 With regard to the New Jersey Employer-Employee Relations Act,
20 the bill provides that when the State of New Jersey and a majority
21 representative have agreed to a disciplinary review procedure that
22 provides for binding arbitration of disputes involving the major
23 discipline of any public employee protected under the provisions of
24 N.J.S.A.34:13A-5.3, other than public employees subject to discipline
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26 procedures established by the agreement will be utilized for any
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37 _____
38 Modifies SHBP benefits for State employees; provides for alternate
39 disciplinary review procedure for State employees pursuant to contract
negotiations.

ASSEMBLY, No. 3819

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED JUNE 19, 2003

Sponsored by:

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Co-Sponsored by:

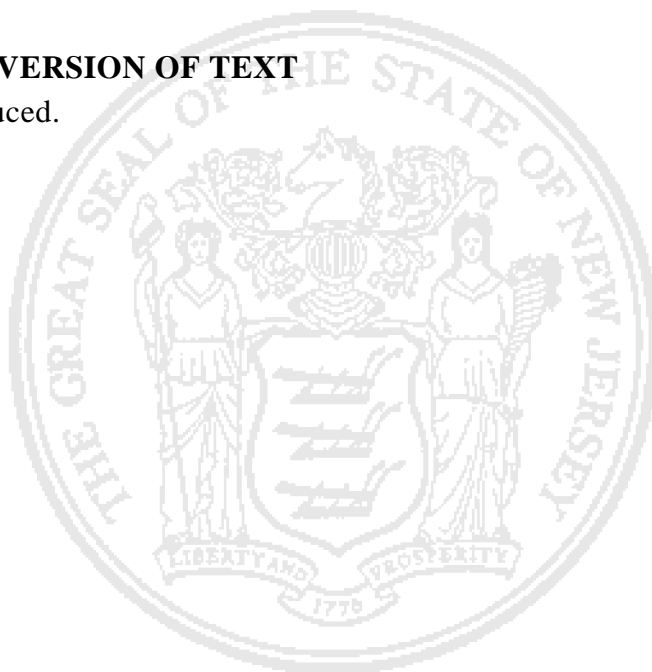
Senator Kenny

SYNOPSIS

Modifies SHBP benefits for State employees; provides for alternate disciplinary review procedure for State employees pursuant to contract negotiations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/1/2003)

A3819 SIRES, CRYAN

2

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37 organization or to refrain from any such activity; provided, however,
38 that this right shall not extend to elected officials, members of boards
39 and commissions, managerial executives, or confidential employees,
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41 superintendent of schools or his equivalent, nor, except where
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1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill modifies the benefits of State employees under the New
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ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3819

STATE OF NEW JERSEY

DATED: JUNE 19, 2003

The Assembly State Government Committee reports favorably Assembly, No. 3819.

This bill modifies the benefits of State employees under the New Jersey State Health Benefits Program (SHBP) and the New Jersey Employer-Employee Relations Act. The bill provides that a State employee enrolled in SHBP on or after July 1, 2003 may not be eligible for coverage in the traditional plan pursuant to a binding collective negotiations agreement or pursuant to the application by the State Health Benefits Commission, in its sole discretion, of the terms of any collective negotiations agreement binding on the State to non-aligned State employees.

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SENATE, No. 3002

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JUNE 23, 2003

Sponsored by:

Senator BERNARD F. KENNY, JR.

District 33 (Hudson)

SYNOPSIS

Modifies SHBP benefits for State employees; provides for alternate disciplinary review procedure for State employees pursuant to contract negotiations.

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S3002 KENNY

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S3002 KENNY

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13 of any collective negotiations agreement binding on the State to non-
14 aligned State employees.

15 With regard to the New Jersey Employer-Employee Relations Act,
16 the bill provides that when the State of New Jersey and a majority
17 representative have agreed to a disciplinary review procedure that
18 provides for binding arbitration of disputes involving the major
19 discipline of any public employee protected under the provisions of
20 N.J.S.A.34:13A-5.3, other than public employees subject to discipline
21 pursuant to N.J.S.A.53:1-10, the grievance and disciplinary review
22 procedures established by the agreement will be utilized for any
23 dispute covered by the terms of such agreement. The bill defines
24 major discipline to mean a removal, disciplinary demotion, suspension
25 or fine of more than five days, or less where the aggregate number of
26 days suspended or fined in any one calendar year is 15 or more days,
27 or unless the employee received more than three suspensions or fines
28 of five days or less in one calendar year.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3002

STATE OF NEW JERSEY

DATED: JUNE 24, 2003

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3002.

This bill modifies the benefits of State employees under the New Jersey State Health Benefits Program (SHBP) and the New Jersey Employer-Employee Relations Act. The bill provides that a State employee enrolled in SHBP on or after July 1, 2003 may not be eligible for coverage in the traditional plan pursuant to a binding collective negotiations agreement or pursuant to the application by the State Health Benefits Commission, in its sole discretion, of the terms of any collective negotiations agreement binding on the State to non-aligned State employees.

With regard to the New Jersey Employer-Employee Relations Act, the bill provides that when the State of New Jersey and a majority representative have agreed to a disciplinary review procedure that provides for binding arbitration of disputes involving the major discipline of any public employee protected under the provisions of N.J.S.A.34:13A-5.3, other than public employees subject to discipline pursuant to N.J.S.A.53:1-10, the grievance and disciplinary review procedures established by the agreement will be utilized for any dispute covered by the terms of such agreement. The bill defines major discipline to mean a removal, disciplinary demotion, suspension or fine of more than five days, or less where the aggregate number of days suspended or fined in any one calendar year is 15 or more days, or unless the employee received more than three suspensions or fines of five days or less in one calendar year.

FISCAL IMPACT

Implementation of this bill will have little initial impact on the cost to the State of providing health benefits to State employees, but may in future years result in a reduction of those costs by a significant, though presently indeterminate, amount.