

34:13A-31

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 126
NJSA: 34:13A-31 (Collective negotiations for school employees)
BILL NO: A3419 (Substituted for S2398)

SPONSOR(S): Doria and Friscia

DATE INTRODUCED: March 6, 2003

COMMITTEE: **ASSEMBLY:** Labor

SENATE: ----

AMENDED DURING PASSAGE: Yes

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

SENATE: June 23 2003

DATE OF APPROVAL: July 10, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

A3419

[SPONSORS STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

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

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S2398

[SPONSORS STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A3419

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:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"New law will affect teacher talks," 7-12-2003 Home News Tribune, p.A3

"Law limits school districts in labor talks," 7-12-2003 Asbury Park Press, p.A3

P.L. 2003, CHAPTER 126, *approved July 10, 2003*
Assembly, No. 3419 (*First Reprint*)

1 **AN ACT** concerning collective negotiations for school employees and
2 supplementing P.L.1941, c.100 (C.34:13A-1 et seq.).

3

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

6

7 1. This act shall be known and may be cited as the "School
8 Employees Contract Resolution and Equity Act."

9

10 2. For the purposes of this act:

11 "Employer" or "public employer" means any local or regional
12 school district, charter school and its board of trustees, vocational
13 school district, educational services commission, jointure commission,
14 county special services school district, community college, county
15 college, or board or commission under the authority of the
16 Commissioner of Education, the State Board of Education, or the New
17 Jersey Commission on Higher Education.

18 "Majority representative" means the majority representative of the
19 employees in a collective bargaining unit which is recognized or
20 certified as the majority representative as the result of recognition or
21 certification procedures under the "New Jersey Employer-Employee
22 Relations Act," P.L.1941, c.100 (C34:13A-1 et seq.), or is voluntarily
23 recognized by the employer.

24 "Commission" means the New Jersey Public Employment Relations
25 Commission.

26

27 3. Notwithstanding the expiration of a collective negotiations
28 agreement, an impasse in negotiations, an exhaustion of the
29 commission's impasse procedures, or the utilization or completion of
30 the procedures required by this act, and notwithstanding any law or
31 regulation to the contrary, ¹[public employers, their representatives,
32 and their agents] no public employer, its representatives, or its agents¹
33 shall ¹[not]¹ unilaterally impose, modify, amend, delete or alter any
34 terms and conditions of employment ¹as set forth in the expired or
35 expiring collective negotiations agreement, or unilaterally impose,
36 modify, amend, delete, or alter any other negotiable terms and
37 conditions of employment.¹ without specific agreement of the majority
38 representative.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 12, 2003.

1 4. a. In any case in which collective negotiations between an
2 employer and a majority representative have failed to result in the
3 parties reaching agreement on the terms of a negotiated agreement and
4 the commission's mediation procedures have been exhausted with no
5 final agreement having been reached, the parties shall be required to
6 participate in mandatory fact finding, which shall be conducted by a
7 fact finder under the jurisdiction of the commission, subject to
8 procedures established by the commission pursuant to regulation. The
9 fact finder shall be appointed no later than 30 days after the last
10 meeting between the parties and the mediator in connection with the
11 mediation pursuant to this act.

12 b. Following completion of such fact finding, the fact finder's
13 report shall be made available to the parties immediately after its
14 issuance, and to the public 10 days thereafter.

15 c. If the employer and the majority representative do not reach a
16 voluntary negotiated agreement within 20 days after the issuance of
17 the fact finder's report, the commission shall appoint a super
18 conciliator to assist the parties, based upon procedures and subject to
19 qualifications established by the commission pursuant to regulation.
20

21 5. The super conciliator shall promptly schedule investigatory
22 proceedings. The purpose of the proceedings shall be to:

23 a. Investigate and acquire all relevant information regarding the
24 dispute between the parties;

25 b. Discuss with the parties their differences, and utilize means and
26 mechanisms, including but not limited to requiring 24-hour per day
27 negotiations, until a voluntary settlement is reached, and provide
28 recommendations to resolve the parties' differences;

29 c. Modify or amend the fact finder's report for reconsideration by
30 the parties in a further effort to achieve a voluntary settlement by the
31 parties; and

32 d. Institute any other non-binding procedures deemed appropriate
33 by the super conciliator.
34

35 6. If the actions taken by the super conciliator fail to resolve the
36 dispute, the super conciliator shall issue a final report, which shall be
37 provided to the parties promptly and made available to the public
38 within 10 days thereafter.
39

40 7. The mediator, fact finder, or super conciliator, while functioning
41 in a mediatory capacity, shall not be required to disclose any files,
42 records, reports, documents, or other papers classified as confidential
43 which are received or prepared by him or to testify with regard to
44 mediation conducted by him under this act. Nothing contained herein
45 shall exempt an individual from disclosing information relating to the
46 commission of a crime.

1 8. Five years after the effective date of this act, the commission
2 shall submit a report to the Governor and to the Legislature on the
3 effects of this act on the negotiations and settlement between school
4 employees and their employers with any recommendations it may have
5 for any changes in the law.

6

7 9. The commission, in accordance with the provisions of the
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
9 shall promulgate rules and regulations to effectuate the purposes of
10 this act.

11

12 10. This act shall take effect immediately.

13

14

15

16

17 Provides collective negotiation procedures for school employee
18 contracts, prohibits imposition of such contracts.

ASSEMBLY, No. 3419

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 6, 2003

Sponsored by:

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Assemblywoman ARLINE M. FRISCIA

District 19 (Middlesex)

Co-Sponsored by:

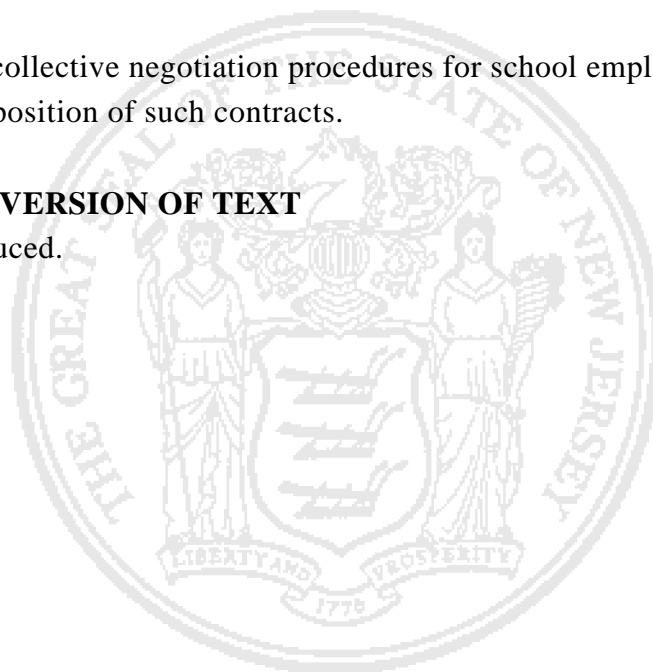
Assemblywoman Perez-Cinciarelli, Assemblymen Wolfe, Conners, Conaway, Assemblywoman Greenstein, Assemblymen Guear, Chivukula, Fisher, Imprevuto, Diegnan, Egan, Burzichelli, Van Drew, Steele, Fraguera, Azzolina, Geist, R.Smith, Barnes and Assemblywoman Weinberg

SYNOPSIS

Provides collective negotiation procedures for school employee contracts, prohibits imposition of such contracts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2003)

1 AN ACT concerning collective negotiations for school employees and
2 supplementing P.L.1941, c.100 (C.34:13A-1 et seq.).

3

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

6

7 1. This act shall be known and may be cited as the "School
8 Employees Contract Resolution and Equity Act."

9

10 2. For the purposes of this act:

11 "Employer" or "public employer" means any local or regional
12 school district, charter school and its board of trustees, vocational
13 school district, educational services commission, jointure commission,
14 county special services school district, community college, county
15 college, or board or commission under the authority of the
16 Commissioner of Education, the State Board of Education, or the New
17 Jersey Commission on Higher Education.

18 "Majority representative" means the majority representative of the
19 employees in a collective bargaining unit which is recognized or
20 certified as the majority representative as the result of recognition or
21 certification procedures under the "New Jersey Employer-Employee
22 Relations Act," P.L.1941, c.100 (C34:13A-1 et seq.), or is voluntarily
23 recognized by the employer.

24 "Commission" means the New Jersey Public Employment Relations
25 Commission.

26

27 3. Notwithstanding the expiration of a collective negotiations
28 agreement, an impasse in negotiations, an exhaustion of the
29 commission's impasse procedures, or the utilization or completion of
30 the procedures required by this act, and notwithstanding any law or
31 regulation to the contrary, public employers, their representatives, and
32 their agents shall not unilaterally impose, modify, amend, delete or
33 alter any terms and conditions of employment without specific
34 agreement of the majority representative.

35

36 4. a. In any case in which collective negotiations between an
37 employer and a majority representative have failed to result in the
38 parties reaching agreement on the terms of a negotiated agreement and
39 the commission's mediation procedures have been exhausted with no
40 final agreement having been reached, the parties shall be required to
41 participate in mandatory fact finding, which shall be conducted by a
42 fact finder under the jurisdiction of the commission, subject to
43 procedures established by the commission pursuant to regulation. The
44 fact finder shall be appointed no later than 30 days after the last
45 meeting between the parties and the mediator in connection with the

1 mediation pursuant to this act.

2 b. Following completion of such fact finding, the fact finder's
3 report shall be made available to the parties immediately after its
4 issuance, and to the public 10 days thereafter.

5 c. If the employer and the majority representative do not reach a
6 voluntary negotiated agreement within 20 days after the issuance of
7 the fact finder's report, the commission shall appoint a super
8 conciliator to assist the parties, based upon procedures and subject to
9 qualifications established by the commission pursuant to regulation.
10

11 5. The super conciliator shall promptly schedule investigatory
12 proceedings. The purpose of the proceedings shall be to:

13 a. Investigate and acquire all relevant information regarding the
14 dispute between the parties;

15 b. Discuss with the parties their differences, and utilize means and
16 mechanisms, including but not limited to requiring 24-hour per day
17 negotiations, until a voluntary settlement is reached, and provide
18 recommendations to resolve the parties' differences;

19 c. Modify or amend the fact finder's report for reconsideration by
20 the parties in a further effort to achieve a voluntary settlement by the
21 parties; and

22 d. Institute any other non-binding procedures deemed appropriate
23 by the super conciliator.
24

25 6. If the actions taken by the super conciliator fail to resolve the
26 dispute, the super conciliator shall issue a final report, which shall be
27 provided to the parties promptly and made available to the public
28 within 10 days thereafter.
29

30 7. The mediator, fact finder, or super conciliator, while functioning
31 in a mediatory capacity, shall not be required to disclose any files,
32 records, reports, documents, or other papers classified as confidential
33 which are received or prepared by him or to testify with regard to
34 mediation conducted by him under this act. Nothing contained herein
35 shall exempt an individual from disclosing information relating to the
36 commission of a crime.
37

38 8. Five years after the effective date of this act, the commission
39 shall submit a report to the Governor and to the Legislature on the
40 effects of this act on the negotiations and settlement between school
41 employees and their employers with any recommendations it may have
42 for any changes in the law.
43

44 9. The commission, in accordance with the provisions of the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
46 shall promulgate rules and regulations to effectuate the purposes of

1 this act.

2

3 10. This act shall take effect immediately.

4

5

6

STATEMENT

7

8 This bill prohibits any school employer from unilaterally imposing,
9 modifying, amending, deleting or altering any terms and conditions of
10 employment of its employees without specific agreement of their
11 majority representative.

12 The bill also provides for a series of procedures if collective
13 bargaining between an employer and majority representative reaches
14 an impasse.

15 If collective negotiations fail to result in the parties reaching
16 agreement on the terms of a negotiated agreement and mediation
17 procedures of the New Jersey Public Employment Relations
18 Commission have been exhausted with no final agreement reached, the
19 parties are required by the bill to participate in mandatory fact-finding
20 conducted under the jurisdiction of the commission, with the fact
21 finder appointed no more than 30 days after the last meeting between
22 the parties and the mediator. The bill requires the fact finder's report
23 to be made available to the parties upon issuance, and to the public 10
24 days later.

25 If the employer and majority representative do not reach a
26 voluntary negotiated agreement within 20 days of the issuance of the
27 fact finder's report, the commission is directed to appoint a super
28 conciliator to assist the parties. The super conciliator is required to
29 promptly schedule investigatory proceedings to:

- 30 1. Investigate and acquire information regarding the dispute;
- 31 2. Discuss with the parties their differences, and utilize means,
32 including requiring 24-hour per day negotiations, and provide
33 recommendations to resolve the parties' differences;
- 34 3. Modify or amend the fact finder's report for reconsideration by
35 the parties in a further effort to achieve a voluntary settlement; and
- 36 4. Institute any other non-binding procedures the super conciliator
37 deems appropriate.

38 If the super conciliator fails to resolve the dispute, the super
39 conciliator is required to issue a final report to the parties promptly
40 and make it available to the public within 10 days after.

41 The bill directs the commission to submit, five years after the
42 effective date of this act, a report to the Governor and the Legislature
43 on the effects of this act on the negotiations and settlement between
44 school employees and their employers with any recommendations it
45 may have for any changes in the law.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3419

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Labor Committee reports favorably Assembly Bill No.3419.

This bill prohibits any school employer from unilaterally imposing, modifying, amending, deleting or altering any terms and conditions of employment of its employees without specific agreement of their majority representative.

The bill also provides for a series of procedures if collective bargaining between an employer and majority representative reaches an impasse.

If collective bargaining fails to result in the parties reaching agreement on the terms of a negotiated agreement and mediation procedures of the New Jersey Public Employment Relations Commission have been exhausted with no final agreement reached, the parties are required by the bill to participate in mandatory fact-finding conducted under the jurisdiction of the commission, with the fact finder appointed no more than 30 days after the last meeting between the parties and the mediator. The bill requires the fact finder's report to be made available to the parties upon issuance, and to the public 10 days later.

If the employer and majority representative do not reach a voluntary negotiated agreement within 20 days of the issuance of the fact finder's report, the commission is directed to appoint a super conciliator to assist the parties. The super conciliator is required to promptly schedule investigatory proceedings to:

1. Investigate and acquire information regarding the dispute;
2. Discuss with the parties their differences, and utilize means and mechanisms, including requiring 24-hour per day negotiations, until a voluntary settlement is reached, and provide recommendations to resolve the parties' differences;
3. Modify or amend the fact finder's report for reconsideration by the parties in a further effort to achieve a voluntary settlement; and
4. Institute any other non-binding procedures the super conciliator deems appropriate.

If the super conciliator fails to resolve the dispute, the super conciliator is required to issue a final report to the parties promptly and make it available to the public within 10 days after.

The bill directs the commission to submit, five years after the

effective date of the bill, a report to the Governor and the Legislature on the effects of this act on the negotiations and settlement between school employees and their employers with any recommendations it may have for any changes in the law.

STATEMENT TO
ASSEMBLY, No. 3419

with Assembly Floor Amendments
(Proposed By Assemblyman DORIA)

ADOPTED: JUNE 12, 2003

These Assembly amendments clarify that the bill's prohibition against an employer unilaterally imposing, modifying, amending, deleting or altering terms and conditions of employment, without specific agreement of the majority representative, applies whether or not the existing terms and conditions are expressly set forth in the expired or expiring collective negotiations agreement, so long as they are negotiable terms and conditions of employment.

SENATE, No. 2398

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 10, 2003

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Provides collective negotiation procedures for school employee contracts, prohibits imposition of such contracts.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning collective negotiations for school employees and
2 supplementing P.L.1941, c.100 (C.34:13A-1 et seq.).

3

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

6

7 1. This act shall be known and may be cited as the "School
8 Employees Contract Resolution and Equity Act."

9

10 2. For the purposes of this act:

11 "Employer" or "public employer" means any local or regional
12 school district, charter school and its board of trustees, vocational
13 school district, educational services commission, jointure commission,
14 county special services school district, community college, county
15 college, or board or commission under the authority of the
16 Commissioner of Education, the State Board of Education, or the New
17 Jersey Commission on Higher Education.

18 "Majority representative" means the majority representative of the
19 employees in a collective bargaining unit which is recognized or
20 certified as the majority representative as the result of recognition or
21 certification procedures under the "New Jersey Employer-Employee
22 Relations Act," P.L.1941, c.100 (C34:13A-1 et seq.), or is voluntarily
23 recognized by the employer.

24 "Commission" means the New Jersey Public Employment Relations
25 Commission.

26

27 3. Notwithstanding the expiration of a collective negotiations
28 agreement, an impasse in negotiations, an exhaustion of the
29 commission's impasse procedures, or the utilization or completion of
30 the procedures required by this act, and notwithstanding any law or
31 regulation to the contrary, public employers, their representatives, and
32 their agents shall not unilaterally impose, modify, amend, delete or
33 alter any terms and conditions of employment without specific
34 agreement of the majority representative.

35

36 4. a. In any case in which collective negotiations between an
37 employer and a majority representative have failed to result in the
38 parties reaching agreement on the terms of a negotiated agreement and
39 the commission's mediation procedures have been exhausted with no
40 final agreement having been reached, the parties shall be required to
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45 meeting between the parties and the mediator in connection with the

1 mediation pursuant to this act.

2 b. Following completion of such fact finding, the fact finder's
3 report shall be made available to the parties immediately after its
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6 voluntary negotiated agreement within 20 days after the issuance of
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17 negotiations, until a voluntary settlement is reached, and provide
18 recommendations to resolve the parties' differences;

19 c. Modify or amend the fact finder's report for reconsideration by
20 the parties in a further effort to achieve a voluntary settlement by the
21 parties; and

22 d. Institute any other non-binding procedures deemed appropriate
23 by the super conciliator.
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25 6. If the actions taken by the super conciliator fail to resolve the
26 dispute, the super conciliator shall issue a final report, which shall be
27 provided to the parties promptly and made available to the public
28 within 10 days thereafter.
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30 7. The mediator, fact finder, or super conciliator, while functioning
31 in a mediatory capacity, shall not be required to disclose any files,
32 records, reports, documents, or other papers classified as confidential
33 which are received or prepared by him or to testify with regard to
34 mediation conducted by him under this act. Nothing contained herein
35 shall exempt an individual from disclosing information relating to the
36 commission of a crime.
37

38 8. Five years after the effective date of this act, the commission
39 shall submit a report to the Governor and to the Legislature on the
40 effects of this act on the negotiations and settlement between school
41 employees and their employers with any recommendations it may have
42 for any changes in the law.
43

44 9. The commission, in accordance with the provisions of the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
46 shall promulgate rules and regulations to effectuate the purposes of
47 this act.

1 10. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill prohibits any school employer from unilaterally imposing,
7 modifying, amending, deleting or altering any terms and conditions of
8 employment of its employees without specific agreement of their
9 majority representative.

10 The bill also provides for a series of procedures if collective
11 bargaining between an employer and majority representative reaches
12 an impasse.

13 If collective negotiations fail to result in the parties reaching
14 agreement on the terms of a negotiated agreement and mediation
15 procedures of the New Jersey Public Employment Relations
16 Commission have been exhausted with no final agreement reached, the
17 parties are required by the bill to participate in mandatory fact-finding
18 conducted under the jurisdiction of the commission, with the fact
19 finder appointed no more than 30 days after the last meeting between
20 the parties and the mediator. The bill requires the fact finder's report
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23 If the employer and majority representative do not reach a
24 voluntary negotiated agreement within 20 days of the issuance of the
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31 recommendations to resolve the parties' differences;
- 32 3. Modify or amend the fact finder's report for reconsideration by
33 the parties in a further effort to achieve a voluntary settlement; and
- 34 4. Institute any other non-binding procedures the super conciliator
35 deems appropriate.

36 If the super conciliator fails to resolve the dispute, the super
37 conciliator is required to issue a final report to the parties promptly
38 and make it available to the public within 10 days after.

39 The bill directs the commission to submit, five years after the
40 effective date of this act, a report to the Governor and the Legislature
41 on the effects of this act on the negotiations and settlement between
42 school employees and their employers with any recommendations it
43 may have for any changes in the law.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2398

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2003

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 2398.

This bill, as amended, prohibits any school employer from unilaterally imposing, modifying, amending, deleting or altering any terms and conditions of employment of its employees without specific agreement of their majority representative.

The bill also provides for a series of procedures if collective bargaining between an employer and majority representative reaches an impasse.

If collective negotiations fail to result in the parties reaching agreement on the terms of a negotiated agreement and mediation procedures of the New Jersey Public Employment Relations Commission have been exhausted with no final agreement reached, the parties are required by the bill to participate in mandatory fact-finding conducted under the jurisdiction of the commission, with the fact finder appointed no more than 30 days after the last meeting between the parties and the mediator. The bill requires the fact finder's report to be made available to the parties upon issuance, and to the public 10 days later.

If the employer and majority representative do not reach a voluntary negotiated agreement within 20 days of the issuance of the fact finder's report, the commission is directed to appoint a super conciliator to assist the parties. The super conciliator is required to promptly schedule investigatory proceedings to:

1. Investigate and acquire information regarding the dispute;
2. Discuss with the parties their differences, and utilize means, including requiring 24-hour per day negotiations, and provide recommendations to resolve the parties' differences;
3. Modify or amend the fact finder's report for reconsideration by the parties in a further effort to achieve a voluntary settlement; and
4. Institute any other non-binding procedures the super conciliator deems appropriate.

If the super conciliator fails to resolve the dispute, the super conciliator is required to issue a final report to the parties promptly

and make it available to the public within 10 days.

The bill directs the commission to submit, five years after its effective date, a report to the Governor and the Legislature on its effects on the negotiations and settlement between school employees and their employers, with any recommendations it may have for any changes in the law.

The committee's amendments clarify that an employer cannot 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 specific agreement of the majority representative.