

34:13A-29 and 34:13A-22
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2020 **CHAPTER:** 66

NJSA: 34:13A-29 and 34:13A-22 (Concerns arbitration for certain non-teaching school staff.)

BILL NO: S993 (Substituted for A631)

SPONSOR(S) Linda R. Greenstein and others

DATE INTRODUCED: 1/30/2020

COMMITTEE: **ASSEMBLY:** Appropriations

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/29/2020

SENATE: 6/29/2020

DATE OF APPROVAL: 8/13/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S993

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

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: No

LEGISLATIVE FISCAL ESTIMATE: No

A631

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

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: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No
GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

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: No

RWH/CL

P.L. 2020, CHAPTER 66, *approved August 13, 2020*
Senate, No. 993 (*First Reprint*)

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

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

6
7 1. Section 8 of P.L.1989, c.269 (C.34:13A-29) is amended to
8 read as follows:

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

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

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

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

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

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

38
39 ¹2. Section 1 of P.L.1989, c.269 (C.34:13A-22) is amended to
40 read as follows:

41 1. As used in this act:

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 25, 2020.

1 "Commission" means the New Jersey Public Employment
2 Relations Commission.

3 "Commissioner" means the Commissioner of Education.

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

9 "Employees" means employees of an employer as defined by this
10 act.

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

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

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

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

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

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

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

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42 ¹[2.] 3.¹ This act shall take effect immediately.

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47

Concerns arbitration for certain non-teaching school staff.

SENATE, No. 993

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Gill, Turner, Brown, Gopal, Addiego, Thompson and Madden

SYNOPSIS

Concerns arbitration for certain non-teaching school staff.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2020)

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

3

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

6

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

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

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

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

29 d. Nothing in this section shall be regarded as affecting the
30 right of any teaching staff member or majority representative to
31 submit to binding arbitration any dispute involving or relating to a
32 teaching staff member.

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

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill provides to non-teaching employees of local, county or
41 regional school districts, boards or commissions the right to submit
42 to binding arbitration any dispute regarding whether there is just
43 cause for a disciplinary action, including, but not limited to,
44 reprimands, withholding of increments, termination, non-renewal,
45 expiration or lapse of an employment contract or term, or lack of

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.

S993 GREENSTEIN, SINGLETON

3

1 continuation of employment, irrespective of the reason for the
2 employer's action or failure to act, and irrespective of any
3 contractual or negotiated provision or lack thereof. The bill places
4 the burden of proof in the arbitration on the employer.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 993

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2020

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 993.

This bill provides to non-teaching employees of local, county or regional school districts, boards or commissions the right to submit to binding arbitration any dispute regarding whether there is just cause for a disciplinary action, including, but not limited to, reprimands, withholding of increments, termination, non-renewal, 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, and irrespective of any contractual or negotiated provision or lack thereof. The bill places the burden of proof in the arbitration on the employer.

As amended and reported by the committee, Senate Bill No. 993 is identical to Assembly Bill No. 631, which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill so that it is applicable to county college employees other than faculty members or members of the professional staff..

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

ASSEMBLY, No. 631

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblywoman Reynolds-Jackson, Assemblyman Giblin, Assemblywoman Carter, Assemblyman Benson, Assemblywoman B.DeCroce, Assemblyman DeAngelo, Assemblywoman Timberlake, Assemblyman Chiaravalloti, Assemblywomen Chaparro, McKnight, Tucker, DiMaso, Vainieri Huttle, Assemblyman Wimberly, Assemblywoman Murphy, Assemblymen Johnson, Verrelli, Freiman, Karabinchak, Zwicker, Assemblywoman Jimenez, Assemblymen Armato, Mazzeo, Assemblywoman Swain, Assemblymen Tully, Houghtaling, Assemblywomen Downey, Pinkin, Assemblymen McKeon, Daniels, Calabrese, Mejia, Assemblywomen N.Munoz, Lopez, Assemblymen Mukherji, DePhillips, Rooney, Kennedy, S.Kean, Clifton, Schaer, Holley, Peters, Assemblywomen Schepisi, Speight, Sumter, Stanfield, Assemblyman Conaway and Assemblywoman Dunn

SYNOPSIS

Concerns arbitration for certain non-teaching school staff.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 5/1/2020)

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

3

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

6

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

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

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

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

29 d. Nothing in this section shall be regarded as affecting the
30 right of any teaching staff member or majority representative to
31 submit to binding arbitration any dispute involving or relating to a
32 teaching staff member.

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

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill provides to non-teaching employees of local, county or
41 regional school districts, boards or commissions the right to submit
42 to binding arbitration any dispute regarding whether there is just
43 cause for a disciplinary action, including, but not limited to,
44 reprimands, withholding of increments, termination, non-renewal,

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.

A631 CAPUTO, JASEY

3

1 expiration or lapse of an employment contract or term, or lack of
2 continuation of employment, irrespective of the reason for the
3 employer's action or failure to act, and irrespective of any
4 contractual or negotiated provision or lack thereof. The bill places
5 the burden of proof in the arbitration on the employer.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 631

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2020

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 631.

This bill provides to non-teaching employees of local, county or regional school districts, boards or commissions the right to submit to binding arbitration any dispute regarding whether there is just cause for a disciplinary action, including, but not limited to, reprimands, withholding of increments, termination, non-renewal, 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, and irrespective of any contractual or negotiated provision or lack thereof. The bill places the burden of proof in the arbitration on the employer.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 631 is identical to Senate Bill No. 993, which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill so that it is applicable to county college employees other than faculty members or members of the professional staff.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Takes Action on Legislation

08/13/2020

TRENTON – Today, Governor Murphy signed the following bills into law:

S-972/A-805 (Madden, Sweeney/Verrelli, Houghtaling, DeAngelo) – Concerns skilled and trained workforce in work by contractors in certain industries

S-993/A-631 (Greenstein, Singleton/Caputo, Jasey, Dancer) – Concerns arbitration for certain non-teaching school staff