

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:13A-1 et seq. (Employer-- employee relations)

LAWS OF: 1968 CHAPTER: 303

Bill No: S746

Sponsor(s): Matturri and others June 17 - Passed in Senate, amended.
June 24 - Passed in Assembly.

Date Introduced: May 13, 1968 September 10 - Returned by Governor
with recommended amendment.

Committee: Assembly: -----
Senate: ----- September 13 - Passed both houses
over Governor's veto.

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: June 24, 1968 Re-enacted 9-13-68
Senate: June 17, 1968 Re-enacted 9-13-68

Date of Approval: July 16, 1968

Following statements are attached if available:

Sponsor statement: No

Committee statement: Assembly No
Senate No

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: Yes

974.90 New Jersey. Legislature. Senate.
E54 Committee on State Government
1969b Report . . . regarding the "New Jersey Employer-- Employee Relations Act",
P.L. 1968, c. 303. May 1, 1969.
Trenton, 1969.

974.90 New Jersey. Legislature. Assembly. Committee on Labor Relations.
E54 Public hearing on A.542, A.544 and A.810, held 4-7-70. Trenton, 1970
1970

(OVER)

974.90 New Jersey. Legislature. Senate. Committee on State Government.
E54 Public Hearing on Public Employee Relations Law.
1970b (Chapter 303, Laws of 1968.)

- J323.4
A51
and
TB22
A512
American History Committee.
The New Jersey Citizen-rights and
responsibilities, N.J. Dept. of Education,
Div. of Higher Education, Trenton, N.J. c. 1954.
- 974.90
C582
1942
N.J. Governor's Committee on State-Employee Relations.
Report of Sept. 24, 1942.
- 974.90
E54
1953a & b
N.J. Legislature. Senate. Committee created to
Study the Legislation proposed in Senate Bills
341 and 342 of 1953. (no firemen).
- 974.90
E54
1967a & b
1968, 1969
N.J. Public and School Employees' Grievance
Procedure Study Commission. Reports
and Public Hearings.
- J371.1
M596
Metzler, John.
A journal of collective negotiations; N.J.
State Federation of District Boards of Education, Trenton, N.J. 1967.
- NJ
KFN
2235
R65
1961
Romano, Frank.
Civil service and public employee law in N.J.;
Associated Lawyers Publishing Co., 1961.
- 974.90
E54
1968a
N.J. Legislature. Senate. Committee on State Government.
Public hearing on Senate Bills Nos. 288, 289 and 592, Professional
and noncertified employees negotiations education acts. Held April
10, 1968.

Articles found in the following periodicals:

- 974.905
C585
The Shield (checked 1968 issues only). "Collective Negotiating
seems Inevitable", vol. 33, no. 48, Aug. 3, 1968, p. 4 (copy enclosed).
- 974.905
E24
NJEA Review (checked from 1960 to date).
"A-439: Professional Negotiations", vol. 39, no. 1, Sept. 1965, p. 17.
"Professional Negotiations, A New Era Ahead",
vol. 39, no. 8, April, 1966, pp. 490-491.
"Professional Negotiations", vol. 37, no. 9, May, 1964, pp. 517-520
- 974.905
E263
New Jersey Education (checked 1965 to date).
"New Mediation Agency Suggested", vol. 2,
no. 2, Feb. 1968, p. 1 (copy enclosed).
- 974.905
S765
The Spotlights (copies of articles enclosed).
(Issues prior to 1967 not consulted).
"No-Strike Law Ignored by New York Teachers",
vol. 18, no. 8, Oct. 1967, pp. 2 & 4.
"Collective Bargaining", vol. 18, no. 6, July 1967, p. 1

(OVER)

"Strikes, Collective Bargaining Rejected,
NJSEA Proposes 7-Point Remedy", vol. 18,
no. 3, March 1967, pp. 1 & 4.

"Sills Views Employee Strikes", and "Grievance Study Now Underway", vol. 18,
no. 2, Feb. 1967, p. 1 & 4.

"Review Anti-Strike Law", vol. 17, no. 10,
Dec. 1966, p. 2.

"Legalized Bargaining in Michigan. Doesn't
Avert Strike", vol. 17, no. 7, Sept. 1966, p. 4.

"New Jersey's Problem, Too", vol. 17, no. 4,
May 1966, p. 2.

"Professionals Seek Union Alliance", vol. 17,
no. 2, Feb. 1966, p. 1.

See Vertical File under: New Jersey--Government Employees, 1966-1967
for newspaper commentary.

Prior bills introduced:

1954 - A154

Died in Committee.
No amendments or statement to bill.

1955 - A83

Died in Committee.
No amendments or statement to bill.

1956 - A128

Died in Committee.
No amendments or statement to bill.

A176

Died in Committee.
No amendment or statement to bill.

1957 - A73

Died in Committee.
Statement, but no amendment to bill.

1958 - A55

Died in Committee.
Statement, but no amendment to bill.

1960 - A387

Died in Committee.
Statement, but no amendment to bill.

1961 - A107

Died in Committee.
Statement, but no amendment to bill.

1962 - A192

Died in Committee.
Statement, but no amendment to bill.

(OVER)

1963 - A131
Died in Committee.
Statement, but no amendment to bill.

A510
Died in Committee.
Statement, but no amendment to bill.

1964 - A56
Died in Committee.
Statement, but no amendment to bill.

1965 - A27
Died in Committee.
Statement, but no amendment to bill.

A225
Died in Committee.
Statement, but no amendment to bill.

1966 - A75
Died in Committee.
Statement, but no amendment to bill.

A60
Died in Committee.
Statement, but no amendment to bill.

A145
Not amendment or statement to bill.

1967 - A36
Died in Committee.
No amendment or statement to bill.

A149
Died in Committee.
Statement, but no amendment to bill.

A156
Died in Committee;
Statement, but no amendment to bill.

1968 - A230
Died in Committee.
Statement, but no amendment to bill.

S592 S287 S287 Bill had statement.
Died in Committee. S288 Bill had statement.
Statement, but no amendment to bill.
(copy of statement, which is representative of those on all prior bills, enclosed).

S699
Died in Committee.
No statement or amendment to bill.

S824
Died in Committee.
No statement or amendment to bill.

CORRECTED COPY

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 746

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1968

By Senators MATTURRI, McDERMOTT, FORSYTHE, KAY, DELTUFO, WALDOR, WALLWORK, DICKINSON, GIULIANO, DOWD, SCHIAFFO, KNOWLTON, SCIRO, HAGEDORN, SISCO, H. A. KELLY, MILLER and ITALIANO

(Without Reference)

AN ACT to amend the title of "An act to promote the mediation, conciliation and arbitration of labor disputes and the creation of a board of mediation for the promotion thereof," approved April 30, 1941 (P. L. 1941, c. 100), so that the same shall read "An act concerning employer-employee relations in public and private employment, creating a board of mediation*, a public employment relations commission* and prescribing *[its]* *their* functions, powers and duties," and to amend and supplement the body of said act and making an appropriation.

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

1 1. The title of chapter 100 of the laws of 1941 is amended to read
2 as follows: An act [to promote the mediation, conciliation and
3 arbitration of labor disputes and the creation of] concerning em-
4 ployer-employee relations in public and private employment, cre-
5 ating a board of mediation*, a public employment relations com-
6 mission* [for the promotion thereof] and prescribing *[its]*
7 *their* functions, powers and duties.

1 *2. Section 1 of P. L. 1941, chapter 100 (C. 34:13A-1) is amended
2 to read as follows:

3 1. This act shall be known and may be cited as "New Jersey
4 [Labor Mediation] Employer-Employee Relations Act."*

1 *[2.]* *3.* Section 2 of P. L. 1941, chapter 100 (C. 34:13A-2) is
2 amended to read as follows:

3 2. It is hereby declared as the public policy of this State that the
4 best interests of the people of the State are served by the pre-

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

5 vention or prompt settlement of labor disputes, *both in the private*
 6 *and public sectors*; that strikes, **[and]** lockouts, *work stoppages*
 7 and other forms of **[industrial]** *employer and employee* strife,
 8 regardless where the merits of the controversy lie, are forces
 9 productive ultimately of economic *and public* waste; that the
 10 interests and rights of the consumers and the people of the State,
 11 while not direct parties thereto, should always be considered,
 12 respected and protected; and that the voluntary mediation of such
 13 *public and private employer-employee* disputes under the guidance
 14 and supervision of a governmental agency will tend to promote
 15 permanent, **[industrial]** *public and private employer-employee*
 16 peace and the health, welfare, comfort and safety of the people
 17 of the State. To carry out such policy, the necessity for the en-
 18 actment of the provisions of this act is hereby declared as a matter
 19 of legislative determination.

1 ***[3.]* *4.*** Section 3 of P. L. 1941, chapter 100 (C. 34:13A-3) is
 2 amended to read as follows:

3 3. When used in this act:

4 (a) The term "board" shall mean New Jersey State Board of
 5 Mediation.

5A ***(b) the term "commission" shall mean New Jersey Public Em-**
 5B **ployment Relations Commission.***

6 ***[(b)]* *(c)*** the term "employer" includes an employer and
 7 any person acting, directly or indirectly, on behalf of or in the
 8 interest of an employer with the employer's knowledge or ratifica-
 9 tion, but a labor organization, or any officer or agent thereof, shall
 10 be considered an employer only with respect to individuals em-
 11 ployed by such organization. *This term shall include "public em-*
 12 *ployers" and shall mean the State of New Jersey, or the several*
 13 *counties and municipalities thereof, or any other political sub-*
 14 *division of the State, or a school district, or any special district, or*
 15 *any authority, commission, or board, or any branch or agency of*
 15A *the public service.*

16 ***[(c)]* *(d)*** The term "employee" shall include any employee,
 17 and shall not be limited to the employees of a particular employer
 18 unless this act explicitly states otherwise, and shall include any in-
 19 dividual whose work has ceased as a consequence of or in connection
 20 with any current labor dispute or because of any unfair labor prac-
 21 tice and who has not obtained any other regular and substantially
 22 equivalent employment. This term, however, shall not include any
 23 individual taking the place of any employee whose work has ceased
 24 as aforesaid, nor shall it include any individual employed by his
 25 parent or spouse, or in the domestic service of any person in the

26 home of the employer, or employed by any company owning or
 27 operating a railroad or railway express subject to the provisions
 28 of the Railway Labor Act. *This term shall include public employee,*
 29 *i.e. any person holding a position, by appointment or contract, or*
 30 *employment in the service of a public employer, except elected*
 31 *officials, heads and deputy heads of departments and agencies, and*
 32 *members of boards and commissions*, provided that in any school*
 32A *district this shall exclude only the superintendent of schools or*
 32B *other chief administrator of the district*.*

33 *[(d)] *(e)* The term "representative" is not limited to in-
 34 dividuals but shall include labor organizations, and individual
 35 representatives need not themselves be employed by, and the labor
 36 organization serving as a representative need not be limited in mem-
 37 bership to the employees of, the employer whose employees are
 38 represented. *This term shall include any organization, agency or*
 39 *person authorized or designated by a public employer, public em-*
 40 *ployee, group of public employees, or public employee association*
 41 *to act on its behalf and represent it or them.*

1 *[(4.)* *5.* There is hereby established *[(under the board)]* a
 2 Division of *[(Administration)]* *Public Employment Relations*
 2A and a Division of *Private Employment* Dispute Settlement.

3 (a) The Division of *[(Administration)]* *Public Employment
 4 Relations* shall be concerned exclusively with matters of public
 5 employment related to determining negotiating units, elections,
 6 certifications and settlement of public employee representative and
 6A public employer disputes *and grievance procedures. For the pur-*
 6B *pose of complying with the provisions of Article V, Section IV,*
 6C *paragraph 1 of the New Jersey Constitution, the Division of Public*
 6D *Employment Relations is hereby allocated within the Department*
 6E *of Labor and Industry, and located in the city of Trenton, but not-*
 6F *withstanding said allocation, the office shall be independent of any*
 6G *supervision or control by the department or by any board or officer*
 6H *thereof.**

7 (b) The Division of *Private Employment* Dispute Settlement
 8 shall assist in the resolution of disputes in private employment.
 9 *The New Jersey State Board of Mediation, its objectives and the*
 10 *powers and duties granted by this act and the act of which this act*
 11 *is amendatory and supplementary shall be concerned exclusively*
 12 *with matters of private employment and the office shall continue to*
 13 *be located in the city of Newark.**

1 *[(5. There is hereby established within the Division of Adminis-
 2 tration a public employment panel whose function shall be to advise
 3 the board and recommend on policy matters concerning employer-

4 employee relations in public employment relating to dispute settle-
 5 ment and administration including enforcement of statutory
 6 provisions concerning representatives elections and related
 7 matters. The panel shall consist of the chairman of the board,
 8 ex officio, and 8 members, appointed by the Governor, 4 of whom
 9 shall be representatives of public employers and 4 shall be repre-
 10 sentatives of public employee organizations. The chairman of the
 11 board will act as chairman of the panel. Of the first appointees,
 12 2 shall be appointed for a term of 2 years, 3 for a term of 3 years
 13 and 3 for a term of 4 years. Their successors shall be appointed
 14 for terms of 3 years each, except that any person chosen to fill a
 15 vacancy shall be appointed only for the unexpired term of the
 16 member whose office has become vacant.]*

16A *6. (a) *There is hereby established in the Division of Public Em-*
 16B *ployment Relations a commission to be known as the New Jersey*
 16C *Public Employment Relations Commission. This commission, in*
 16D *addition to the powers and duties granted by this act, shall have*
 16E *in the public employment area the same powers and duties granted*
 16F *to the labor mediation board in sections 7 and 10 of chapter 100,*
 16G *P. L. 1941 and in sections 2 and 3 of chapter 32, P. L. 1945. There*
 16H *shall be a chief executive officer and administrator who shall devote*
 16I *his full time to the performance of his duties exclusively in the*
 16J *Division of Public Employment Relations. (b) This commission*
 16K *shall make policy and establish rules and regulations concerning*
 16L *employer-employee relations in public employment relating to dis-*
 16M *pute settlement, grievance procedures and administration includ-*
 16N *ing enforcement of statutory provisions concerning representative*
 16O *elections and related matters. The commission shall consist of 7*
 16P *members to be appointed by the Governor, by and with the advice*
 16Q *and consent of the Senate. Of such members, 2 shall be representa-*
 16R *tive of public employers, 2 shall be representative of public em-*
 16S *ployee organizations and 3 shall be representative of the public*
 16T *including the appointee who is designated as chairman. Of the first*
 16U *appointees, 2 shall be appointed for 2 years, 2 for a term of 3 years*
 16V *and 3, including the chairman, for a term of 4 years. Their suc-*
 16W *cessors shall be appointed for terms of 3 years each, except that*
 16X *any person chosen to fill a vacancy shall be appointed only for the*
 16Y *unexpired term of the member whose office has become vacant.**

17 The members of the ***[panel]*** **commission** shall be compen-
 18 sated at the rate of \$50.00 for each day, or part thereof, spent in
 19 attendance at meetings and consultations and shall be reimbursed
 20 for necessary expenses in connection with the discharge of their
 21 duties.

1 ***[6.]*** *7.* Except as hereinafter provided, public employees
2 shall have, and shall be protected in the exercise of, the right, freely
3 and without fear of penalty or reprisal, to form, join and assist any
4 employee organization or to refrain from any such activity; pro-
5 vided, however, that this right shall not extend to any managerial
6 executive ***except in a school district the term managerial exec-*
6A *utive shall mean the superintendent of schools or his equivalent***,
6B nor, except where established practice, prior agreement or
7 special circumstances, dictate the contrary, shall any supervisor
7A having the power to hire, discharge, discipline, or to effectively
8 recommend the same, have the right to ****[join]**** ***be repre-*
9 *ented in collective negotiations by*** an employee organiza-
10 tion that admits nonsupervisory personnel to membership, and
10A *the fact that any organization has such supervisory employees as*
10B *members shall not deny the right of that organization to repre-*
10C *sent the appropriate unit in collective negotiations***; and
11 provided further, that, except where established practice, prior
12 agreement, or special circumstances dictate the contrary, no police-
13 man shall have the right to join an employee organization that
14 admits employees other than policemen to membership. ***The*
14A *negotiating unit shall be defined with due regard for the community*
14B *of interest among the employees concerned, but the commission*
14C *shall not intervene in matters of recognition and unit definition*
14D *except in the event of a dispute.***

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

35 grievance adjusted.

36 A majority representative of public employees in an appropriate
37 unit shall be entitled to act for and to negotiate agreements cover-
38 ing all employees in the unit and shall be responsible for repre-
39 senting the interests of all such employees without discrimination
40 and without regard to employee organization membership. Pro-
41 posed new rules or modifications of existing rules governing work-
42 ing conditions shall, ****[wherever practicable, be announced in ad-
43 vance and discussed]**** *** be negotiated*** with the majority repre-
44 sentative before they are established. In addition, the majority
45 representative and ****[appropriate officials]**** ***designated repre-
46 sentatives*** of the public employer shall meet at reasonable times
47 and negotiate ***in good faith*** with respect to grievances and
47A terms and conditions of employment.

48 When an agreement is reached on the terms and conditions of
49 employment, it shall be embodied in writing and signed by the
50 authorized representatives of the public employer and the majority
51 representative.

52 **Public employers shall ****[establish]**** ****negotiate**** written
53 policies setting forth grievance procedures by means of which their
54 employees or representatives of employees may appeal the inter-
55 pretation, application or violation of policies, agreements, and
56 administrative decisions affecting them, provided that such griev-
57 ance procedures shall be included in any agreement entered into
58 between the public employer and the representative organization.
59 Such grievance procedures may provide for binding arbitration
60 as a means for resolving disputes.**

1 ***[7.]*** *8.* Section 6 of P. L. 1941, chapter 100 (C. 34:13A-6) is
2 amended to read as follows:

3 **[(1)]** (a) Upon its own motion, in an existing, imminent or
4 threatened labor dispute *in private employment*, the board, *through*
5 *the Division of *Private Employment* Dispute Settlement*, may,
6 and, upon the request of the parties or either party to the dispute,
7 **[the board]** must take such steps as it may deem expedient to
8 effect a voluntary, amicable and expeditious adjustment and settle-
9 ment of the differences and issues between employer and employees
10 which have precipitated or culminated in or threaten to precipitate
11 or culminate in such labor dispute. **[To this end, it shall be the**
11A **duty of the board:]**

12 (b) *Whenever negotiations between a public employer and an*
13 *exclusive representative concerning the terms and conditions of*
14 *employment shall reach an impasse, the ****[board]**** ****commission****,*
15 *through the Division of ****[Administration]**** ****Public Employment***
16 *Relations* shall, upon the request of either party, take such steps*

17 as it may deem expedient to effect a voluntary resolution of the
18 impasse. In the event of a failure to resolve the impasse by media-
19 tion the Division of ***[Administration]*** ***Public Employment Re-**
19A **lations*** is empowered to recommend or invoke fact-finding with
19B recommendation for settlement, the cost of which shall be borne by
20 the parties equally.

21 (c) The board in private employment, through the Division of
22 ***Private Employment* Dispute Settlement**, and ***the commission***
23 in public employment, through the Division of ***[Administration]***
24 ***Public Employment Relations***, shall take the following steps to
25 avoid or terminate labor disputes: **[(a)]** (1) to arrange for, hold,
26 adjourn or reconvene a conference or conferences between the dis-
27 putants or one or more of their representatives or any of them;
28 **[(b)]** (2) to invite the disputants or their representatives or any
29 of them to attend such conference and submit, either orally or in
30 writing, the grievances of and differences between the disputants;
31 **[(c)]** (3) to discuss such grievances and differences with the dis-
32 putants and their representatives; and **[(d)]** (4) to assist in
33 negotiating and drafting agreements for the adjustment in settle-
34 ment of such grievances and differences and for the termination
34A or avoidance, as the case may be, of the existing or threatened labor
34B dispute.

35 (d) The ***[board]*** ***commission***, through the Division of ***[Ad-**
36 **ministration]*** ***Public Employment Relations***, is hereby em-
36A powered to resolve questions concerning representation of public
37 employees by conducting a secret ballot election or utilizing any
38 other appropriate and suitable method designed to ascertain the
39 free choice of the employees. The division shall decide in each
40 instance which unit of employees is appropriate for collective
41 negotiation, provided that, except where dictated by established
42 practice, prior agreement, or special circumstances, no unit shall
43 be appropriate which includes (1) both supervisors and nonsuper-
44 visors, (2) both professional and nonprofessional employees unless
45 a majority of such professional employees vote for inclusion in
46 such unit or, (3) both craft and noncraft employees unless a
47 majority of such craft employees vote for inclusion in such unit.
48 All of the powers and duties conferred or imposed upon the division
49 that are necessary for the administration of this subdivision, and
50 not inconsistent with it, are to that extent hereby made applicable.
51 Should formal hearings be required, in the opinion of said division
52 to determine the appropriate unit, it shall have the power to issue
53 subpoenas as described below, and shall determine the rules and
54 regulations for the conduct of such hearing or hearings.

55 (e) For the purposes of this section the Division of ***[Adminis-**
 56 **tration]*** *Public Employment Relations* shall have the
 56A authority and power to hold hearings, subpoena witnesses,
 57 compel their attendance, administer oaths, take the testimony
 58 or deposition of any person under oath, and in connection
 59 therewith, to issue subpoenas duces tecum, and to require the pro-
 60 duction and examination of any governmental or other books or
 61 papers relating to any matter described above.

62 (f) In carrying out any of its work under this act, the board
 63 may designate one of its members, ***[a member of the public dis-**
 64 **putes panel,]*** or an officer of the board to act in its behalf and may
 65 delegate to such designee one or more of its duties hereunder and,
 66 for such purpose, such designee shall have all the powers hereby
 67 conferred upon the board in connection with the discharge of the
 68 duty or duties so delegated. *In carrying out any of its work
 68A under this act, the commission may designate one of its members
 68B or an officer of the commission to act on its behalf and may dele-
 68C gate to such designee one or more of its duties hereunder and, for
 68D such purpose, such designee shall have all of the powers hereby
 68E conferred upon the commission in connection with the discharge of
 68F the duty or duties so delegated.*

69 **[(2)]** (g) The board *and commission* may also appoint and
 70 designate other persons or groups of persons to act for and on its
 71 behalf and may delegate to such persons or groups of persons any
 72 and all of the powers conferred upon it by this **[chapter]** act so
 73 far as it is reasonably necessary to effectuate the purposes of this
 74 act. Such persons shall serve without compensation but shall be
 75 reimbursed for any necessary expenses.

76 (h) The personnel of the Division of ***[Administration]*** *Public
 77 Employment Relations* shall include only individuals familiar with
 78 the field of public employee-management relations. The
 79 ***[board's]*** *commission's* determination that a person is familiar
 80 in this field shall not be reviewable by any other body.

1 ***[8.]*** *9.* Section 8 of P. L. 1941, chapter 100 (C. 34:13A-8) is
 2 amended to read as follows:

3 8. Nothing in this act shall be construed to interfere with, impede
 4 or diminish in any way the right of private employees to strike
 5 or engage in other lawful concerted activities. ***[Nothing in this**
 6 **act shall be construed to change or enlarge the rights of persons**
 7 **in public employment as set forth in Article I, Paragraph 19 of the**
 8 **Constitution of the State of New Jersey.]***

1 ***[9.]*** *10.* Nothing in this act shall be construed to annul or
 2 modify, or to preclude the renewal ****[of]**** **or** continuation of

3 any ***[lawful]*** agreement heretofore entered into between any
 4 public employer and any employee organization, nor shall any pro-
 5 vision hereof annul or modify any statute or statutes of this State.

1 ***[10.]* *11.*** The ***[board]* *commission*** shall collect and main-
 2 tain a current file of filed contracts in public employment. Public
 3 employers shall file with the ***[board]* *commission*** a copy of
 4 any contracts it has negotiated with public employee representa-
 5 tives following the consummation of negotiations.

1 ***[11.]* *12.*** The ***[board]* *commission*** in conjunction with
 2 the Institute of Management and Labor of Rutgers, the State
 3 University, shall develop and maintain a program for the guidance
 4 of public employers in employee-management relations, to provide
 5 technical advice to public employers on employee-management
 6 programs, to assist in the development of programs for training
 7 management personnel in the principles and procedures of con-
 8 sultation, negotiation and the settlement of disputes in the public
 9 service, and for the training of management officials in the dis-
 10 charge of their employee-management relations responsibilities in
 11 the public interest.

1 ***[12.]* *13.*** Section 11 of P. L. 1941, chapter 100 (C. 34:13A-11)
 2 is amended to read as follows:

3 11. The board shall have power to adopt, alter, amend or repeal
 4 such rules in connection with the voluntary mediation of labor dis-
 5 putes in ***[both public and]* private employment *and the com-
 6 mission shall have the same powers in public employment,*** as may
 7 be necessary for the proper administration and enforcement of the
 8 provisions of this act.

1 ***[13.]* *14.*** For the purpose of carrying out the amendatory
 2 and supplementary provisions of this act there is hereby appro-
 3 priated for the use of the ***[board]* *commission*** for the fiscal
 4 year 1968-1969, the additional sum of \$100,000.00.

1 ***[14.]* *15.*** This act shall take effect July 1, 1968* ****[, but all
 2 the provisions applicable to public employers and public employees
 3 shall take effect April 1, 1969*]**.**

SENATE, No. 746

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1968

By Senators MATTURRI, McDERMOTT, FORSYTHE, KAY, DELTUFO, WALDOR, WALLWORK, DICKINSON, GIULIANO, DOWD, SCHIAFFO, KNOWLTON, SCIRO, HAGEDORN, SISCO, H. A. KELLY, MILLER and ITALIANO

(Without Reference)

AN ACT to amend the title of "An act to promote the mediation, conciliation and arbitration of labor disputes and the creation of a board of mediation for the promotion thereof," approved April 30, 1941 (P. L. 1941, c. 100), so that the same shall read "An act concerning employer-employee relations in public and private employment, creating a board of mediation and prescribing its functions, powers and duties," and to amend and supplement the body of said act and making an appropriation.

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

1 1. The title of chapter 100 of the laws of 1941 is amended to read
2 as follows: An act [to promote the mediation, conciliation and
3 arbitration of labor disputes and the creation of] *concerning em-*
4 *ployer-employee relations in public and private employment, cre-*
5 *ating a board of mediation [for the promotion thereof] and*
6 *prescribing its functions, powers and duties.*

1 2. Section 2 of P. L. 1941, chapter 100 (C. 34:13A-2) is amended
2 to read as follows:

3 2. It is hereby declared as the public policy of this State that the
4 best interests of the people of the State are served by the pre-
5 vention or prompt settlement of labor disputes, *both in the private*
6 *and public sectors*; that strikes, [and] lockouts, *work stoppages*
7 and other forms of [industrial] *employer and employee* strife,
8 regardless where the merits of the controversy lie, are forces
9 productive ultimately of economic *and public* waste; that the
10 interests and rights of the consumers and the people of the State,
11 while not direct parties thereto, should always be considered,

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

12 respected and protected; and that the voluntary mediation of such
 13 *public and private employer-employee* disputes under the guidance
 14 and supervision of a governmental agency will tend to promote
 15 permanent, ~~industrial~~ *public and private employer-employee*
 16 peace and the health, welfare, comfort and safety of the people
 17 of the State. To carry out such policy, the necessity for the en-
 18 actment of the provisions of this act is hereby declared as a matter
 19 of legislative determination.

1 3. Section 3 of P. L. 1941, chapter 100 (C. 34:13A-3) is amended
 2 to read as follows:

3 3. When used in this act:

4 (a) The term "board" shall mean New Jersey State Board of
 5 Mediation.

6 (b) The term "employer" includes an employer and any person
 7 acting, directly or indirectly, on behalf of or in the interest of an
 8 employer with the employer's knowledge or ratification, but a labor
 9 organization, or any officer or agent thereof, shall be considered
 10 an employer only with respect to individuals employed by such
 11 organization. *This term shall include "public employers" and*
 12 *shall mean the State of New Jersey, or the several counties and*
 13 *municipalities thereof, or any other political subdivision of the*
 14 *State, or a school district, or any special district, or any authority,*
 15 *commission, or board, or any branch or agency of the public service.*

16 (c) The term "employee" shall include any employee, and shall
 17 not be limited to the employees of a particular employer unless
 18 this act explicitly states otherwise, and shall include any individual
 19 whose work has ceased as a consequence of or in connection with
 20 any current labor dispute or because of any unfair labor practice
 21 and who has not obtained any other regular and substantially
 22 equivalent employment. This term, however, shall not include any
 23 individual taking the place of any employee whose work has ceased
 24 as aforesaid, nor shall it include any individual employed by his
 25 parent or spouse, or in the domestic service of any person in the
 26 home of the employer, or employed by any company owning or
 27 operating a railroad or railway express subject to the provisions
 28 of the Railway Labor Act. *This term shall include public employee,*
 29 *i.e. any person holding a position, by appointment or contract, or*
 30 *employment in the service of a public employer, except elected*
 31 *officials, heads and deputy heads of departments and agencies, and*
 32 *members of boards and commissions.*

33 (d) The term "representative" is not limited to individuals but
 34 shall include labor organizations, and individual representatives

35 need not themselves be employed by, and the labor organization
 36 serving as a representative need not be limited in membership to
 37 the employees of, the employer whose employees are represented.
 38 *This term shall include any organization, agency or person author-*
 39 *ized or designated by a public employer, public employee, group of*
 40 *public employees, or public employee association to act on its behalf*
 41 *and represent it or them.*

1 4. There is hereby established under the board a Division of
 2 Administration and a Division of Dispute Settlement.

3 (a) The Division of Administration shall be concerned exclu-
 4 sively with matters of public employment related to determining
 5 negotiating units, elections, certifications and settlement of public
 6 employee representative and public employer disputes.

7 (b) The Division of Dispute Settlement shall assist in the resolu-
 8 tion of disputes in private employment.

1 5. There is hereby established within the Division of Administra-
 2 tion a public employment panel whose function shall be to advise
 3 the board and recommend on policy matters concerning employer-
 4 employee relations in public employment relating to dispute settle-
 5 ment and administration including enforcement of statutory
 6 provisions concerning representatives elections and related
 7 matters. The panel shall consist of the chairman of the board,
 8 ex officio, and 8 members appointed by the Governor, 4 of whom
 9 shall be representatives of public employers and 4 shall be repre-
 10 sentatives of public employee organizations. The chairman of the
 11 board will act as chairman of the panel. Of the first appointees,
 12 2 shall be appointed for a term of 2 years, 3 for a term of 3 years
 13 and 3 for a term of 4 years. Their successors shall be appointed
 14 for terms of 3 years each, except that any person chosen to fill a
 15 vacancy shall be appointed only for the unexpired term of the
 16 member whose office has become vacant.

17 The members of the panel shall be compensated at the rate of
 18 \$50.00 for each day, or part thereof, spent in attendance at meet-
 19 ings and consultations and shall be reimbursed for necessary ex-
 20 penses in connection with the discharge of their duties.

1 6. Except as hereinafter provided, public employees shall have,
 2 and shall be protected in the exercise of, the right, freely and
 3 without fear of penalty or reprisal, to form, join and assist any
 4 employee organization or to refrain from any such activity; pro-
 5 vided, however, that this right shall not extend to any managerial
 6 executive, nor, except where established practice, prior agreement
 7 or special circumstances, dictate the contrary, shall any supervisor

8 having the power to hire, discharge, discipline, or to effectively
9 recommend the same, have the right to join an employee organi-
10 zation that admits nonsupervisory personnel to membership; and
11 provided further, that, except where established practice, prior
12 agreement; or special circumstances dictate the contrary, no police-
13 man shall have the right to join an employee organization that
14 admits employees other than policemen to membership.

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

36 A majority representative of public employees in an appropriate
37 unit shall be entitled to act for and to negotiate agreements cover-
38 ing all employees in the unit and shall be responsible for repre-
39 senting the interests of all such employees without discrimination
40 and without regard to employee organization membership. Pro-
41 posed new rules or modifications of existing rules governing work-
42 ing conditions shall, wherever practicable, be announced in advance
43 and discussed with the majority representative before they are
44 established. In addition, the majority representative and appro-
45 priate officials of the public employer shall meet at reasonable
46 times and negotiate with respect to grievances and terms and
47 conditions of employment.

48 When an agreement is reached on the terms and conditions of
49 employment, it shall be embodied in writing and signed by the
50 authorized representatives of the public employer and the majority
51 representative.

1 7. Section 6 of P. L. 1941, chapter 100 (C. 34:13A-6) is amended
2 to read as follows:

3 ~~“(1)”~~ (a) Upon its own motion, in an existing, imminent or
4 threatened labor dispute *in private employment*, the board, *through*
5 *the Division of Dispute Settlement*, may, and, upon the request of
6 the parties or either party to the dispute, ~~“the board”~~ must take
7 such steps as it may deem expedient to effect a voluntary, amicable
8 and expeditious adjustment and settlement of the differences and
9 issues between employer and employees which have precipitated or
10 culminated in or threaten to precipitate or culminate in such labor
11 dispute. ~~“To this end, it shall be the duty of the board:”~~

12 (b) *Whenever negotiations between a public employer and an*
13 *exclusive representative concerning the terms and conditions of*
14 *employment shall reach an impasse, the board, through the Division*
15 *of Administration shall, upon the request of either party, take such*
16 *steps as it may deem expedient to effect a voluntary resolution of*
17 *the impasse. In the event of a failure to resolve the impasse by*
18 *mediation the Division of Administration is empowered to recom-*
19 *mend or invoke fact-finding with recommendation for settlement,*
20 *the cost of which shall be borne by the parties equally.*

21 (c) *The board in private employment, through the Division of*
22 *Dispute Settlement, and in public employment, through the Divi-*
23 *sion of Administration, shall take the following steps to avoid or*
24 *terminate labor disputes: ~~“(a)”~~ (1) to arrange for, hold, adjourn*
25 *or reconvene a conference or conferences between the disputants*
26 *or one or more of their representatives or any of them; ~~“(b)”~~ (2)*
27 *to invite the disputants or their representatives or any of them to*
28 *attend such conference and submit, either orally or in writing,*
29 *the grievances of and differences between the disputants; ~~“(c)”~~*
30 *(3) to discuss such grievances and differences with the disputants*
31 *and their representatives; and ~~“(d)”~~ (4) to assist in negotiating*
32 *and drafting agreements for the adjustment in settlement of such*
33 *grievances and differences and for the termination or avoidance,*
34 *as the case may be, of the existing or threatened labor dispute.*

35 (d) *The board, through the Division of Administration, is hereby*
36 *empowered to resolve questions concerning representation of public*
37 *employees by conducting a secret ballot election or utilizing any*
38 *other appropriate and suitable method designed to ascertain the*
39 *free choice of the employees. The division shall decide in each*
40 *instance which unit of employees is appropriate for collective*
41 *negotiation, provided that, except where dictated by established*
42 *practice, prior agreement, or special circumstances, no unit shall*

43 *be appropriate which includes (1) both supervisors and nonsuper-*
 44 *visors, (2) both professional and nonprofessional employees unless*
 45 *a majority of such professional employees vote for inclusion in*
 46 *such unit or, (3) both craft and noncraft employees unless a*
 47 *majority of such craft employees vote for inclusion in such unit.*
 48 *All of the powers and duties conferred or imposed upon the division*
 49 *that are necessary for the administration of this subdivision, and*
 50 *not inconsistent with it, are to that extent hereby made applicable.*
 51 *Should formal hearings be required, in the opinion of said division*
 52 *to determine the appropriate unit, it shall have the power to issue*
 53 *subpnas as described below, and shall determine the rules and*
 54 *regulations for the conduct of such hearing or hearings.*

55 *(e) For the purposes of this section the Division of Administra-*
 56 *tion shall have the authority and power to hold hearings, subpoena*
 57 *witnesses, compel their attendance, administer oaths, take the*
 58 *testimony or deposition of any person under oath, and in connection*
 59 *therewith, to issue subpoenas duces tecum, and to require the pro-*
 60 *duction and examination of any governmental or other books or*
 61 *papers relating to any matter described above.*

62 *(f) In carrying out any of its work under this act, the board*
 63 *may designate one of its members, a member of the public disputes*
 64 *panel, or an officer of the board to act in its behalf and may delegate*
 65 *to such designee one or more of its duties hereunder and, for such*
 66 *purpose, such designee shall have all of the powers hereby con-*
 67 *ferred upon the board in connection with the discharge of the duty*
 68 *or duties so delegated.*

69 *[(2)] (g) The board may also appoint and designate other per-*
 70 *sons or groups of persons to act for and on its behalf and may*
 71 *delegate to such persons or groups of persons any and all of the*
 72 *powers conferred upon it by this [chapter] act so far as it is*
 73 *reasonably necessary to effectuate the purposes of this act. Such*
 74 *persons shall serve without compensation but shall be reimbursed*
 75 *for any necessary expenses.*

76 *(h) The personnel of the Division of Administration shall in-*
 77 *clude only individuals familiar with the field of public employee-*
 78 *management relations. The board's determination that a person*
 79 *is familiar in this field shall not be reviewable by any other body.*

1 8. Section 8 of P. L. 1941, chapter 100 (C. 34:13A-8) is amended
 2 to read as follows:

3 8. Nothing in this act shall be construed to interfere with, impede
 4 or diminish in any way the right of *private* employees to strike
 5 or engage in other lawful concerted activities. *Nothing in this*

6 *act shall be construed to change or enlarge the rights of persons*
7 *in public employment as set forth in Article I, Paragraph 19 of the*
8 *Constitution of the State of New Jersey.*

1 9. Nothing in this act shall be construed to annul or modify, or
2 to preclude the renewal or continuation of any lawful agreement
3 heretofore entered into between any public employer and any em-
4 ployee organization, nor shall any provision hereof annul or
5 modify any statute or statutes of this State.

1 10. The board shall collect and maintain a current file of filed
2 contracts in public employment. Public employers shall file with
3 the board a copy of any contracts it has negotiated with public
4 employee representatives following the consummation of negoti-
5 ations.

1 11. The board in conjunction with the Institute of Management
2 and Labor of Rutgers, the State University, shall develop and main-
3 tain a program for the guidance of public employers in employee-
4 management relations, to provide technical advice to public
5 employers on employee-management programs, to assist in the
6 development of programs for training management personnel in
7 the principles and procedures of consultation, negotiation and the
8 settlement of disputes in the public service, and for the training
9 of management officials in the discharge of their employee-man-
10 agement relations responsibilities in the public interest.

1 12. Section 11 of P. L. 1961, chapter 100 (C. 34:13A-11) is
2 amended to read as follows:

3 11. The board shall have power to adopt, alter, amend or repeal
4 such rules in connection with the voluntary mediation of labor dis-
5 putes *in both public and private employment* as may be necessary
6 for the proper administration and enforcement of the provisions of
7 this act.

1 13. For the purpose of carrying out the amendatory and supplic-
2 mentary provisions of this act there is hereby appropriated for
3 the use of the board for the fiscal year 1968-1969, the additional
4 sum of \$100,000.00.

1 14. This act shall take effect July 1, 1968.

SENATE AMENDMENTS TO
SENATE, No. 743
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JUNE 13, 1968

Amend page 5, section 7, line 6, after "executive", insert "except in a school district the term managerial executive shall mean the superintendent of schools or his equivalent".

Amend page 5, section 7, line 9, delete "join", insert "be represented in collective negotiations by".

Amend page 5, section 7, line 10, after "membership", insert ", and the fact that any organization has such supervisory employees as members shall not deny the right of that organization to represent the appropriate unit in collective negotiations".

Amend page 5, section 7, line 14, after "memberships", insert "The negotiating unit shall be defined with due regard for the community of interest among the employees concerned, but the commission shall not intervene in matters of recognition that have definition except in the event of a dispute."

Amend page 5, section 7, line 15, omit "and matters of mutual concern".

Amend page 6, section 7, lines 42-43, delete "wherever practicable, be announced in advance and discussed", insert "be negotiated".

Amend page 6, section 7, lines 44-45, delete "appropriate officials", insert "designated representatives".

Amend page 6, section 7, line 46, after "negotiate", insert "in good faith".

Amend page 6, section 7, line 52, omit "establish", insert "negotiate".

Amend page 8, section 10, line 2, after "renewal", omit "of", insert "or".

Amend page 9, section 15, lines 1-3, delete ", but all the provisions applicable to public employers and public employees shall take effect April 1, 1969".

[OFFICIAL COPY REPRINT]
SENATE, No. 746

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1968

By Senators MATTURRI, McDERMOTT, FORSYTHE, KAY, DEL-
TUFO, WALDOR, WALLWORK, DICKINSON, GIULIANO,
DOWD, SCHIAFFO, KNOWLTON, SCIRO, HAGEDORN,
SISCO, H. A. KELLY, MILLER and ITALIANO

(Without Reference)

AN ACT to amend the title of "An act to promote the mediation,
conciliation and arbitration of labor disputes and the creation
of a board of mediation for the promotion thereof," approved
April 30, 1941 (P. L. 1941, c. 100), so that the same shall read
"An act concerning employer-employee relations in public and
private employment, creating a board of mediation*, a public
employment relations commission* and prescribing *its*
their functions, powers and duties," and to amend and supply
ment the body of said act and making an appropriation.

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

1 1. The title of chapter 100 of the laws of 1941 is amended to read
2 as follows: An act [to promote the mediation, conciliation and
3 arbitration of labor disputes and the creation of] *concerning em-*
4 *ployer-employee relations in public and private employment, cre-*
5 *ating a board of mediation*, a public employment relations com-*
6 *mission** [for the promotion thereof] *and prescribing *its**
7 **their* functions, powers and duties.*

1 *2. Section 1 of P. L. 1941, chapter 100 (C. 34:13A-1) is amended
2 to read as follows:

3 1. This act shall be known and may be cited as "New Jersey
4 [Labor Mediation] Employer-Employee Relations Act."*

1 *2.* *3.* Section 2 of P. L. 1941, chapter 100 (C. 34:13A-2) is
2 amended to read as follows:

3 2. It is hereby declared as the public policy of this State that the
4 best interests of the people of the State are served by the pre-

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

5 vention or prompt settlement of labor disputes, *both in the private*
6 *and public sectors*; that strikes, [and] lockouts, *work stoppages*
7 and other forms of [industrial] *employer and employee* strife,
8 regardless where the merits of the controversy lie, are forces
9 productive ultimately of economic *and public* waste; that the
10 interests and rights of the consumers and the people of the State,
11 while not direct parties thereto, should always be considered,
12 respected and protected; and that the voluntary mediation of such
13 *public and private employer-employee* disputes under the guidance
14 and supervision of a governmental agency will tend to promote
15 permanent, [industrial] *public and private employer-employee*
16 peace and the health, welfare, comfort and safety of the people
17 of the State. To carry out such policy, the necessity for the en-
18 actment of the provisions of this act is hereby declared as a matter
19 of legislative determination.

1 *~~3.~~* *4.* Section 3 of P. L. 1941, chapter 100 (C. 34:13A-3) is
2 amended to read as follows:

3 3. When used in this act:

4 (a) The term "board" shall mean New Jersey State Board of
5 Mediation.

5A *(b) the term "commission" shall mean New Jersey Public Em-
5B *ployment Relations Commission.*"

6 *~~(b)~~* *(c)* the term "employer" includes an employer and
7 any person acting, directly or indirectly, on behalf of or in the
8 interest of an employer with the employer's knowledge or ratifica-
9 tion, but a labor organization, or any officer or agent thereof, shall
10 be considered an employer only with respect to individuals em-
11 ployed by such organization. *This term shall include "public em-*
12 *ployers" and shall mean the State of New Jersey, or the several*
13 *counties and municipalities thereof, or any other political sub-*
14 *division of the State, or a school district, or any special district, or*
15 *any authority, commission, or board, or any branch or agency of*
15A *the public service.*

16 *~~(c)~~* *(d)* The term "employee" shall include any employee,
17 and shall not be limited to the employees of a particular employer
18 unless this act explicitly states otherwise, and shall include any in-
19 dividual whose work has ceased as a consequence of or in connection
20 with any current labor dispute or because of any unfair labor prac-
21 tice and who has not obtained any other regular and substantially
22 equivalent employment. This term, however, shall not include any
23 individual taking the place of any employee whose work has ceased
24 as aforesaid, nor shall it include any individual employed by his
25 parent or spouse, or in the domestic service of any person in the

26 home of the employer, or employed by any company owning or
 27 operating a railroad or railway express subject to the provisions
 28 of the Railway Labor Act. *This term shall include public employee,*
 29 *i.e. any person holding a position, by appointment or contract, or*
 30 *employment in the service of a public employer, except elected*
 31 *officials, heads and deputy heads of departments and agencies, and*
 32 *members of boards and commissions*, provided that in any school*
 32A *district this shall exclude only the superintendent of schools or*
 32B *other chief administrator of the district*.*

33 *[(d)] *(e)* The term "representative" is not limited to in-
 34 dividuals but shall include labor organizations, and individual
 35 representatives need not themselves be employed by, and the labor
 36 organization serving as a representative need not be limited in mem-
 37 bership to the employees of, the employer whose employees are
 38 represented. *This term shall include any organization, agency or*
 39 *person authorized or designated by a public employer, public em-*
 40 *ployee, group of public employees, or public employee association*
 41 *to act on its behalf and represent it or them.*

1 * [4.] * 5.* There is hereby established * [under the board] * a
 2 Division of * [Administration] * *Public Employment Relations**
 2A and a Division of *Private Employment** Dispute Settlement.

3 (a) The Division of * [Administration] * *Public Employment*
 4 *Relations** shall be concerned exclusively with matters of public
 5 employment related to determining negotiating units, elections,
 6 certifications and settlement of public employee representative and
 6A public employer disputes *and grievance procedures. For the pur-*
 6B *pose of complying with the provisions of Article V, Section IV,*
 6C *paragraph 1 of the New Jersey Constitution, the Division of Public*
 6D *Employment Relations is hereby allocated within the Department*
 6E *of Labor and Industry, and located in the city of Trenton, but not-*
 6F *withstanding said allocation, the office shall be independent of any*
 6G *supervision or control by the department or by any board or officer*
 6H *thereof.**

7 (b) The Division of *Private Employment** Dispute Settlement
 8 shall assist in the resolution of disputes in private employment.
 9 *The New Jersey State Board of Mediation, its objectives and the*
 10 *powers and duties granted by this act and the act of which this act*
 11 *is amendatory and supplementary shall be concerned exclusively*
 12 *with matters of private employment and the office shall continue to*
 13 *be located in the city of Newark.**

1 * [5.] There is hereby established within the Division of Adminis-
 2 tration a public employment panel whose function shall be to advise

3 the board and recommend on policy matters concerning employer-
 4 employee relations in public employment relating to dispute settle-
 5 ment and administration including enforcement of statutory
 6 provisions concerning representatives elections and related
 7 matters. The panel shall consist of the chairman of the board,
 8 ex officio, and 8 members appointed by the Governor, 4 of whom
 9 shall be representatives of public employers and 4 shall be repre-
 10 sentatives of public employee organizations. The chairman of the
 11 board will act as chairman of the panel. Of the first appointees,
 12 2 shall be appointed for a term of 2 years, 3 for a term of 3 years
 13 and 3 for a term of 4 years. Their successors shall be appointed
 14 for terms of 3 years each, except that any person chosen to fill a
 15 vacancy shall be appointed only for the unexpired term of the
 16 member whose office has become vacant.*

16A *6. (a) There is hereby established in the Division of Public Em-
 16B ployment Relations a commission to be known as the New Jersey
 16C Public Employment Relations Commission. This commission, in
 16D addition to the powers and duties granted by this act, shall have
 16E in the public employment area the same powers and duties granted
 16F to the labor mediation board in sections 7 and 10 of chapter 100,
 16G P. L. 1941 and in sections 2 and 3 of chapter 32, P. L. 1945. There
 16H shall be a chief executive officer and administrator who shall devote
 16I his full time to the performance of his duties exclusively in the
 16J Division of Public Employment Relations. (b) This commission
 16K shall make policy and establish rules and regulations concerning
 16L employer-employee relations in public employment relating to dis-
 16M pute settlement, grievance procedures and administration includ-
 16N ing enforcement of statutory provisions concerning representative
 16O elections and related matters. The commission shall consist of 7
 16P members to be appointed by the Governor, by and with the advice
 16Q and consent of the Senate. Of such members, 2 shall be representa-
 16R tive of public employers, 2 shall be representative of public em-
 16S ployee organizations and 3 shall be representative of the public
 16T including the appointee who is designated as chairman. Of the first
 16U appointees, 2 shall be appointed for 2 years, 2 for a term of 3 years
 16V and 3, including the chairman, for a term of 4 years. Their suc-
 16W cessors shall be appointed for terms of 3 years each, except that
 16X any person chosen to fill a vacancy shall be appointed only for the
 16Y unexpired term of the member whose office has become vacant.*

17 The members of the * [panel] * *commission* shall be compen-
 18 sated at the rate of \$50.00 for each day, or part thereof, spent in
 19 attendance at meetings and consultations and shall be reimbursed

20 for necessary expenses in connection with the discharge of their
21 duties.

1 *~~6.1~~* *7.* Except as hereinafter provided, public employees
2 shall have, and shall be protected in the exercise of, the right, freely
3 and without fear of penalty or reprisal, to form, join and assist any
4 employee organization or to refrain from any such activity; pro-
5 vided, however, that this right shall not extend to any managerial
6 executive, nor, except where established practice, prior agreement
7 or special circumstances, dictate the contrary, shall any supervisor
8 having the power to hire, discharge, discipline, or to effectively
9 recommend the same, have the right to join an employee organi-
10 zation that admits nonsupervisory personnel to membership; and
11 provided further, that, except where established practice, prior
12 agreement, or special circumstances dictate the contrary, no police-
13 man shall have the right to join an employee organization that
14 admits employees other than policemen to membership.

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

36 A majority representative of public employees in an appropriate
37 unit shall be entitled to act for and to negotiate agreements cover-
38 ing all employees in the unit and shall be responsible for repre-
39 senting the interests of all such employees without discrimination
40 and without regard to employee organization membership. Pro-

41 posed new rules or modifications of existing rules governing work-
 42 ing conditions shall, wherever practicable, be announced in advance
 43 and discussed with the majority representative before they are
 44 established. In addition, the majority representative and appro-
 45 priate officials of the public employer shall meet at reasonable
 46 times and negotiate with respect to grievances and terms and
 47 conditions of employment.

48 When an agreement is reached on the terms and conditions of
 49 employment, it shall be embodied in writing and signed by the
 50 authorized representatives of the public employer and the majority
 51 representative.

52 **Public employers shall establish written policies setting forth*
 53 *grievance procedures by means of which their employees or repre-*
 54 *sentatives of employees may appeal the interpretation, application*
 55 *or violation of policies, agreements, and administrative decisions*
 56 *affecting them, provided that such grievance procedures shall be*
 57 *included in any agreement entered into between the public employer*
 58 *and the representative organization. Such grievance procedures*
 59 *may provide for binding arbitration as a means for resolving dis-*
 60 *putes.**

1 ~~*[7.]*~~ *8.* Section 6 of P. L. 1941, chapter 100 (C. 34:13A-6) is
 2 amended to read as follows:

3 ~~[(1)]~~ (a) Upon its own motion, in an existing, imminent or
 4 threatened labor dispute *in private employment*, the board, *through*
 5 *the Division of *Private Employment* Dispute Settlement*, may,
 6 and, upon the request of the parties or either party to the dispute,
 7 ~~[the board]~~ must take such steps as it may deem expedient to
 8 effect a voluntary, amicable and expeditious adjustment and settle-
 9 ment of the differences and issues between employer and employees
 10 which have precipitated or culminated in or threaten to precipitate
 11 or culminate in such labor dispute. ~~[To this end, it shall be the~~
 11A ~~duty of the board:]~~

12 (b) *Whenever negotiations between a public employer and an*
 13 *exclusive representative concerning the terms and conditions of*
 14 *employment shall reach an impasse, the "[board]" *commission*,*
 15 *through the Division of "[Administration]" *Public Employment*
 16 *Relations* shall, upon the request of either party, take such steps*
 17 *as it may deem expedient to effect a voluntary resolution of the*
 18 *impasse. In the event of a failure to resolve the impasse by media-*
 19 *tion the Division of "[Administration]" *Public Employment Re-*
 19A *lations* is empowered to recommend or invoke fact-finding with*
 19B *recommendation for settlement, the cost of which shall be borne by*
 20 *the parties equally.*

21 (c) The board in private employment, through the Division of
 22 Private Employment Dispute Settlement, and the commission*
 23 in public employment, through the Division of *Administration*
 24 Public Employment Relations*, shall take the following steps to
 25 avoid or terminate labor disputes: (a) (1) to arrange for, hold,
 26 adjourn or reconvene a conference or conferences between the dis-
 27 putants or one or more of their representatives or any of them;
 28 (b) (2) to invite the disputants or their representatives or any
 29 of them to attend such conference and submit, either orally or in
 30 writing, the grievances of and differences between the disputants;
 31 (c) (3) to discuss such grievances and differences with the dis-
 32 putants and their representatives; and (d) (4) to assist in
 33 negotiating and drafting agreements for the adjustment in settle-
 34 ment of such grievances and differences and for the termination
 34A or avoidance, as the case may be, of the existing or threatened labor
 34B dispute.

35 (d) The *board* *commission*, through the Division of *Ad-
 36 ministration* *Public Employment Relations*, is hereby em-
 36A powered to resolve questions concerning representation of public
 37 employees by conducting a secret ballot election or utilizing any
 38 other appropriate and suitable method designed to ascertain the
 39 free choice of the employees. The division shall decide in each
 40 instance which unit of employees is appropriate for collective
 41 negotiation, provided that, except where dictated by established
 42 practice, prior agreement, or special circumstances, no unit shall
 43 be appropriate which includes (1) both supervisors and nonsuper-
 44 visors, (2) both professional and nonprofessional employees unless
 45 a majority of such professional employees vote for inclusion in
 46 such unit or, (3) both craft and noncraft employees unless a
 47 majority of such craft employees vote for inclusion in such unit.
 48 All of the powers and duties conferred or imposed upon the division
 49 that are necessary for the administration of this subdivision, and
 50 not inconsistent with it, are to that extent hereby made applicable.
 51 Should formal hearings be required, in the opinion of said division
 52 to determine the appropriate unit, it shall have the power to issue
 53 subpoenas as described below, and shall determine the rules and
 54 regulations for the conduct of such hearing or hearings.

55 (e) For the purposes of this section the Division of *Adminis-
 56 tration* *Public Employment Relations* shall have the
 56A authority and power to hold hearings, subpoena witnesses,
 57 compel their attendance, administer oaths, take the testimony
 58 or deposition of any person under oath, and in connection
 59 therewith, to issue subpoenas duces tecum, and to require the pro-

60 *duction and examination of any governmental or other books or*
61 *papers relating to any matter described above.*

62 (f) In carrying out any of its work under this act, the board
63 may designate one of its members, *"a member of the public dis-*
64 *putes panel,"* or an officer of the board to act in its behalf and may
65 delegate to such designee one or more of its duties hereunder and,
66 for such purpose, such designee shall have all the powers hereby
67 conferred upon the board in connection with the discharge of the
68 duty or duties so delegated. **In carrying out any of its work*
68A *under this act, the commission may designate one of its members*
68B *or an officer of the commission to act on its behalf and may dele-*
68C *gate to such designee one or more of its duties hereunder and, for*
68D *such purpose, such designee shall have all of the powers hereby*
68E *conferred upon the commission in connection with the discharge of*
68F *the duty or duties so delegated.**

69 *[(2)] (g) The board *and commission* may also appoint and*
70 *designate other persons or groups of persons to act for and on its*
71 *behalf and may delegate to such persons or groups of persons any*
72 *and all of the powers conferred upon it by this [chapter] act so*
73 *far as it is reasonably necessary to effectuate the purposes of this*
74 *act. Such persons shall serve without compensation but shall be*
75 *reimbursed for any necessary expenses.*

76 (h) *The personnel of the Division of Administration* *Public*
77 *Employment Relations* shall include only individuals familiar with*
78 *the field of public employment-management relations. The*
79 **[board's]* *commission's* determination that a person is familiar*
80 *in this field shall not be reviewable by any other body.*

1 **[8.]* *9.* Section 8 of P. L. 1971, chapter 100 (C. 12:10A-8) is*
2 *amended to read as follows:*

3 8. Nothing in this act shall be construed to interfere with, impede
4 or diminish in any way the right of *private* employees to strike
5 or engage in other lawful concerted activities. **[Nothing in this*
6 *act shall be construed to change or enlarge the rights of persons*
7 *in public employment as set forth in Article I, Paragraph 19 of the*
8 *Constitution of the State of New Jersey.]**

1 **[9.]* *10.* Nothing in this act shall be construed to annul or*
2 *modify, or to preclude the renewal or continuation of any *[law-*
3 *ful]* agreement heretofore entered into between any public em-*
4 *ployer and any employee organization, nor shall any provision*
5 *hereof annul or modify any statute or statutes of this State.*

1 **[10.]* *11.* The *[board]* *commission* shall collect and main-*
2 *tain a current file of dead contracts in public employment. Public*
3 *employers shall file with the *[board]* *commission* a copy of*

4 any contracts it has negotiated with public employee representa-
5 tives following the consummation of negotiations.

1 *11.* *12.* The *board* *commission* in conjunction with
2 the Institute of Management and Labor of Rutgers, the State
3 University, shall develop and maintain a program for the guidance
4 of public employers in employee-management relations, to provide
5 technical advice to public employers on employee-management
6 programs, to assist in the development of programs for training
7 management personnel in the principles and procedures of con-
8 sultation, negotiation and the settlement of disputes in the public
9 service, and for the training of management officials in the dis-
10 charge of their employee-management relations responsibilities in
11 the public interest.

1 *12.* *13.* Section 11 of P. L. 1941, chapter 100 (C. 34:13A-11)
2 is amended to read as follows:

3 11. The board shall have power to adopt, alter, amend or repeal
4 such rules in connection with the voluntary mediation of labor dis-
5 putes in *both public and* private employment *and the com-
6 mission shall have the same powers in public employment,* as may
7 be necessary for the proper administration and enforcement of the
8 provisions of this act.

1 *13.* *14.* For the purpose of carrying out the amendatory
2 and supplementary provisions of this act there is hereby appro-
3 priated for the use of the *board* *commission* for the fiscal
4 year 1968-1969, the additional sum of \$100,000.00.

1 *14.* *15.* This act shall take effect July 1, 1968*, but all the
2 provisions applicable to public employers and public employees
3 shall take effect April 1, 1969*.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

September 10, 1968

SENATE BILL NO. 746

To the Senate:

Pursuant to Article V, Section 1, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 746, without my approval, for the following reasons:

Senate Bill No. 746 is the last in a series of bills which have been introduced in this Legislature to resolve the thorny problem of establishing a fair and equitable procedure for the resolution of legitimate public employee grievances which does not impinge upon the public's right to uninterrupted service from the various branches of government. This measure is not perfect nor do I expect to be able to perfect it by the series of amendments which I propose. (I do believe, however, that those amendments substantially improve the bill.) We cannot wait for perfection when vital public services have been halted or confronted with the threat of interruption in such areas as police and fire protection, education, institutional care and transportation. We must get on with the job, even with the knowledge that in moving into a rapidly-changing field -- the relations between public employers and public employees -- we will make mistakes.

While Senate Bill No. 746 is not perfect, it enjoys an advantage which no previous piece of legislation has enjoyed -- the substantial support of most employee groups. Employee confidence in the machinery for resolving disputes is clearly more important to satisfactory employer-employee relations than is the machinery itself. I do not doubt that theoretically more sound procedures for the resolution of grievances than those contained in Senate Bill No. 756 could be developed. There are bills pending before this Legislature which contain such procedures, but they have not attracted substantial support. The sponsor of this bill is to be congratulated for his success in reconciling the previously irreconcilable views of a number of employee groups. Nor should we fail to recognize the great contribution made by the Public and School Employees' Grievance Procedure Study

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 746

- 2 -

Commission. While frankly not enough of that distinguished group's recommendations have found their way into Senate Bill No. 746, it is clear that it was the Study Commission's deliberations that unraveled many of the conceptual problems which impeded prior legislation in this area.

Senate Bill No. 746 is a significant step; however, it can and in some instances must be improved upon before it is added to the statute books of this State.

First, of paramount concern to me is the fact that the bill, as presently drafted, appears to suggest that public employees have a right to strike, contrary to long-established judicial interpretations of the New Jersey Constitution. Whether by indirection or otherwise, the Legislature in a last-minute amendment struck from Senate Bill No. 746 language disavowing any intention upon its part of enlarging upon the rights of public employees under the Constitution. That deletion, considered in conjunction with certain other provisions of the bill, implies that public employees may engage in work stoppages. The Public and School Employees' Grievance Procedure Study Commission developed a concept of collective negotiations which embraces a bundle of bargaining rights up to but not inclusive of the right of public employees to strike. But for the defects noted in the act, I would assume the Legislature intends that the term "collective negotiations" be given no greater scope than did the Study Commission. If, however, the Legislature intends more, it should be clearly understood that the Governor of this State will not become a willing partner. I have suggested language which will remove all doubt as to the intention of Senate Bill No. 746 on this subject.

Secondly, I have been advised by the Attorney General of the State of New Jersey that the provisions of Senate Bill No. 746 dealing with the presentation of grievances by individual public employees is in violation of the New Jersey Constitution. Article I, Section 19, paragraph 2 of the Constitution provides, in pertinent part:

"Persons in public employment shall have the right to organize, present to and make known . . . their grievances and proposals to representatives of their own choosing."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 746

- 3 -

That right cannot be conditioned upon the absence of a majority organization as this bill attempts to do. That is not to say that exclusive representation for purposes of collective negotiations cannot be conferred so long as the basic minimal rights of all public employees are preserved. I have suggested an amendment which I believe accomplishes that dual purpose.

Thirdly, in developing a procedure for public employee grievances we must take care that there are no untoward intrusions upon the civil service system. In 1962, President Kennedy's Task Force, in recommending adoption of Executive Order 10988 providing certain collective negotiating procedures for federal employees, noted:

"The task force wishes . . . to note its conviction that there need be no conflict between the system of employee-management relations proposed . . . and The Civil Service Merit System, which is and should remain the essential basis of the personnel policy of the Federal Government . . ."

The Public and School Employees' Grievance Procedure Study Commission also took the position that a system of collective negotiations could operate without assault upon the established civil service method of recruiting, selecting and promoting government employees on the basis of merit, provided, however, that legislation establishing collective negotiations did not abrogate, modify or hinder established civil service law, regulations or procedures. Language safeguarding civil service procedures was incorporated into Senate Bill No. 592, the bill to implement the Study Commission's report in toto and I am recommending that that language now be engrafted upon Senate Bill No. 746.

Fourthly, I have noted, at the outset, the extreme importance of having employee confidence in whatever procedure is set down for the redress of their grievances. The other side of that same coin is that where a group of employees and their employers desire to pursue non-adversary procedures for the solution of grievances they should be permitted to do so. I have been asked by college administrators and by organizations representing college professors to exclude faculty members from the coverage of this act so that the evolving pattern of college senates, in which elected representatives of faculties participate on an equal basis with college administrators in developing policy, not be impeded. In view of this apparent unanimity, I am recommending such an amendment.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 746

- 4 -

In addition to the above, I am making a number of other recommendations for amendment of this measure which I believe will:

- (1) clarify the definition section;
- (2) eliminate ambiguities in the structure of the agency;
- (3) enlarge the Commission so as to permit a broader representation of employer and employee interests;
- (4) preserve managerial initiatives in the formulating of new policies; and
- (5) clarify other technical defects in the bill.

Finally, Senate Bill No. 746 as presently written would go into effect immediately. It is my belief that an adequate time ought be given for the selection of the most competent persons possible to perform the very delicate and difficult task awaiting the Commission and to give those persons an opportunity to develop workable rules and procedures. I therefore recommend that the effective date of the act be extended until January 1, 1969. During this interim period the Legislature should seriously consider whether the \$100,000 appropriated for this purpose is sufficient in light of the experiences with similar legislation in other states. For instance, I am informed that the New York State Public Employment Relations Board, with jurisdiction over approximately one million workers, has a budget of \$1 million. It is extremely unlikely that adequate attention will be given to the needs of the 340,000 public employees in this State with a budget of \$100,000.

For these reasons I herewith return Senate Bill No. 746 and recommend that it be amended as follows:

On page 2, section 3, lines 5 and 6, delete ", both in the private and public sectors".

On page 2, section 3, line 6, delete ", work stoppages" and insert after the word "strikes," the word "and".

On page 2, section 3, line 7, delete "employer and employee" and insert after the word "of" the word "industrial".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 746

- 5 -

On page 2, section 3, line 9, delete "and public".

On page 2, section 3, line 13, delete "public and private employer-employee".

On page 2, section 3, line 15, delete "public and private employer-employee" and insert after the word "permanent," the word "industrial".

On page 2, section 3, line 19, insert the following new paragraph:
"It is further declared to be in the best interests of the people of the State that the rights and duties of public employers and public employees with respect to the joint resolution of terms and conditions of employment be prescribed, that there be established fair and equitable procedures for the resolution of legitimate grievances, and that the public welfare be protected by encouraging and assisting the settlement of disputes without interruption of service to the public."

On page 2, section 4, line 11, delete "This term shall include" and insert "(d) The term"

On page 2, section 4, line 12 delete "and".

On page 2, section 4, line 16, delete "(d)" and insert "(e)".

On page 3, section 4, line 28, after "Act." delete the remainder of line 28 through line 32B and insert in lieu thereof:

"(f) The term 'public employee' shall mean any person holding a position by appointment or employment in the service of a public employer, except elected officials, heads and deputy heads of departments and agencies, and members of boards and commissions, provided that in any school district this shall exclude only the superintendent of schools or other chief administrator of the district and provided, further, the term shall not include members of the faculty at any public institution of higher education as defined by section 18A:62-1 of the New Jersey Statutes."

On page 3, section 4, line 33, delete "(e)" and insert "(g)".

On page 3, section 4, after line 41, insert the following new subsections:

"(h) The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 746

- 6 -

"(i) The term 'professional employee' means --

(1) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

(2) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (1) and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (1)."

On page 3, section 5, delete lines 2 and 2A and insert in lieu thereof "commission to be known as the New Jersey Public Employment Relations Commission".

On page 3, section 5, lines 3 and 4, delete "Division of [Administration] Public Employment Relations" and insert in lieu thereof "Commission".

On page 3, section 5, lines 6C and 6D delete "the Division of Public Employment Relations" and insert "New Jersey Public Employment Relations Commission".

On page 3, section 5, lines 7 and 8, delete "The Division of Private Employment Dispute Settlement shall assist in the resolution of disputes in private employment."

On page 4, section 6, lines 16A and 16B, delete "There is hereby established in the Division of Public Employment Relations a commission to be known as the" and insert "The".

On page 4, section 6, line 16C, delete "This commission".

On page 4, section 6, line 16H, insert after the word "administrator" the words "of the Commission".

On page 4, section 6, lines 16I and 16J, delete "exclusively in the Division of Public Employment Relations" and insert "and who, subject to available appropriation, shall receive such compensation as is fixed by the Commission".

On page 4, section 6, line 16O, delete "7", and insert in lieu thereof "11".

On page 4, section 6, line 16Q, delete "2" and insert "4".

On page 4, section 6, line 16R, delete "2" and insert "4".

On page 4, section 6, line 16T, after the word "designated" insert "by the Governor".

On page 4, section 6, line 16U, after the word "appointees," delete "2" and insert "4"; after the words "2 years," delete "2" and insert "4".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 746

- 7 -

On page 5, section 7, lines 4 through 6A, delete "provided, however, that this right shall not extend to any managerial executive except in a school district the term managerial executive shall mean the superintendent of schools or his equivalent," and insert "provided, however,".

On page 5, section 7, line 6B, delete "nor,".

On page 5, section 7, line 7, delete "shall any" and insert "no".

On page 5, section 7, lines 7A and 8, delete "having the power to hire, discharge, discipline, or to effectively recommend the same," and insert "shall".

On page 5, section 7, lines 10 and 10A, delete ", and the" and insert ". The".

On page 5, section 7, line 14B, delete "but the" and insert "and for consistency with the legal jurisdiction of the public employer involved. The".

On page 5, section 7, line 18, after the word "voting" insert "by secret ballot".

On page 5, section 7, line 18, delete "board" and insert "Commission".

On page 5, section 7, line 28, delete "present or process grievances" and insert in lieu thereof "be designated, certified or recognized for the purpose of collective negotiations".

On page 5, section 7, line 29, after the word "construed" insert "to preclude the right of public employees to present and make known their grievances and proposals through representatives of their own choosing, or to deny any individual employee his rights under Civil Service laws or regulations".

On page 6, section 7, lines 42 and 43, after the word "shall," delete "be negotiated" and insert "whenever practicable, be announced in advance and discussed"

On page 6, section 8, line 4, delete "in private employment".

On page 6, section 8, lines 4 and 5, delete "through the Division of Private Employment Dispute Settlement,".

On page 6, section 8, line 7, delete "["; after the word "board" delete "]"".

On page 6, section 8, lines 15 and 16, delete "through the Division of [Administration] Public Employment Relations" and insert in lieu thereof "may upon its own motion and".

On page 7, section 8, lines 19 and 19A, delete "Division of [Administration] Public Employment Relations" and insert "Commission".

On page 7, section 8, lines 21 and 22, delete "through the Division of Private Employment Dispute Settlement,".

On page 7, section 8, lines 23 and 24, delete "through the Division of [Administration] Public Employment Relations,".

On page 7, section 8, line 25, after the word "disputes" insert "and impasses between public employers and employees".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 746

- 8 -

On page 7, section 8, lines 35 and 36, delete ", through the Division of [Administration] Public Employment Relations,".

On page 7, section 8, line 39, after the word "The" delete "division" and insert "Commission".

On page 8, section 8, lines 55 and 56, delete "Division of [Administration] Public Employment Relations" and insert "Commission".

On page 8, section 8, lines 76 through 80, delete subsection (h) in its entirety.

On page 8, section 9, line 5, after "activities." insert "Nothing in this act shall be construed to alter the obligations and duties of persons in public employment under Article I, paragraph 19 of the Constitution of the State of New Jersey as the same has been interpreted by the courts of this State, particularly as bearing upon the absence of a right to strike. This act shall not be construed to confer upon public employees any rights/expressly granted by this act."
_{not}

On page 8, section 9, line 6, after the words "construed to" delete "change or enlarge the rights" and insert in lieu thereof "alter the obligations and duties".

On page 8, section 9, line 7, delete "as set forth in" and insert in lieu thereof "under".

On page 8, section 9, line 8, after the words "New Jersey" delete ".]" and insert "nor to confer upon such persons any right not expressly granted by this Act."

On page 9, section 10, line 5, after the word "State." add the following sentence: "Nothing in this act shall be construed to abrogate or modify in any way the provisions of Title 11 of the Revised Statutes, or any rules or regulations promulgated thereunder."

On page 9, section 15, line 15, delete "July 1, 1968" and insert in lieu thereof "January 1, 1969, provided, however, all arrangements necessary or appropriate to enable the act to become fully effective on said date shall be made as promptly as possible as though the act were effective immediately".

[seal]

Respectfully,

/S/ RICHARD J. HUGHES

GOVERNOR

Attest:

/S/ ALAN J. KARCHER

Acting Secretary to the Governor

1 22. If any of the provisions of this act or the application thereof
2 to any person or circumstance shall be judged invalid by a court
3 of competent jurisdiction, such order or judgment shall be confined
4 in its operation to the controversy in which it was rendered, and
5 shall not affect or invalidate the remaining provisions of this act
6 or the application of any part thereof to any other person or
7 circumstance and, to this end, the provisions of this act are hereby
8 declared to be severable.

1 23. In addition to the funds transferred to the agency by section
2 18 of this act, there is hereby appropriated for the use of the agency
3 in carrying out the purposes of this act the sum of \$200,000.00.

1 24. This act shall take effect immediately.

1968, Article 592

STATEMENT

This bill would implement the Public and School Employees' Grievance Procedure Study Commission's recommendations contained in its final report of January 9, 1968.

The intent is to implement the rights of public employees as guaranteed by Article I, paragraph 19 of the State Constitution and to promote the public welfare by encouraging and assisting the resolutions of disputes over terms and conditions of public employment without interruption of service to the public.

The bill establishes the duty of public employers and public employee organizations to devise and use procedures for the settlement of disputes and provides machinery which can be invoked should the parties reach an impasse.

A New Jersey Employment Relations Agency is created to resolve issues over representation and the scope of negotiations in public employment and to assume the functions of the present New Jersey State Board of Mediation to assist in voluntary settlement of disputes in public and private employment.

The agency would provide for private employers and for labor organizations in private employment the free voluntary mediation services, the arbitration panel service, and other services now provided by the New Jersey State Board of Mediation. Nothing in this bill would impair or limit the collective bargaining rights of individuals, employee associations or employers in private employment.

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968, p. 4

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