

[First Reprint]

SENATE, No. 3071

STATE OF NEW JERSEY
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Sponsored by:

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District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Turner and Assemblywoman Quijano

SYNOPSIS

Permits certain managers and deputy attorneys general of the State to negotiate collectively under the “New Jersey Employer-Employee Relations Act;” changes definition of managerial executives and removes confidential status of deputy attorneys general and certain State investigators.

CURRENT VERSION OF TEXT

As amended by the Senate on January 7, 2010.

(Sponsorship Updated As Of: 1/12/2010)

1 An act concerning collective labor negotiations and amending
2 ¹[P.L.1941, c.100, P.L.2005, c.148, and P.L.1944, c.20] various
3 parts of the statutory law¹.
4

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

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

10 3. When used in this act:

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

13 (b) The term "commission" shall mean New Jersey Public
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the
23 State, or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public
25 service.

26 (d) The term "employee" shall include any employee, and shall
27 not be limited to the employees of a particular employer unless this
28 act explicitly states otherwise, and shall include any individual
29 whose work has ceased as a consequence of or in connection with
30 any current labor dispute or because of any unfair labor practice and
31 who has not obtained any other regular and substantially equivalent
32 employment. This term, however, shall not include any individual
33 taking the place of any employee whose work has ceased as
34 aforesaid, nor shall it include any individual employed by his
35 parent or spouse, or in the domestic service of any person in the
36 home of the employer, or employed by any company owning or
37 operating a railroad or railway express subject to the provisions of
38 the Railway Labor Act (45 U.S.C. s.151 et seq.). This term shall
39 include any public employee, i.e., any person holding a position, by
40 appointment or contract, or employment in the service of a public
41 employer, except elected officials, members of boards and
42 commissions, managerial executives and confidential employees.

43 (e) The term "representative" is not limited to individuals but
44 shall include labor organizations, and individual representatives
45 need not themselves be employed by, and the labor organization

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted January 7, 2010.

1 serving as a representative need not be limited in membership to the
2 employees of, the employer whose employees are represented. This
3 term shall include any organization, agency or person authorized or
4 designated by a public employer, public employee, group of public
5 employees, or public employee association to act on its behalf and
6 represent it or them.

7 (f) "Managerial executives" of a public employer, in the case of
8 the State of New Jersey, means persons who formulate management
9 policies and practices, **[and]** but shall not mean persons who are
10 charged with the responsibility of directing the effectuation of such
11 management policies and practices, except that, in the case of the
12 Executive Branch of the State of New Jersey, "managerial
13 executive" shall include only personnel at or above the level of
14 assistant commissioner.

15 In the case of any public employer other than the State of New
16 Jersey, "managerial executives" of a public employer means persons
17 who formulate management policies and practices, and persons who
18 are charged with the responsibility of directing the effectuation of
19 such management policies and practices, except that in any school
20 district this term shall include only the superintendent or other chief
21 administrator, and the assistant superintendent of the district.

22 (g) "Confidential employees" of a public employer means
23 employees whose functional responsibilities or knowledge in
24 connection with the issues involved in the collective negotiations
25 process would make their membership in any appropriate
26 negotiating unit incompatible with their official duties.

27 "Confidential employees" of the State of New Jersey means
28 employees who have direct involvement in representing the State in
29 the collective negotiations process making their membership in any
30 appropriate negotiating unit incompatible with their official duties.

31 (cf: P.L.1974 c.123, s.2)

32

33 2. Section 1 of P.L.2005, c.142 (C.34:13A-5.10) is amended to
34 read as follows:

35 1. a. The Legislature finds and declares that, for more than
36 three decades, there have been broad-based collective negotiations
37 units for the employees in the Executive Branch of State
38 government. This existing unit structure has contributed to the
39 stability of labor relations between the public employees and the
40 Executive Branch and has served to avoid disruption of services to
41 the public. To foster continued harmonious labor relations between
42 State employees and the Executive Branch, the existing structure
43 for collective negotiations units must be codified.

44 In addition, the Legislature finds and declares that the structure
45 should be expanded to permit collective negotiations for managers
46 and deputy attorneys general who are not covered by the ten units
47 for civilian employees of the Executive Branch.

1 b. (1) There shall be only **[ten]** twelve collective negotiations
2 units for civilian employees of the Executive Branch of State
3 government. The units shall be as follows: administrative and
4 clerical; professional; primary level supervisory; high level
5 supervisory; operations, maintenance and services; crafts;
6 inspection and security; health care and rehabilitation services;
7 State colleges and universities; **[and]** State colleges and
8 universities adjuncts deputy attorneys general; and State
9 government managers.

10 (2) An existing or newly established title that is not assigned
11 managerial, executive or confidential duties, as defined in
12 subsections (f) and (g) of section 3 of P.L.1941, c.100 (C.34:13A-
13 3), may be placed in one of the **[ten]** twelve collective negotiations
14 units for civilian employees by the Governor's Office of Employee
15 Relations. Such placements may be challenged through a unit
16 clarification procedure pursuant to the rules of the New Jersey
17 Public Employment Relations Commission.

18 (cf: P.L.2005, c.142, s.1)

19

20 3. Section 7 of P.L.1944, c.20 (C.52:17A-7) is amended to read
21 as follows:

22 7. **[Deputy Attorneys-General and]** Assistant Attorneys-
23 General in the Department of Law and Public Safety shall hold their
24 offices at the pleasure of the Attorney-General and shall receive
25 such salaries as the Attorney-General shall from time to time
26 designate. They shall be deemed confidential employees for
27 purposes of the "New Jersey Employer-Employee Relations Act,"
28 P.L.1941, c.100 (C.34:13A-1 et seq.).

29 (cf: P. L.1994, c.161, s.1)

30

31 ⁴4. Section 4 of P.L.1970, c.74 (C.52:17B-100) is amended to
32 read as follows:

33 4. a. The Attorney General shall organize the work of the
34 division in such bureaus and other organizational units as he may
35 determine to be necessary for efficient and effective operation and
36 shall assign to the division such employees in the Department of
37 Law and Public Safety as may be necessary to assist the director in
38 the performance of his duties.

39 b. All employees of the division, except for secretarial and
40 clerical personnel, shall be in the unclassified service of the civil
41 service of the State. All unclassified employees of the division and
42 except for State investigators appointed pursuant to section 1 of
43 P.L.1977, c.275 (C.52:17B-100.1), shall be deemed confidential
44 employees for the purposes of the "New Jersey Employer-Employee
45 Relations Act", P.L.1941, c.100 (C.34:13A-1 et seq.).¹

46 (cf: P.L.1981, c.187, s.1)

S3071 [1R] SARLO, BARONI

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1 **'[4.] 5.'** This act shall take effect immediately.