

SENATE, No. 2163

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED AUGUST 20, 2012

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Assemblymen Mainor, Caputo, C.A.Brown, Diegnan, Eustace,

Assemblywoman Quijano and Assemblyman Coughlin

SYNOPSIS

Concerns arbitration for certain non-teaching school staff.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/21/2013)

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

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

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

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

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

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

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

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

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34 2. This act shall take effect immediately.

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STATEMENT

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

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.

S2163 LESNIAK, CUNNINGHAM

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