SENATE, No. 993

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator TROY SINGLETON
District 7 (Burlington)

Co-Sponsored by:
Senators Gill and Turner

SYNOPSIS
Concerns arbitration for certain non-teaching school staff.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning arbitration for certain non-teaching school staff
and amending P.L.1989, c.269.

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

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

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

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

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

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

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

2. This act shall take effect immediately.

STATEMENT

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

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