

ASSEMBLY, No. 2790

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1997

By Assemblyman STUHLTRAGER

1 AN ACT concerning the scope of collective bargaining between public
2 school employees and certain public employers and supplementing
3 P.L.1941, c.100 (C.34:13A-1 et seq.).
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. As used in this act:

9 "Educational enhancement subject" means a proposal involving any
10 subject that is not a term or condition of employment as that term is
11 defined by law, which is intended to create, enhance, improve, reform,
12 or restructure educational opportunities, and whose implementation is
13 not prohibited by law.

14 "Employer" means any local or regional school district, educational
15 services commission, jointure commission, county special services
16 school district, consolidated school district, vocational school district,
17 or any board or commission under the authority of the Commissioner
18 of Education, State Board of Education, or Commission on Higher
19 Education.
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21 2. An employer and the majority representative of the employees
22 in a bargaining unit may negotiate, at the request of either party, and
23 reach agreement concerning any subject of educational enhancement,
24 provided that neither party shall be required to negotiate over any
25 educational enhancement subject, and that either party may refuse to
26 negotiate over any such subject, or terminate negotiations over any
27 such subject, prior to reaching agreement.
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29 3. A party may terminate or withdraw from negotiations over an
30 educational enhancement subject at any time prior to reaching
31 agreement. If no agreement is reached, the parties may, if both parties
32 agree, submit any educational enhancement subject to the dispute
33 resolution procedures adopted by the Public Employment Relations
34 Commission, including, but not limited to, mediation and fact finding.
35 If agreement is reached concerning an educational enhancement
36 subject, the agreement shall be embodied in writing, and made part of
37 the parties' collective bargaining agreement. Any such agreement shall

1 be subject to the parties' grievance procedure, and shall be subject to
2 binding arbitration if provided for in the parties' collective bargaining
3 agreement.

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5 4. Any provision made part of the parties' agreement involving an
6 educational enhancement subject shall remain a part of that agreement
7 until the collective bargaining agreement expires. Neither party shall
8 be required to negotiate or reach agreement concerning that
9 educational enhancement subject or any other educational
10 enhancement subject upon the expiration of the parties' agreement,
11 provided, that the parties may nevertheless negotiate and reach
12 agreement over that educational enhancement subject or any other
13 educational enhancement subject pursuant to this act.

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15 5. Nothing in this act shall be deemed to restrict or limit any right
16 established or provided by P.L.1968, c.303 (C.34:13A-5.1 et seq.);
17 this act shall be construed as providing rights in addition to and
18 supplementing the rights provided by that act.

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20 6. This act shall take effect immediately.

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23 STATEMENT

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25 This bill provides that public school employee representatives and
26 their employers may negotiate over educational enhancement subjects.
27 The bill defines educational enhancement subject as a proposal
28 involving any subject that is not a term or condition of employment,
29 which is intended to create, enhance, improve, reform, or restructure
30 educational opportunities.

31 The bill defines employer as any local or regional school district,
32 educational services commission, jointure commission, county special
33 services school district, consolidated school district, vocational school
34 district, or any board or commission under the authority of the
35 Commissioner of Education, State Board of Education, or Commission
36 on Higher Education.

37 The bill provides that no public school employee representative or
38 employer shall be required to negotiate over educational enhancement
39 subjects and that either party may terminate negotiations prior to
40 reaching agreement. The bill also provides that an educational
41 enhancement subject may be submitted to the dispute resolution
42 procedures adopted by the Public Employee Relations Commission.
43 When an agreement over an educational enhancement subject is
44 reached, the bill provides that it shall be embodied in writing, that it
45 shall become a part of the parties' collective bargaining agreement and
46 that the agreement shall expire when the collective bargaining

1 agreement expires. Upon the expiration of the parties' collective
2 bargaining agreement, neither party shall be required to renegotiate or
3 reach agreement concerning any educational enhancement subject that
4 was made a part of the expired collective bargaining agreement.

5 Any agreement over an educational enhancement subject shall be
6 subject to the grievance procedure provided for in the parties'
7 collective bargaining agreement and shall be subject to binding
8 arbitration if provided for in the parties' collective bargaining
9 agreement.

10 This bill creates a mechanism to permit input by school employees
11 on matters of educational policy in order to promote educational
12 enhancement in this State. Under present law, there is no such
13 mechanism, input is discouraged, and in some ways prohibited.
14 Providing this type of input will serve a valuable and necessary
15 function by enabling school districts to have the insight and
16 suggestions of school employees who actually render services to
17 school pupils. This bill will provide the opportunity for this input,
18 draw on the expertise of educators and other school employees,
19 improve employee morale by permitting this input, and at the same
20 time will permit school districts to retain what are viewed as
21 managerial prerogatives, if they so choose.

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26 Provides that public school employees and certain public employers
27 may negotiate over educational enhancement.