

ASSEMBLY, No. 2900

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

By Assemblyman GUSCIORA and Assemblywoman TURNER

1 AN ACT concerning certain State employee disciplinary matters and  
2 supplementing Title 11A of the New Jersey Statutes.

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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. Notwithstanding the provisions of any other law to the contrary,  
8 a State employee who files an appeal with the Merit System Board  
9 concerning a decision of the employee's appointing authority in any  
10 major disciplinary matter shall have the option of requesting that the  
11 matter be submitted to arbitration in accordance with the Rules  
12 governing selection of an arbitrator issued by the Public Employment  
13 Relations Commission instead of being heard directly by the Merit  
14 System Board or referred to the Office of Administrative Law for a  
15 hearing before an Administrative Law Judge. In the event the  
16 employee is represented by a majority representative, only the majority  
17 representative may appeal the matter to arbitration. In the event the  
18 employee is represented by a majority representative, and the  
19 employee wants to pursue the matter to arbitration, a request shall be  
20 made to the employee's majority representative to pursue the matter  
21 to arbitration. If the majority representative agrees to pursue the  
22 matter to arbitration, the majority representative shall file a notice of  
23 intent to arbitrate with the Public Employment Relations Commission  
24 within twenty days of the employee receiving the final notice of  
25 discipline. If the majority representative does not pursue the matter  
26 to arbitration, the employee shall continue to have the right to file an  
27 appeal with the Merit System Board. In the event an appeal is filed  
28 with both agencies, the employee shall make the final determination as  
29 to choice of forum. The decision of the arbitrator shall be final and  
30 binding on the parties and the Merit System Board.

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32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill provides that a State employee who files an appeal with the

1 Merit System Board concerning a decision of the employee's  
2 appointing authority in any disciplinary matter shall have the option of  
3 requesting that the matter be submitted to arbitration instead of being  
4 heard directly by the Merit System Board or referred to the Office of  
5 Administrative Law for a hearing before an Administrative Law Judge.  
6 If an employee is represented by a majority representative, only the  
7 majority representative, at the request of the employee, could appeal  
8 the matter to arbitration. If the majority representative agrees to  
9 pursue the matter to arbitration, the majority representative would file  
10 a notice of intent to arbitrate with the Public Employment Relations  
11 Commission within twenty days of the employee receiving the final  
12 notice of discipline. If the majority representative does not pursue the  
13 matter to arbitration, the employee would continue to have the right  
14 to file an appeal with the Merit System Board. In the event an appeal  
15 is filed with both agencies, the employee may make the final  
16 determination as to choice of forum. A decision of the arbitrator  
17 would be final and binding on the parties and the Merit System Board.  
18 It is the bill's purpose to save time and money for the State and its  
19 employees by streamlining and expediting the hearing of disciplinary  
20 matters.

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26 Allows certain State employee disciplinary matters to be submitted to  
binding arbitration.