

SENATE, No. 734

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator BUBBA

1 AN ACT concerning certain administrative staff members in State
2 operated school districts and amending P.L.1987, c.399.

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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 11 of P.L.1987, c.399 (C.18A:7A-44) is amended to
8 read as follows:

9 11. a. Notwithstanding any other provision of law or contract, the
10 positions of the district's chief school administrator and those
11 executive administrators responsible for curriculum, business and
12 finance, and personnel shall be abolished upon creation of the
13 State-operated school district. The affected individuals shall be given
14 60 days' notice of termination or 60 days' pay. The notice or payment
15 shall be in lieu of any other claim or recourse against the employing
16 board or the school district based on law or contract. Any individual
17 whose position is abolished by operation of this subsection shall be
18 entitled to assert a claim to any position or to placement upon a
19 preferred eligibility list for any position to which the individual may be
20 entitled by virtue of tenure or seniority within the district. No
21 individual whose position is abolished by operation of this subsection
22 shall retain any right to tenure or seniority in the positions abolished
23 herein.

24 b. The State district superintendent shall prepare a reorganization
25 of the district's central administrative and supervisory staff and shall
26 evaluate all individuals employed in central administrative and
27 supervisory staff positions. Within six months of the establishment of
28 the State-operated district the State district superintendent shall
29 implement the reorganization.

30 c. Notwithstanding any other provision of law or contract, the
31 positions of the central administrative and supervisory staff,
32 instructional and noninstructional, other than those positions abolished
33 pursuant to subsection a. of this section, shall be abolished upon the
34 reorganization of the State-operated school district's staff. The State

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.

1 district superintendent may hire an individual whose position is so
2 abolished, based upon the evaluation of the individual and the staffing
3 needs of the reorganized district staff. These individuals shall be hired
4 with tenure if they had tenure in their prior position. If they did not
5 have tenure in their prior position, they may obtain tenure pursuant to
6 the provisions of N.J.S.18A:28-6. Individuals hired as State assistant
7 superintendents shall not be hired with tenure and shall not acquire
8 tenure. Employees or officers not hired for the reorganized staff shall
9 be given 60 days' notice of termination or 60 days' pay. The notice or
10 payment shall be in lieu of any other claim or recourse against the
11 employing board or the school district based on law or contract.
12 Notwithstanding this limitation, nothing herein shall preclude an
13 individual from asserting upon separation from service any legal
14 contractual right to health care coverage, annuities, accrued vacation
15 days, accrued sick leave, insurance and approved tuition costs. Any
16 employee whose position is abolished by operation of this subsection
17 shall be entitled to assert a claim to any position or to placement upon
18 a preferred eligibility list for any position to which the employee may
19 be entitled by virtue of tenure or seniority within the district. No
20 employee whose position is abolished by operation of this subsection
21 shall retain any right to tenure or seniority in the positions abolished
22 herein.

23 d. The term "central administrative and supervisory staff" shall not
24 include administrative and supervisory staff members who are
25 members of a collective bargaining unit and are covered by a collective
26 bargaining agreement entered into by the school district and a majority
27 representative employee organization.
28 (cf: P.L.1987, c.399, s.11).

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30 2. This act shall take effect immediately.

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STATEMENT

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35 Under the legislation which provides for the establishment of a
36 State operated school district, the State district superintendent is to
37 reorganize the central administration of the district within six months
38 of takeover. Upon that reorganization, the positions of all central
39 administrative and supervisory staff are abolished. This bill makes it
40 clear that the term "central administrative and supervisory staff" refers
41 to management personnel only and does not include non-management
42 personnel who are covered by collective bargaining agreements.

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3 Defines central administrative and supervisory staff in State operated

4 school districts.