

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 5862

with Assembly Floor Amendments
(Proposed by Assemblyman ARMATO)

ADOPTED: DECEMBER 20, 2021

The floor amendments:

1. Exclude local government bodies and State colleges and universities, Rutgers, the State University of New Jersey or the New Jersey Institute of Technology from sections 4, 5, and 11 of the bill, regarding:

(1) permissive subjects of negotiation, grievance procedures, disciplinary matters for which there is not an alternate statutory appeal procedure (section 4);

(2) the confidentiality of communications between a majority representative and its unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace related complaints and issues, and other matters that are within the scope of a majority representative's duty of fair representation (section 5); and

(3) the requirement that every 120 calendar days beginning on January 1 following the effective date of the bill, public employers are required to provide to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization, the following information for all employees not represented by any exclusive representative employee organization: name, job title, worksite location, work email and work phone number (section 10 which is being renumbered as section 11).

2. Clarify that all terms and conditions of employment that are not mandatory subjects of negotiation are permissive subjects of negotiation, unless explicitly exempted by State or federal statute, or unless a negotiated agreement would prevent government from carrying out its statutory mission.

3. Authorize any party to a collective negotiation agreement (CNA) to submit a dispute regarding the interpretation of the CNA without agreement from other parties.

4. Delete the bill's provisions requiring disciplinary review procedures to include binding arbitration as the means for resolving disputes of interpretation of CNAs.

5. Stipulate that parties may not insist on negotiations of permissive subjects of negotiations.

6. Remove the requirements for confidentiality for communications of unions to their members if the communications are about union business other than grievances or disciplinary disputes.

7. Specify standards for verification of electronic signatures in union representation matters.

8. Increase the time in which a hearing on a complaint must be scheduled to 120 days after the complaint is filed.

9. Authorize any interested party to apply to a court for orders enforcing an order of the commission.

10. Eliminate the time limits on when an employee may revoke a dues authorization.

11. Specify that certain parts of the bill take effect where there is a CNA in effect only after the CNA expires.

The amendments will make the bill identical to Senate Bill No. 3810 (3R) of the 2020-2021 Legislative Session.