

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 3810

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3810 (3R), with committee amendments.

This bill provides that a public employee union may charge an employee, who does not pay dues to the union, for the cost of representing the employee in arbitration proceedings, including arbitration regarding disciplinary disputes, and that the union may decline to represent an employee who does not pay union dues in arbitration unless the employee agrees to pay for the cost of representation.

The bill provides that only the parties to a collective negotiations agreement may invoke the arbitration procedures of the agreement and be parties to the arbitration.

Electronic signatures of employees may be used for authorization cards and petitions to conduct union representation elections.

The bill provides for government employers other than counties and municipalities that mandatory subjects for collective negotiation in public employment include terms and conditions of employment of public employees that are not specifically exempted from collective negotiations by State statute, unless a negotiated agreement would prevent a governmental agency from carrying out its statutory mission, and, that for counties and municipalities, those subjects are permissive, rather than mandatory, subjects of collective negotiation. Statutes and regulations that set terms and conditions of employment or grant public employers authority over terms and conditions of employment do not preempt collective negotiations and do not supersede the provisions of any negotiated agreement, except that a negotiated agreement is not permitted to diminish terms and conditions of employment set by statutes and regulations. The bill provides for binding arbitration as a means for resolving disputes involving mandatory subjects for collective negotiations.

The bill prohibits public employers from unilaterally imposing or changing any terms and conditions of employment set forth in an expired or expiring collective negotiations agreement, or unilaterally imposing or changing any other negotiable terms and conditions of

employment, without the specific written agreement of the union. Following contract expiration, and notwithstanding any law or regulation to the contrary, absent express language in a collective negotiations agreement providing that a specific term of the agreement will not continue after the expiration, all terms and conditions of the agreement, including the payment of salary increments, are required by the bill to remain in effect following the agreement's expiration until the parties agree on a successor collective agreement.

The bill provides that communications between a public employee union and its members regarding collective negotiations, administration of collective negotiations agreements, investigation of grievances, and any other matters within the scope of the union's duty of fair representation, and regarding internal union matters, are confidential communications and not subject to disclosure under the discovery rules of New Jersey administrative agencies, including the Office of Administrative Law and the Commission, or under state laws authorizing arbitrators to issue subpoenas.

The bill requires that employee complaints regarding discrimination against employees for exercising their rights under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), be scheduled for hearing within 60 to 90 calendar days, unless the parties agree to extend the time. A decision is required on whether to issue a complaint within 60 calendar days.

The bill requires that every 120 calendar days public employers provide to the union the following information for each employee not represented by the union: name, job title, worksite location, work email and work phone number, and, within 30 days of a request by the union, a job description for each non-represented employee, including the names and job titles of all employees supervised by the employer.

The bill provides that employees who authorized a payroll deduction of union fees prior to the effective date of the "Workplace Democracy Enhancement Act," P.L. 2018, c.15 (C.34:13A-5.11 et seq.), may revoke the authorization by providing written notice to their employer, consistent with the terms of the authorization as consistent with the law when time the authorization was given.

The provisions of sections 4 and 5 of the bill, and the subsection added to current law by section 11 of the bill, do not apply to: counties or municipalities or their authorities, commissions, boards or other instrumentalities; any county college; any State college or university, including Kean University, Montclair State University, and Rowan University; Rutgers, the State University of New Jersey; or the New Jersey Institute of Technology. Those provisions concern:

(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 11).

A public employer is required to notify the union of an employee's revocation of authorization for the payroll deduction of fees within five days of receipt.

COMMITTEE AMENDMENTS:

The committee amendments clarify that the provisions of sections 4 and 5 of the bill, and the subsection added to current law by section 11 of the bill, do not apply to: counties or municipalities or their authorities, commissions, boards or other instrumentalities; any county college; any State college or university, including Kean University, Montclair State University, and Rowan University; Rutgers, the State University of New Jersey; or the New Jersey Institute of Technology.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.