

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3627

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2013

The Assembly Education Committee reports favorably Assembly Bill No. 3627 with committee amendments.

As amended, this bill provides that during the term of an existing collective bargaining agreement covering its employees, an employer is prohibited from entering into a subcontracting agreement which affects the employment of those employees. The bill defines "employer" to include any local or regional school district, educational services commission, jointure commission, county special services school district, county college, State college, college or university under the authority of the Secretary of Higher Education, or board or commission under the authority of the Commissioner of Education or the State Board of Education.

Following the term of a collective bargaining agreement, an employer is permitted to enter into a subcontracting agreement only if the employer:

- 1) provides written notice to both the majority representative of employees in each collective bargaining unit that may be affected by the subcontracting agreement and to the New Jersey Public Employment Relations Commission at least 90 days prior to any effort by the employer to seek the subcontracting agreement; and

- 2) offers the majority representative the opportunity to meet and discuss the decision to subcontract and the opportunity to negotiate over its impact.

Each employee replaced or displaced because of a subcontracting agreement would retain all previously acquired seniority and would have recall rights when the subcontracting terminates.

The bill provides that an employer who violates the act has committed an unfair labor practice and may be subject to an unfair labor practice charge with the New Jersey Public Employment Relations Commission, under which the employee may be entitled to a remedy including, but not limited to, reinstatement, back pay, back benefits, back emoluments, tenure and seniority credit, and attorney's fees.

The committee amended the bill to replace reference to “Commission on Higher Education” to “Secretary of Higher Education.”