

ASSEMBLY, No. 631

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

**Assemblywoman Reynolds-Jackson, Assemblyman Giblin,
Assemblywoman Carter, Assemblyman Benson, Assemblywoman
B.DeCroce, Assemblyman DeAngelo, Assemblywoman Timberlake,
Assemblyman Chiaravalloti, Assemblywomen Chaparro, McKnight,
Tucker, DiMaso, Vainieri Huttie, Assemblyman Wimberly,
Assemblywoman Murphy, Assemblymen Johnson, Verrelli, Freiman,
Karabinchak, Zwicker, Assemblywoman Jimenez, Assemblymen Armato,
Mazzeo, Assemblywoman Swain, Assemblymen Tully, Houghtaling,
Assemblywomen Downey, Pinkin, Assemblymen McKeon, Danielsens,
Calabrese, Mejia, Assemblywomen N.Munoz, Lopez, Assemblymen
Mukherji, DePhillips, Rooney, Kennedy, S.Kean, Clifton, Schaer, Holley,
Peters, Assemblywomen Schepisi, Speight, Sumter, Stanfield,
Assemblyman Conaway and Assemblywoman Dunn**

SYNOPSIS

Concerns arbitration for certain non-teaching school staff.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 5/1/2020)

1 **AN ACT** concerning arbitration for certain non-teaching school staff
2 and amending P.L.1989, c.269.

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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 8 of P.L.1989, c.269 (C.34:13A-29) is amended to
8 read as follows:

9 8. a. The grievance procedures that employers covered by this
10 act are required to negotiate pursuant to section 7 of
11 P.L.1968, c.303 (C.34:13A-5.3) shall be deemed to require binding
12 arbitration as the terminal step with respect to disputes concerning
13 imposition of reprimands and discipline as that term is defined in
14 this act.

15 b. In any grievance procedure negotiated pursuant to this act,
16 the burden of proof shall be on the employer covered by this act
17 seeking to impose discipline as that term is defined in this act.

18 c. In addition to any rights provided pursuant to subsection a.
19 of this section, an employee who is not a teaching staff member
20 shall have the right to submit to binding arbitration any dispute
21 regarding whether there is just cause for a disciplinary action,
22 including, but not limited to, reprimands, withholding of
23 increments, termination or non-renewal of an employment contract,
24 expiration or lapse of an employment contract or term, or lack of
25 continuation of employment, irrespective of the reason for the
26 employer's action or failure to act, and irrespective of any
27 contractual or negotiated provision or lack thereof. In the
28 arbitration, the burden of proof shall be on the employer.

29 d. Nothing in this section shall be regarded as affecting the
30 right of any teaching staff member or majority representative to
31 submit to binding arbitration any dispute involving or relating to a
32 teaching staff member.

33 (cf: P.L.1989, c.269, s.8)

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35 2. This act shall take effect immediately.

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STATEMENT

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40 This bill provides to non-teaching employees of local, county or
41 regional school districts, boards or commissions the right to submit
42 to binding arbitration any dispute regarding whether there is just
43 cause for a disciplinary action, including, but not limited to,
44 reprimands, withholding of increments, termination, non-renewal,

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.

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1 expiration or lapse of an employment contract or term, or lack of
2 continuation of employment, irrespective of the reason for the
3 employer's action or failure to act, and irrespective of any
4 contractual or negotiated provision or lack thereof. The bill places
5 the burden of proof in the arbitration on the employer.