

P.L. 2020, CHAPTER 66, *approved August 13, 2020*  
Senate, No. 993 (*First Reprint*)

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

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

6  
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 <sup>1</sup>as  
20      defined by section 1 of P.L.1989, c.269 (C.34:13A-22)<sup>1</sup> shall have  
21      the right to submit to binding arbitration any dispute regarding  
22      whether there is just cause for a disciplinary action, including, but  
23      not limited to, reprimands, withholding of increments, termination  
24      or non-renewal of an employment contract, expiration or lapse of an  
25      employment contract or term, or lack of continuation of  
26      employment, irrespective of the reason for the employer's action or  
27      failure to act, and irrespective of any contractual or negotiated  
28      provision or lack thereof. In the arbitration, the burden of proof  
29      shall be on the employer.

30      <sup>1</sup>The provisions of this subsection c. shall also apply to county  
31      college employees other than faculty members or members of the  
32      professional staff.<sup>1</sup>

33      d. Nothing in this section shall be regarded as affecting the  
34      right of any teaching staff member or majority representative to  
35      submit to binding arbitration any dispute involving or relating to a  
36      teaching staff member.

37      (cf: P.L.1989, c.269, s.8)

38  
39      <sup>1</sup>2. Section 1 of P.L.1989, c.269 (C.34:13A-22) is amended to  
40      read as follows:

41      1. As used in this act:

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted June 25, 2020.

1 "Commission" means the New Jersey Public Employment  
2 Relations Commission.

3 "Commissioner" means the Commissioner of Education.

4 "Discipline" includes all forms of discipline, except tenure  
5 charges filed pursuant to the provisions of subsubarticle 2 of  
6 subarticle B of Article 2 of chapter 6 of Subtitle 3 of Title 18A of  
7 the New Jersey Statutes, N.J.S. 18A:6-10 et seq., or the withholding  
8 of increments pursuant to N.J.S.18A:29-14.

9 "Employees" means employees of an employer as defined by this  
10 act.

11 "Employer" means any local or regional school district,  
12 educational services commission, jointure commission, county  
13 special services school district, or board or commission under the  
14 authority of the commissioner or the State Board of Education, and  
15 with respect to section 8 of P.L.1989, c.269 (C.34:13A-29), any  
16 county college under the authority of the Secretary of Higher  
17 Education.

18 "Extracurricular activities" include those activities or  
19 assignments not specified as part of the teaching and duty  
20 assignments scheduled in the regular work day, work week, or work  
21 year.

22 "Minor discipline" includes, but is not limited to, various forms  
23 of fines and suspensions, but does not include tenure charges filed  
24 pursuant to the provisions of subsubarticle 2 of subarticle B of  
25 Article 2 of chapter 6 of Subtitle 3 of Title 18A of the New Jersey  
26 Statutes, N.J.S.18A:6-10 et seq., or the withholding of increments  
27 pursuant to N.J.S.18A:29-14, letters of reprimand, or suspensions  
28 with pay pursuant to section 1 of P.L. 1971, c. 435 (C.18A:6-8.3)  
29 and N.J.S. 18A:25-6.

30 "Regular work day, work week, or work year" means that period  
31 of time that all members of the bargaining unit are required to be  
32 present and at work.

33 "Teaching staff member" means a member of the professional  
34 staff of any employer holding office, position or employment of  
35 such character that the qualifications, for the office, position or  
36 employment, require him to hold a valid and effective standard,  
37 provisional or emergency certificate, appropriate to that office,  
38 position or employment, issued by the State Board of Examiners.

39 "Teaching staff member" includes a school nurse.<sup>1</sup>

40 (cf: P.L.1989, c.269, s.1)

41

42 <sup>1</sup>**[2.] 3.** This act shall take effect immediately.

43

44

45

46

47 Concerns arbitration for certain non-teaching school staff.