

SENATE, No. 257

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Amends State college law to remove certain employees from civil service system and allow boards of trustees to conduct collective bargaining.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning State colleges and revising various parts of the
2 statutory law.

3

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

6

7 1. N.J.S.18A:64-6 is amended to read as follows:

8 18A:64-6. The board of trustees of a State college shall have
9 general supervision over and shall be vested with the conduct of the
10 college. It shall have the power and duty to:

11 a. Adopt and use a corporate seal;

12 b. Determine the educational curriculum and program of the
13 college consistent with the programmatic mission of the institution
14 or approved by the Commission on Higher Education;

15 c. Determine policies for the organization, administration and
16 development of the college;

17 d. Study the educational and financial needs of the college;
18 annually acquaint the Governor and Legislature with the condition
19 of the college; and prepare and present the annual budget to the
20 Governor, the Division of Budget and Accounting in the
21 Department of the Treasury and the Legislature in accordance with
22 law;

23 e. Disburse all moneys appropriated to the college by the
24 Legislature and all moneys received from tuition, fees, auxiliary
25 services and other sources;

26 f. Direct and control expenditures and transfers of funds
27 appropriated to the college and tuition received by the college, in
28 accordance with the provisions of the State budget and
29 appropriation acts of the Legislature, reporting changes and
30 additions thereto and transfers thereof to the Director of the
31 Division of Budget and Accounting in the State Department of the
32 Treasury and as to funds received from other sources, direct and
33 control expenditures and transfers in accordance with the terms of
34 any applicable trusts, gifts, bequests, or other special provisions.
35 All accounts of the college shall be subject to audit by the State at
36 any time;

37 g. In accordance with the provisions of the State budget and
38 appropriation acts of the Legislature, appoint and fix the
39 compensation of a president of the college, who shall be the
40 executive officer of the college and an ex officio member of the
41 board of trustees, without vote, and shall serve at the pleasure of the
42 board of trustees;

43 h. **【**Notwithstanding the provisions of Title 11, Civil Service,
44 of the Revised Statutes, upon**】** Upon nomination by the president

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.

- 1 appoint a treasurer and such deans and other professional members
2 of the academic, administrative and teaching staffs as defined in
3 section 13 of P.L.1986, c.42 (C.18A:64-21.2) as shall be required
4 and fix their compensation and terms of employment **【in**
5 accordance with salary ranges and policies which shall prescribe
6 qualifications for various classifications and shall limit the
7 percentage of the educational staff that may be in any given
8 classification**】**;
- 9 i. Upon nomination by the president, appoint, remove, promote
10 and transfer such other officers, agents or employees as may be
11 required for carrying out the purposes of the college and assign
12 their duties, determine their salaries and prescribe qualifications for
13 all positions**【**, all in accordance with the provisions of Title 11,
14 Civil Service, of the Revised Statutes**】**;
- 15 j. Grant diplomas, certificates and degrees;
- 16 k. Pursuant to the provisions of the "State College Contracts
17 Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts and
18 agreements for the purchase of lands, buildings, equipment,
19 materials, supplies and services; enter into contracts and agreements
20 with the State or any of its political subdivisions or with the United
21 States, or with any public body, department or other agency of the
22 State or the United States or with any individual, firm, or
23 corporation, which are deemed necessary or advisable by the board
24 for carrying out the purposes of the college;
- 25 l. If necessary, take and condemn land and other property in
26 the manner provided by the "Eminent Domain Act of 1971,"
27 P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to
28 purchase land or other property;
- 29 m. Adopt, after consultation with the president and faculty,
30 bylaws and make and promulgate such rules, regulations and orders,
31 not inconsistent with the provisions of this article, that are
32 necessary and proper for the administration and operation of the
33 college and the carrying out of its purposes;
- 34 n. Establish fees for room and board sufficient for the
35 operation, maintenance, and rental of student housing and food
36 service facilities;
- 37 o. Fix and determine tuition rates and other fees to be paid by
38 students;
- 39 p. Accept from any government or governmental department,
40 agency or other public or private body or from any other source
41 grants or contributions of money or property, which the board may
42 use for or in aid of any of its purposes;
- 43 q. Acquire by gift, purchase, condemnation or otherwise, own,
44 lease, dispose of, use and operate property, whether real, personal
45 or mixed, or any interest therein, which is necessary or desirable for
46 college purposes;
- 47 r. Employ architects to plan buildings; secure bids for the
48 construction of buildings and for the equipment thereof; make

1 contracts for the construction of buildings and for equipment; and
2 supervise the construction of buildings;

3 s. Manage and maintain, and provide for the payment of all
4 charges and expenses in respect to all properties utilized by the
5 college;

6 t. Borrow money for the needs of the college, as deemed
7 requisite by the board, in such amounts, and for such time and upon
8 such terms as may be determined by the board, provided that this
9 borrowing shall not be deemed or construed to create or constitute a
10 debt, liability, or a loan or pledge of the credit, or be payable out of
11 property or funds, other than moneys appropriated for that purpose,
12 of the State;

13 u. Authorize any new program, educational department or
14 school consistent with the institution's programmatic mission or
15 approved by the commission;

16 v. (Deleted by amendment, P.L.1994, c.48);

17 w. Pursuant to the "State College Contracts Law," P.L.1986,
18 c.43 (C.18A:64-52 et seq.), award contracts and agreements for the
19 purchase of goods and services, as distinct from contracts or
20 agreements for the construction of buildings and other
21 improvements, to that responsible bidder whose bid, conforming to
22 the invitation for bids, will be most advantageous to the State
23 college, price and other factors considered; **and**

24 x. Pursuant to the "State College Contracts Law," P.L.1986,
25 c.43 (C.18A:64-52 et seq.), award contracts and agreements for the
26 construction of buildings and other improvements to the lowest
27 responsible bidder, whose bid, conforming to the invitation for bids,
28 will be the most advantageous to the State college; and

29 y. Function as a public employer under the "New Jersey
30 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
31 et seq.), and conduct all labor negotiations, and with the
32 participation of the Governor's Office of Employee Relations act as
33 the chief spokesperson with respect to all matters under negotiation.
34 (cf: P.L.2005, c.369, s.1)

35
36 2. Section 13 of P.L.1986, c.42 (C.18A:64-21.2) is amended to
37 read as follows:

38 13. a. Professional members of the academic, administrative
39 and teaching staffs shall include all faculty positions, current
40 professional positions listed as unclassified positions pursuant to
41 Title 11, Civil Service, of the Revised Statutes and all professional
42 positions currently listed as classified positions pursuant to Title 11
43 of the Revised Statutes, which are not presently included within any
44 bargaining unit. All these positions shall be removed from the
45 provisions of Title 11 of the Revised Statutes; however, any
46 employee currently having classified status in a title shall have the
47 option of retaining all the rights and privileges of a classified
48 employee in that title for so long as the employee maintains

1 uninterrupted service in, or is on an approved leave of absence
2 from, that title.

3 b. All positions at State colleges and universities in titles listed
4 as unclassified service titles or career service titles pursuant to Title
5 11A of the New Jersey Statutes on the effective date of P.L. , c.
6 (pending before the Legislature as this bill), shall be removed from
7 the provisions of Title 11A of the New Jersey Statutes; however, an
8 employee with permanent status in a title on the effective date of
9 P.L. , c. (pending before the Legislature as this bill) shall retain
10 all career service rights for so long as the employee maintains
11 uninterrupted service in, or is on an approved leave of absence
12 from, that title.

13 (cf: P.L.1986, c.42, s.13)

14
15 3. Section 12 of P.L.1986, c.42 (C.18A:64-21.1) is repealed.

16
17 4. This act shall take effect immediately.

20 STATEMENT

21
22 This bill removes from the civil service system all State college
23 or university positions in titles listed as unclassified service titles or
24 career service titles on the effective date of the bill. However, the
25 bill also provides that an employee with permanent status in a title
26 on the effective date of the bill, will be permitted to retain all career
27 service rights as long as he remains in that title.

28 Pursuant to P.L.1986, c.42 the State colleges and universities
29 were granted autonomy from civil service restrictions in regard to
30 professional members of the academic, administrative, and teaching
31 staffs. This bill is intended to remove all other titles from the civil
32 service system.

33 The bill also provides that each State college or university would
34 function as a public employer under the "New Jersey Employer-
35 Employee Relations Act," and conduct all labor negotiations.
36 Under current law, section 12 of P.L.1986, c.42 (C.18A:64-21.1), it
37 is the Governor who has this responsibility. The University of
38 Medicine and Dentistry and the New Jersey Institute of Technology
39 currently conduct all labor negotiations at their institutions.