

CHAPTER 66

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

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

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

C.34:13A-29 Grievance procedures; binding arbitration.

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

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

c. In addition to any rights provided pursuant to subsection a. of this section, an employee who is not a teaching staff member as defined by section 1 of P.L.1989, c.269 (C.34:13A-22) shall have the right to submit to binding arbitration any dispute regarding whether there is just cause for a disciplinary action, including, but not limited to, reprimands, withholding of increments, termination or non-renewal of an employment contract, expiration or lapse of an employment contract or term, or lack of continuation of employment, irrespective of the reason for the employer's action or failure to act, and irrespective of any contractual or negotiated provision or lack thereof. In the arbitration, the burden of proof shall be on the employer.

The provisions of this subsection c. shall also apply to county college employees other than faculty members or members of the professional staff.

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

2. Section 1 of P.L.1989, c.269 (C.34:13A-22) is amended to read as follows:

C.34:13A-22 Definitions.

1. As used in this act:

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

"Commissioner" means the Commissioner of Education.

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

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

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

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

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

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

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

3. This act shall take effect immediately.

Approved August 13, 2020.