

No Right to Strike

- A. **The NJSBA believes** that public employees should not have a statutory right to strike. *[Authority: DA 12/71-11, DA 5/72-13, 13a, DA 12/75-G, DA 10/78-CR (PERC), DA 6/93, DA 11/96-SR]*
- B. **The NJSBA believes** that the PERC Law should declare as unfair labor practices employee organizations' unprotected concerted activities including strikes, spontaneous walkouts, slowdowns, refusals to engage in extracurricular activities, and other concerted efforts by employees designed to bring pressure upon the public employer to win concessions at the bargaining table. *[Authority: DA 5/72-13, 13a, DA 10/78-CR (PERC), DA 6/93, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Penalties for Striking Employees

- A. **The NJSBA believes** that disruptive public education employee strikes are not deterred by jailing striking employees found in contempt of court nor by mandating interest arbitration.
- B. **The NJSBA believes** that the best and strongest deterrent to public school employee strikes is the imposition of automatic fines on school employees and their employee organizations that engage in illegal strikes.
- C. **The NJSBA believes** in a system that provides:
1. Automatic financial penalties upon each striking employees, where upon being petitioned by a board of education, judges would be required to impose a legislatively defined financial penalty upon each striking employee for each day, or part thereof, that the employee has withheld his services, such as: fines equal to twice the daily rate of compensation, with compensation defined as the employee's salary and the total cost of negotiated insurance plans; and
  2. Automatic penalties for the employee organization, such as: \$100 per unit member for each day, or part thereof, of the strike, and the automatic loss of the union's ability to deduct dues for a period of one year, and
  3. Additional discretionary authority to the court to issue additional fines for contempt of its orders. These penalties may include, but need not be limited to, additional fines for both employees and their union, an extension of the union's loss of dues deductions, or decertification of the majority representative, but should not include jailing of employees. *[Authority: BD 5/78, DA 6/88-C, DA 12/91-10, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

**Cross References:** 4135 Collective negotiations  
4135.3 Negotiations/consultation

Key Words: strikes, walkouts, work stoppages