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General Approach to Public Sector Labor Relations

- A. **The NJSBA believes** that public employees have a right to bargain collectively through their selected employee organizations. However, since public sector employers have constitutional and statutory mandates to serve the public and to represent its interests, collective negotiations in the public sector must recognize the special mission of public employers and must be structured differently than the private sector model. Collective bargaining in New Jersey's public sector must be structured to recognize the complex problems and responsibilities facing the state and local public employers. *[Authority: DA 10/78-CR (PERC), DA 6/93-SR, DA 11/96-SR, DA 5/97 CR (School Finance)]*
- B. **The NJSBA believes** that state and local public employees' rights to bargain collectively should not be granted through federal legislation. *[Authority: DA 10/78-CR (PERC), DA 6/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

General Approach to Public School Districts' Labor Relations

- A. **The NJSBA believes** that local school boards' duty to negotiate must be secondary to their duty to educate the children in the district. Collective bargaining in New Jersey's public schools must be structured to provide an appropriate balance between school boards' negotiations obligation and boards' statutory rights and responsibilities to provide a thorough and efficient system of free public education.
- B. **The NJSBA believes** that negotiations in local school districts should not jeopardize local control of public education and opposes initiatives to establish any form of state-level negotiations as well as any other efforts that would reduce local control of the negotiations process. *[Authority: DA 10/78-CR (PERC), DA 6/85-1A, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Limited Scope of Negotiations

**The NJSBA believes** in the right of public employees to collectively negotiate over terms and conditions of employment that intimately affect them, but supports a limited scope of negotiations so that public employers are protected in their rights and responsibilities regarding the establishment and implementation of public policy, including educational policy and operational methods. *[Authority: DA 12/71-11, DA 10/78-CR (PERC), DA 11/96-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Impasse Procedures

- A. **The NJSBA believes** in the principles of the voluntary nature of the impasse procedures presently utilized by the Public Employment Relations Commission in impasses involving public education.
- B. **The NJSBA believes** that these procedures can be improved to increase their effectiveness in aiding school boards and employee organizations reach voluntary settlements while protecting the interests of the public and the children of New Jersey, by incorporating statutory requirement which include factors such as:
1. Certification and recertification of neutrals, based on their successful completion of training programs covering significant changes in the field of public sector labor negotiations;
  2. A Code of Norms and Practices and a Code of Ethics for neutrals;
  3. Statutory criteria to be applied by factfinders and superconciliators, that include such considerations as: the welfare of the public; the financial impact of the recommendations on the school district's educational and operational program and on the district's residents and taxpayers. *[Authority: DA 10/78-CR (PERC), DA 6/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR]*

Compulsory Interest Arbitration

**The NJSBA believes** that compulsory interest arbitration, where a third party neutral resolves negotiations disputes by imposing contract terms on the parties, should not become a procedure to resolve negotiations disputes in public sector negotiations. As interest arbitration distorts the voluntary nature of collective negotiations and intrudes upon the fundamental premise that public policy should be determined by individuals who are accountable to the public, the process is most inappropriate in public school districts' negotiations. *[Authority: DA 5/76-15, DA 10/78-CR (PERC), DA 6/93-SR, DA 5/97-CR (School Finance), 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:** 4135.1 Agreements  
4135.3 Negotiations/consultation  
4135.11 Recognition/personnel covered  
4135.16 Work stoppages/strikes

Key words: negotiations, bargaining units, labor relations, arbitration