

Labor Relations

NJSBA Governance I

June 23, 2020

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New Jersey School Boards Association

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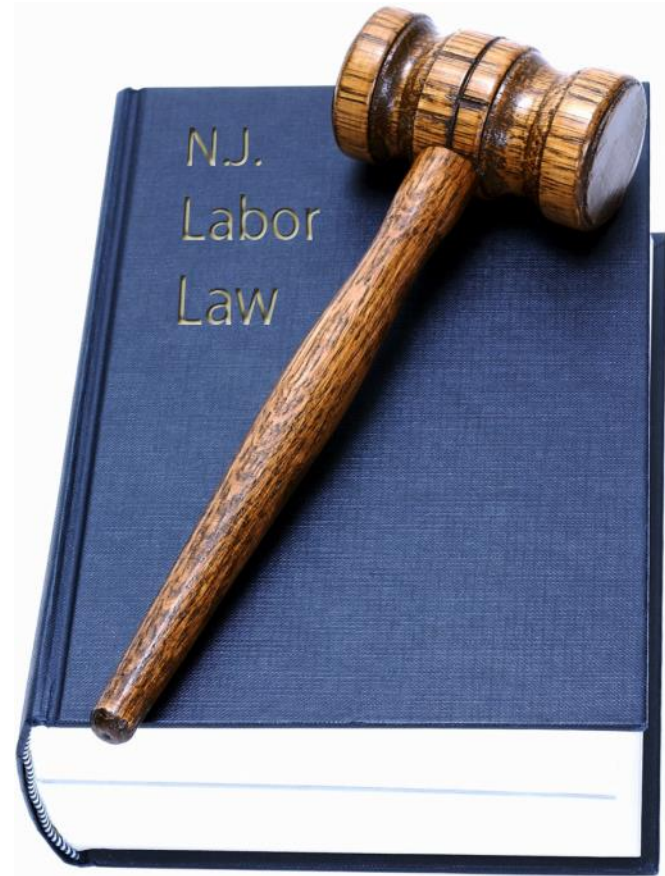
Legal Limitations Upon Board Members

- N.J. School Law
- Federal Law
- U.S. Constitution
- N.J. Constitution
- Other N.J. Laws
- Regulations



Including

N.J. Labor Law (Title 34:13A)



The P.E.R.C. Law **(*N.J.S.A. 34:13A-1, et. seq.*)**

Requires joint decision-making of
terms and conditions of employment



Test of Negotiability

- Issue must intimately and directly affect work and welfare of employees;
and
- Issue must not be preempted by statute or regulation;
and
- Issue must not significantly interfere with exercise of inherent managerial prerogative pertaining to determination of policy.

To be negotiable = all 3 criteria must be met.



Board's Obligations

- Respect the Rights of the Employees
- Honor the Duty to Bargain in Good Faith



“P.E.R.C.”

State of New Jersey Public Employment Relations Commission



BOARD OF EDUCATION
&
Custodial-Maintenance
Workers Association
Negotiations Meeting



Case Study #1

- What involvement does the Board have in choosing the Union's representative?
- What involvement does the Union have in choosing the Board's representative?





Case Study #2

- Can the Union president be disciplined or dismissed for her Union activities?
- Can the actions of the Superintendent and the Board president be held against the Board of Education?



Respect the Rights of Eligible Employees...

- To exercise bargaining rights
- To freely select union / representatives
 - *do not interfere*
- To participate in union activities
 - *do not discriminate*





Case Study #3

- Can the Board reduce the length of a teacher's contractual workday as an accommodation to her?



Respect the Right of the Union...

- To be the exclusive bargaining representative
 - *do not bypass*



Board's Obligations

- Respect the Rights of the Employees and the Union.
- Honor the Duty to Bargain in Good Faith

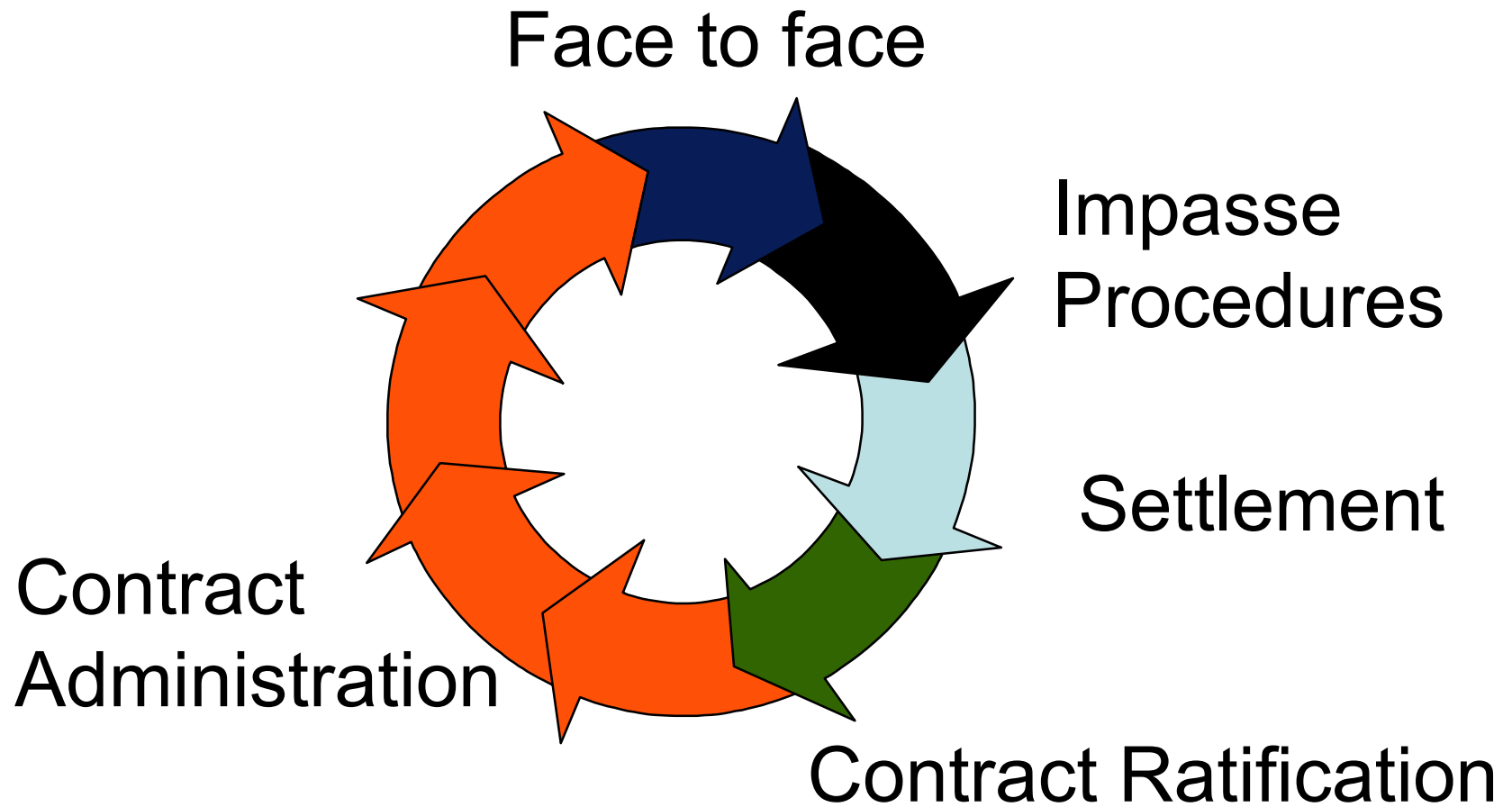


Duty to Bargain

- Meet as equals with the union
- Mutually agree to “TERMS and CONDITIONS” of employment
 - *no obligation to concede*
- Set agreement in writing
- Abide by terms of agreement



Labor Relations Cycle



Impasse procedures

- Mediation
- Fact-Finding
- Super-Conciliation



What All Board Members Need to Know

- Negotiations involve conflict
- Bargaining is adversarial (*not confrontational - but different points of view*)
- Negotiations can take a long time
- The Board must maintain a unified front and confidentiality



What All Board Members Need to Know

- The Board can bargain hard to meet its needs
- It is not “bad faith” bargaining to say “NO”
- Settlement only occurs when the parties voluntarily and mutually agree
- No agency or person can force the Board into any settlement it does not voluntarily wish to agree upon.



REMEMBER ... Boards Cannot...

- Unilaterally set or change terms and conditions of employment
- Bypass the elected majority representative
- Discriminate against employees for participation in union activities



But Boards Can...

- Unilaterally set policy
- Make informed staffing decisions
- Exercise managerial prerogatives when permitted by law



How can NJSBA's Labor Relations Department Assist?

- Contract Analysis
- Salary Guide Analysis & Assistance
- Data & Settlement Information
- Trends
- Guidance on Legal changes
- Training in Negotiations



NJSBA Labor Relations Department

Email:

laborrelations@njsba.org

Visit the Labor Relations
Webpage at :

www.njsba.org/services/labor-relations/



NJSBA Labor Relations Department

The screenshot shows the NJSBA website with a focus on the Labor Relations Department. The browser address bar shows <https://www.njsba.org/>. The website header includes the NJSBA logo and navigation links: About NJSBA, Our Services, News & Information, Training, and Meetings. A dropdown menu is open under 'Our Services', listing: Field Services, Labor Relations (highlighted), Legal, Policy, NJSBA TEC, Grants Support, Superintendent Positions and Other Vacancies, I-STEAM Services, Sustainability, ACES/ACESplus, BoardDocs, Awards Programs, National Connection, AxisPlus Benefits, and Plaques. The main content area features a large banner with the text 'Effective school board leadership is key to advancing student achievement' and a yellow box with the text 'Ready, Set, Bargain! To help guide districts through the bargaining process, from the initial legal framework, to at-the-table techniques and settlement, the New Jersey School Boards Association is hosting a new program on Nov. 30.' Below the banner are three sections: Training, Services, and News and Information. The Training section mentions 'NJSBA offers a wide range of programs that meet state training requirements and enable school board members to reach their full potential.' The Services section mentions 'Whether it's goal-setting, strategic planning, negotiations assistance, legal information, policy advice, each NJSBA service is designed to help your school board govern effectively.' The News and Information section mentions 'We share the news, information, and resources you need to stay informed on educational issues.' The footer shows the Windows taskbar with the date 11/21/2018 and time 1:22 PM.

New Jersey School Boards Association

Effective school board leadership is key to advancing student achievement

Ready, Set, Bargain! To help guide districts through the bargaining process, from the initial legal framework, to at-the-table techniques and settlement, the New Jersey School Boards Association is hosting a new program on Nov. 30.

Our Services

- Field Services
- Labor Relations**
- Legal
- Policy
- NJSBA TEC
- Grants Support
- Superintendent Positions and Other Vacancies
- I-STEAM Services
- Sustainability
- ACES/ACESplus
- BoardDocs
- Awards Programs
- National Connection
- AxisPlus Benefits
- Plaques

Training

NJSBA offers a wide range of programs that meet state training requirements and enable school board members to reach their full potential.

[Explore training opportunities](#)

Services

Whether it's goal-setting, strategic planning, negotiations assistance, legal information, policy advice, each NJSBA service is designed to help your school board govern effectively.

[Get started](#)

News and Information

We share the news, information, and resources you need to stay informed on educational issues.

[Stay informed on educational issues](#)



Questions

