

A. Civil Service and Discipline

1. Opt out

- a. Petition with 15% of valid votes cast in county or municipality during last general election filed with clerk of county or municipality places question on the ballot.
- b. If rescission is approved shall take effect between 6 months and 1 year following election. **Must wait 10 years to readopt civil service.**
- c. If rescission rejected, no new election may be held before the second general or municipal election following the election at which rescission rejected.
- d. Employees with permanent status on the date rescission is effective retain the right to a civil service hearing for disciplinary removal or to challenge good faith of a layoff.

[It appears that employees lose the right to challenge discipline other than termination. Also not clear an employee retains the right to challenge termination or layoff if placed in another title.]

- e. Following rescission, municipality, county or school district can enter into contract with civil service for testing, classification, compensation and other technical services.

[Way of charging local governments for services that are not free.]

2. Removes state college employees from civil service

3. Limitations on right to appeal discipline.

Amends 11A:2-14 and 16 by limiting right to appeal discipline to civil service to suspensions of greater than 30 days.

[No apparent impact on state employees who arbitrate all discipline. Also, would not preclude local government units from arbitrating suspensions of 30 days or less. To the extent local government contracts contain provisions permitting arbitration of minor discipline, those provisions may be automatically applicable to suspensions of 30 days or less. Certainly could negotiate such provisions.]

Amends Title 40A non-civil service police and fire - Limits right of police and fire fighters to appeal discipline to either superior court or through special discipline arbitration to suspensions of more than 30 days.

4. Increases in exam fees and establishment of appeal fees.

Amends 11A:4-1.1 by increasing fees for non-law enforcement and non-fire fighter exams from \$15 to \$20. Every five years the chair shall review and may modify fees, but fees cannot exceed cost of developing, procuring and administering the exam.

Also establishes \$20 fee for appeals of discipline, written record appeals, appeals involving exams and appointments and layoffs.

5. Nine Month Seasonal Positions

Amends 11A:4-13(c), which currently limits temporary appointments to not more than six months in a 12 month period, to permit seasonal positions for a maximum of nine months where the CSC Chair has approved a list of seasonal titles submitted by the employer.

6. Layoffs

Amendments leave intact layoffs in inverse order of seniority within a department. Also, leave intact standards for determining lateral and demotional layoff rights.

However, the proposed amendments permit an employer to exempt less senior employees from bumping if the employer deems the less senior employee “more critical and essential based on business necessity and operational continuity.” The employer must provide a certification as to why the senior employee “does not possess the essential requirements listed (skills, licenses, certifications, nature of job activity) to meet the business necessity and operational continuity needs of the affected organization.”

Accordingly, an initial determination would be made as to bumping rights based upon the comparability of titles - substantially similar duties, identical or similar education and experience requirements, employees in affected titles, with minimal training could perform duties of designated title, special skills, licenses and certifications of designated titles are similar to and do not exceed those of the affected titles.

Once a determination is made as title comparability, the employer could then exempt employees in the designated titles based upon the same basic criteria which led the civil service commission to conclude that the titles were compatible in the first instance.

B. Collective Bargaining

1. Amends the EERA to prohibit negotiations over furloughs. In addition amends the Civil Service Reform Act, Title 11A.
 - a. Amends 11A to specifically include staggered and non staggered furloughs.
 - b. No furloughed employee shall be paid for the furlough.
 - c. Employer can designate any planned paid leave as unpaid furlough time
 - d. Employees may not substitute paid leave for furlough days.
2. Prohibits collective negotiations agreements which, on an annual basis exceed 2.5% on economic issues including salaries, hours in relation to earnings, paid vacations, paid holidays, health and medical insurance and other economic benefits. Mediators, fact finders and super conciliators cannot recommend settlements that exceed 2.5%.
 - a. Constitutional amendment to impose 2.5% cap on property tax increases
 - b. Constitutional amendment to impose 2.5% cap on spending for State government operation excluding state aide to municipalities and school districts
 - * **Excludes from cap pension payments required to be made by another provision of the Constitution. Apparently, if there is not a constitutional amendment requiring pension funding, the State's pension obligations would not be excluded from the cap.**
3. Amends 18A:64-6 to empower colleges to “conduct all labor negotiations with represented employees.” Amends the EERA to require fact finders to consider the impact of reductions in state and county funding and the impact on tuition.
4. Arbitrators for contract disputes and for “special discipline arbitrations” (non-civil service police and fire) would be selected by PERC by lot without participation of the parties. Fees would be limited to \$1,000 per day.
5. Repeals outright School Employees Contract Resolution and Equity Act.
 - a. Repeals super conciliation process

- b. Allows school boards to impose last best offer
 - c. County Superintends are empowered to review all contracts and can reject contracts if the contracts exceed 2.5% cap, fail to require minimum required pupil contact time, minimum number of work days, or prohibit contracting out of auxiliary services
 - e. County Superintends may require districts to enter into shared services agreements
6. Interest Arbitration
- a. Arbitrators must consider impact of contracts on property taxes
 - b. Arbitrators barred from making awards that exceed 2.5% cap.
7. Repeals law permitting employees to go on union leave and remain in pension system. **Current officers with more than 10 years permitted to remain in pension system.** (p28)

* Also applies to League, Association of Counties, Educational Foundations

C. Other Benefits

- 1. For current employees, bars payout for sick leave over \$15,000. (Not clear how this squares with current contracts).
- 2. For current employees, bars carryover of more than one year of vacation leave.
- 3. Severance liabilities, if in excess of 10% of amount to be raised by taxes for municipal purposes, shall be paid without interest, at sole discretion of local unit, over period not to exceed 10 years.
- 4. Bars use of six or more consecutive sick days in 12 months prior to retirement without medical necessity verified in writing.
- 5. Authorizes boards of trustees of state colleges and universities to impose a probationary period in addition to 5 years of service to be eligible for tenure.

D. Shared and Joint Services Agreements

- 1. Amends statutes that address civil service and other personnel issues when local government entities enter into shared services or “joint meeting” agreements.

- a. Eliminates requirement that the transfer, retention or layoff of employees be pursuant to the provisions of any existing collective bargaining agreements in the local units.
- b. Eliminates severance pay (at least one month for every five years of service) for employees who are laid off by the local unit providing the service under a shared service agreement.
- c. Restricts the special reemployment rights of laid off employees from any civil service employer within the county of the shared service or joint meeting agreement or any political subdivision in the county to the local unit from which the employee is laid off.
- d. Eliminates the requirement that an employment reconciliation plan be filed with the civil service commission prior to the approval of the shared service agreement or a joint agreement.
- e. Eliminates the requirement that non-transferred employees shall be removed or suspended only for good cause and only after a hearing before the civil service commission.
- f. Eliminates the requirement that employees will be selected for transfer to the new employer subject to the provisions of the collective bargaining agreements within the local units.
- g. Transferred employees are subject to any collective bargaining agreement and personnel policies that exist for the new entity.