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Municipal Clerks: Please forward to your Mayor, Governing Body, and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

Please Take Action: Fast-Track Bill Removing Management Prerogatives

Action is needed to oppose legislation that would remove important management prerogatives and drive up costs for local governments. On Wednesday the Assembly Appropriations Committee will be considering [A-5862](#), which **expands** the subjects that would become mandatory during contract negotiations unless a previously negotiated agreement. It would prevent the government from carrying out its statutory mission. **The result would be removing management prerogative and requiring mandatory negotiations for public sector unions.**

[A-5862](#), known as the "Responsible Collective Negotiations Act", was introduced to provide additional worker safeguards in response to the 2018 U.S. Supreme Court Janus v. AFSCME ruling. While several provisions of the bill do build upon the "Workplace Democracy Enhancement Act," there are several troubling provisions that expand and change the nature of collective negotiations with all public unions except police and fire.

The bill expands the items that would become mandatory negotiable subjects during contract negotiations. Items would include "all matters that intimately and directly affect the work and welfare of public employees" including but not limited to: **layoffs; subcontracting and privatization; criteria and procedures for promotions,**

performance evaluations and hiring; transfer of employees; assignments and reassignment of employees; transfer of negotiations unit of work; and job security, discipline disputes and disciplinary review procedures. This new provision will effectively remove management from management by adding items previously management prerogative to mandatory negotiations.

The bill would also mandate that grievance and disciplinary review procedures, including oral reprimands, must provide for binding arbitration as a means for resolving disputes involving subjects for collective negotiation that include the areas listed above. Removing the current ability to negotiate with unions how matters are handled removes previous negotiated items from the discussions.

In addition the bill abolishes the last best offer as critical management tool; provides broad privileged communication protections for labor on business involving union matters but no such protection for management; provides a disincentive for labor to negotiate what controls remain in place when an existing contract expires and the parties have failed to reach an agreement on a successor contract; creates a tremendous administrative burden by requiring management to share detailed information on non-union members with unions; expands the date certain when employees may opt-out under the "Workplace Democracy Enhancement Act"; and much more.

It is important to make a distinction between public sector and private sector contract negotiations. Public sector contracts are funded solely by the taxpayers. The provisions of A-5862 will add additional cost to the contract negotiation process, resulting in litigation due to conflicts arising from existing law and the new provisions of this bill, and could lead to an unfunded mandate.

The Assembly Appropriations Committee is scheduled to consider this legislation on Wednesday. The Senate companion (S-3810), passed the Senate Labor Committee 3-2, and is awaiting consideration by the full Senate. These bills could be scheduled for floor votes as soon as Monday, June 21, so immediate action is needed.

Please take action. We urge you to contact your Senator and Assembly representatives as well as members of the Assembly Appropriations Committee to urge them to vote no.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

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