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

Please Take Action: Bill Removing Management Prerogatives Before Full Senate on Monday

Action is needed to oppose [S-3810](#), the “Responsible Collective Negotiations Act”, which **expands** the subjects that would become mandatory during contract negotiations. Although this legislation is being touted as providing additional worker safeguards in response to the 2018 U.S. Supreme Court *Janus v. AFSCME* ruling, it includes numerous troubling provisions that would further unlevel the playing field in public sector negotiations in favor of labor by eliminating the function and rights of management to effectively govern its affairs with property taxpayer dollars.

In part, this legislation would disregard managerial prerogative by making traditionally non-negotiable items negotiable such as performance evaluations, procedures for promotions, subcontracting and privatization, transfers, assignments, and more by creating a new definition for “terms and conditions of employment” in Section 3d of the legislation and Section 4a mandates that terms and conditions must be subject to collective negotiations. As a result, the legislation expands the items that would become mandatory negotiable subjects during contract negotiations.

The bill also establishes a binding arbitration process for all grievances including minor infractions such as oral reprimands by creating a definition of “disciplinary review procedures” in Section 3e along with the language in Section 4b requiring grievance and disciplinary review provide a binding arbitration.


In addition, the bill abolishes the last best offer as a 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

Moreover, this legislation ignores the multilayered and unparalleled protections already afforded public sector workers in the State of New Jersey by the Civil Service Commission (CSC), the Public Employment Relations Commission (PERC), the "Workplace Democracy Enhancement Act," the collective bargaining process, and more.

Please take action. The full Senate will be considering this bill on Monday. We urge you to contact your Senator to urge them to vote no on S-3810.

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