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June 24, 2021

Urgent Alert – Action is Needed Responsible Collective Negotiations Before Assembly and Senate on Thursday

Municipal Clerks: Time sensitive. Please forward to Mayor and Governing Body members.

Dear Mayors:

Later today (Thursday) both the full Senate and Assembly are scheduled to consider the amended “Responsible Collective Negotiations” bill ([S-3810/A-5862](#)). The League has joined the New Jersey Association of Counties, New Jersey Conference of Mayors, New Jersey Municipal Managers Association, Government Finance Officers Association of New Jersey, New Jersey Association of County Finance Officers and New Jersey Association of County Administrators in strongly opposing this legislation as it would clearly open the door for public sector unions to negotiate previously non-negotiable items.

This fast-tracked legislation would effectively subject to negotiations the entire list of subjects that are inherent managerial prerogatives based on 50 years of PERC law as it's impossible to envision a scenario where management refuses every request from a union to negotiate over a permissive subject and not face labor unrest and potential PERC challenges.

As amended, this legislation purports to make the items for collective bargaining permissive for local governments but it subjects items never negotiable before to be negotiated. It still expands the items that become mandatory subjects during negotiations, effectively removing management prerogative.

Moreover, this legislation would further unlevel the playing field in public sector negotiations in favor of labor as the measure would also:

- Create a binding arbitration process in a manner that is not entirely clear, and of which would lead to costly litigation.

- Abolish the last best offer as a critical management tool.
- Provide broad privileged communication protections, with no exceptions, for labor but no such protections for management.
- Provide 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.
- Create a tremendous administrative burden by requiring management to share detailed information on non-union members with unions.
- Expand the date certain when employees may opt-out under the "Workplace Democracy Enhancement Act".
- Redirect the burden of proof to management in grievance procedures subject to binding arbitration even where labor is the moving party.
- Ignore 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. We urge you to contact your State Senator and Assembly representatives, who will be in caucus later this morning, to urge them to consider the long-term ramifications of this far-reaching legislation and vote no on S-3810/A-5862.

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



222 West State Street, Trenton, NJ 08608
Phone: 609-695-3481 Web: www.njlm.org

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