

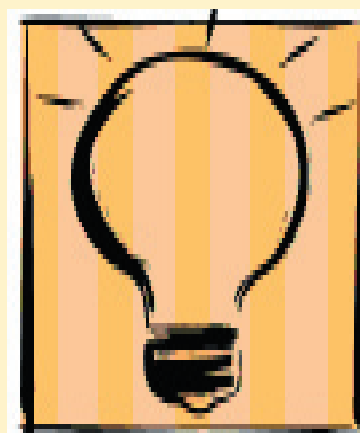
NJPSA



Education Law

Primer

Chapter 10
PERC and Negotiations



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Chapter 9 - PERC AND NEGOTIATIONS

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FOREWORD

As the New Jersey Principals and Supervisors Association continues to grow and expand its sphere of influence, we are continually striving to improve services for our membership. In this day and age, when many of the rights we have seem to be constantly under attack, it becomes increasingly important that we provide more leadership and guidance to new and existing bargaining units.

To this end, this Primer has been prepared to assist with the formation of local associations, organization of bargaining units, and preparation for negotiations. Increasingly, principals and supervisors are finding that the improvement of their status, welfare and security in their positions will result primarily through negotiations.

Their success in this art form will depend upon quickly acquired sophistication as they experience negotiations, and their readiness to make wise use of suggestions offered by those who are experienced in negotiations.

This primer affords an overview of the negotiations process for local organizations of principals and supervisors and serves as a step-by-step guide from the initial phase of organization to impasse resolution. It is not intended to supplant the expertise of NJPSA field representatives, whose frequent experience at the bargaining table and continuing reference to PERC decisions and changes in the law make their services invaluable in an area no longer safe for lay persons. Used wisely, it should assist in developing an attitude and framework which is basic to achieving success in the collective bargaining arena.

INTRODUCTION

The New Jersey Employer-Employee Relations Act, N.J.S.A. 34:A-5.3 states in part:

“A majority representative of public employees in an appropriate unit shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interest of all such employees without discrimination and without regard to employee organization membership. Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances, disciplinary disputes, and other terms and conditions of employment. Nothing herein shall be construed as permitting negotiation of the standards or criteria for employee performance.”

“When an agreement is reached on the terms and conditions of employment, it shall be embodied in writing and signed by the authorized representatives of the public employer and the majority representative.”

This primer serves as a guide to a basic written agreement and includes a Model Agreement. Collective negotiation continues to be an “art,” adaptable to the needs of each supervisory bargaining unit. Cost containments by Boards of Education are to be expected, and when compounded by uncertainties in the economy, school state funding formulas, and the negative public perception that school supervisory personnel are overpaid, form a new and creative approach to negotiations.

The NJPSA Field and Legal Service Departments will continue to monitor all negotiations carefully and assist your affiliate bargaining unit at your request.

NOTICE: *It should be noted that the “Model Agreement” is the product of the Field Services Division of the New Jersey Principals and Supervisors Association and the analysis of the “Model Agreement” with commentary by the Labor Relations Department of the New Jersey School Boards Association found in their publication “The Negotiations Advisor.”*