

SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NJ
PUBLIC BOARD MEETING
April 22, 2013

RESOLUTION 3016

FOR ACTION

SUBJECT: RESOLUTION AUTHORIZING THE BOARD TO OPPOSE S-2163 AND A-3696, REQUIRING BINDING ARBITRATION OVER DISCIPLINARY MATTERS INVOLVING NON-TEACHING STAFF

WHEREAS, New Jersey's local boards of education represent the community's interests in the governance and financial oversight of school districts that serve the educational needs of nearly 1.4 million children; and

WHEREAS, Proposed legislation, Senate Bill 2163 (S-2163) and Assembly Bill 3696 (A-3696), would give non-teaching employees, such as teacher assistants, bus drivers and cafeteria aides, tenure-like protection by forcing school districts to enter into binding arbitration over non-renewal of employment, as well as virtually any "disciplinary" action, ranging from reprimands to withholding increments; and

WHEREAS, S-2163 and A-3696 would undermine the authority of local boards of education, the public's elected and appointed representatives, by preventing them from negotiating disciplinary procedures to effectively and efficiently manage employee conduct and performance; and

WHEREAS, mandated binding arbitration would require the expenditure of valuable time and resources, while placing critical decisions in the hands of arbitrators, who are not accountable to the taxpayers of the community; and

WHEREAS, S-2163 and A-3696 would subject economic decisions, such as a reduction of non-teaching staff due to a budgetary shortfall or enrollment decline, to binding arbitration; and

WHEREAS, S-2163 and A-3696 define "disciplinary action" so broadly that the term would include non-renewals of employment contracts, thereby bypassing court rulings that have consistently held that the decision not to renew fixed-term contracts of such staff does not constitute discipline; and

WHEREAS, extending binding arbitration to such "disciplinary" matters involving non-teaching staff employees will have an adverse economic impact on local school budgets at a time when school districts must make the best possible use of limited financial resources.

NOW, THEREFORE, BE IT RESOLVED that the South Orange-Maplewood Board of Education, in fulfilling its responsibility to provide effective governance and financial oversight to our community's public schools, opposes S-2163 and A-3696; and be it further

RESOLVED, that the South Orange-Maplewood Board of Education calls on the Governor and the New Jersey Legislature to reject any and all measures that would require binding arbitration over disciplinary matters and non-renewal of employment; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Chris Christie, Senate President Stephen M. Sweeney, Assembly Speaker Sheila Y. Oliver, state Senator Richard J. Cody and Assembly Representatives Mila Jasey and John McKeon; and be it further

RESOLVED, that a copy of this resolution be provided to the New Jersey School Boards Association.