



**Working Conditions**  
**Tuesday, December 02, 2008**

**Mona Bennett, Gloucester County Representative**

### **LEGISLATIVE ISSUES**

**A-267** This is a bill that requires nonmedical school personnel who have limited training to administer glucagon to students with diabetes. NJEA is opposed to this bill and recommends that members contact their state senators.

**A-3002** Requires that each school building has one fire drill and one school security drill per month. NJEA supports this bill. Current law requires two fire drills per month. NJEA believes that in today's world all school districts must make prevention and preparedness a top priority.

Referring to the recent situation in Warren County, Ms. Bennett noted that NJEA should review the legislation to make sure employees are held harmless for actions taken to protect themselves in the event they are not made aware of drills that are scheduled to occur. Following Ms. Bennett's remarks, the committee determined that this should be adopted as a recommendation of the committee.

**S-110** Background Checks - This legislation would require that all school employees who were continuously employed prior to 1986 to undergo criminal history checks. While NJEA remains opposed to this bill, we have been able to gain four (4) key amendments:

1. Permit ample time to obtain expungements.
2. Establish due process rights for individuals to challenge the Department's findings.
3. Make it geographically convenient for members to get checked.
4. Provide provisions for non-forfeiture of earned service credit of pension or retirement benefits on any crime committed prior to the effective date of PL 86 c.116.

**Labor legislation:** In addition to the bills currently in the legislature, the chair asked the staff contact to provide the committee with a status report regarding any future labor legislation. In response to that request, Jim Geiger gave the committee a summary of bills being studied by the leadership team: employee discipline, expanded scope of negotiations, subcontracting, and travel regulations. It was noted that each of these topics has been on the agenda of the committee for many years.

### **OLD BUSINESS**

#### **Soldier Protections Action/Military Tenure Issue**

Chairman Tirri gave an update on the issue of tenure for school employees who are actively deployed in the U.S. military. The chair met with NJEA network attorneys Jason Sokolowski and Rich Friedman and noted that Rich Friedman will attend the January meeting of the committee.

### **NEXT MEETING**

The next meeting is scheduled for January 20, 2009, at NJEA HQ, in Trenton, NJ.

**NJEA**  
**Working Conditions**  
**Tuesday, October 7, 2008**

**LEGISLATIVE ISSUES**

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Other initiatives of note:

**S-2127** Tuition Reimbursement - This legislation requires that certain conditions be met in order for school districts to provide their employees with tuition assistance. NJEA opposes this legislation because it infringes on the collective bargaining rights of school employees.

**Public Employee Pension and Benefits Reform Act of 2008** - The committee discussed the events of June 2008 and the final legislation that resulted from our member-organizing activities.

**CONTINUING ISSUES**

The committee discussed these ongoing issues:

Violence and Vandalism Reporting Form  
SEHBP  
Paid Family Leave  
Secondary Education Initiative – Student Mentoring Requirements  
Employee Rights and Technology  
Expansion of Scope of Bargaining

**OLD BUSINESS**

PEOSHA

Chairman Tirri gave an update on the complaint centered on violence in the schools as a health and safety issue. At issue was the assault on 32 staff members in one building. PEOSHA completed its investigation and found that no violation of the law occurred.

Soldier Protections Action/Military Tenure Issue

Chairman Tirri gave an update on the issue of tenure for school employees who are actively deployed in the US military. Rich Friedman and Wayne Dibofsky will be contacted to begin the process of developing NJEA sponsored legislation.

DYFS and IAIU "with concerns" actions

The committee reviewed an Appellate Court decision that resulted from members receiving reprimands as a result of IAIU investigation.

**NEW BUSINESS**

Arrest Reporting - See review of S-110 above.

Hedge Fund Ruling and Impact - The committee reviewed the status of the NJEA lawsuit.

False Reporting/Civil Immunity - NJEA member Kevin Krumaker provided the committee with written information related to legislation enacted in Colorado that protects school employees.

### **UPDATES ON LEGAL DECISIONS & OPINIONS**

The committee was provided with legal opinions regarding:

#### Save Harmless Statute

NJEA counsel Rich Friedman provided a written opinion regarding protections for a school nurse who encountered a sick student on her way out of the building.

#### Posting of Secretarial Positions

Rich Friedman also provided a written opinion regarding the rights of full- and part-time employees when bidding for an upgrade.

## **NJEA Working Conditions Monday, May 19, 2008**

### **LEGISLATIVE ISSUES**

A legislative update report was provided by Wayne Dibofsky of staff addressing the myriad of issues facing NJEA during the spring legislative season.

#### Assembly Action 5/19/08:

**A-10** – A bill to reduced administrative costs by 10% over the next three years.

NJEA opposes this bill as the reduction could have a negative impact on the employment status of our members either through bumping or direct loss of jobs. The bill passed overwhelmingly and is being moved to the Senate.

**A-15** – A bill regarding school election/budget vote with two provisions:

1. Move school board/budget elections from April to November.
2. Provide for the elimination of the school budget vote for budgets under cap.

It was noted that this is highly unusual for New Jersey legislation that one bill would have two provisions. NJEA supports the elimination of the vote for budgets under cap but opposes the move of the election from April to November as it limits citizen candidates in favor of politically motivated candidates. *Passed Assembly 45-31 and is being moved to the Senate*

**A-45** – A bill to remove the State Board's ability to hear legal cases after the

Commissioner has issued a report. NJEA opposes this legislation as it leaves the courts as the only source of appeal which is expensive for all parties involved.

*Passed Assembly and is being moved to the Senate.*

#### Senate action:

**S -1607** Corporate Tax Credit/ Voucher Bill - This proposal gives school districts scholarships to go to private or parochial schools. Strongly opposed by NJEA this bill has been moved to the Assembly, but faces strong opposition.

#### Other initiatives of note:

**Pensions and Benefits** - Proposals are being floated that would create a two-tiered pension system that would change retirement age for those not yet employed. Senate proposals would revisit pension retirement age moving retirement age from 60 to 62 and early retirement from 55 to 60 years of age. At issue is that when these yet-to-be hired employees become the majority, they would want to change the system to bring everyone back to their level.

**Criminal Background Checks** - Senate Shirley Turner, chair Senate Education Committee, wants to readdress the issue of those hired pre-1996 who were grandfathered on criminal background checks.

NJEA is in the process of ongoing meeting with DOE to address the myriad of issues related to this proposed legislation. Issues such as expunged records, inaccuracies, rehabilitation, and actions which may not have been illegal at the time, but are now considered criminal acts, are still being addressed. NJEA has not yet taken a position on this matter.

#### Budget Vote

The state budget must be ratified by June 30, 2008. While the Legislature would like to have it completed by June 19, 2008, it appears that the final decision may take until the eleventh hour as key legislators do not appear to be of a common mind on various crucial issues.

#### **OLD BUSINESS**

##### PEOSHA

Chairman Tirri gave an update on the first ever complaint centered on violence in the schools as a health and safety issue. At issue was the assault on 32 staff members in one building. PEOSH is conducting an ongoing investigation and has recently added a second school complaint to the matter.

##### Violence and Vandalism Report

Chairman Tirri reviewed the concerns regarding the V & V form and indicated that the victim of a violent criminal offense is a new provision in compliance with NCLB regulations.

#### **NEW BUSINESS**

##### QSAC

Tom Falocco of staff provided an in-depth presentation regarding QSAC, the new school monitoring process, as implemented by the Department of Education this school year.

Discussion centered on what has been learned from the first full round of monitoring and what concerns suggestions NJEA turnkey for future participants.

Committee members inquired about the availability of training for the district QSAC team members, preparation for staff, and association issues which might be presented to an association leadership or rep council.

#### **UPDATES ON LEGAL DECISIONS & OPINIONS**

The committee was provided with legal opinions regarding:

##### Active Military Duty

Rich Friedman, NJEA counsel, provided a written update regarding nontenured staff members being called for active duty. It was noted that little protections exist for those who are called to active duty while their tenure clock is still running.

##### Family Leave Eligibility

Clarification was provided regarding the implementation of the new legislation.

### **NJEA**

#### **Working Conditions Monday, March 03, 2008**

#### **LEGISLATIVE ISSUES**

Bob Antonelli provided an update on S-709 regarding temperature control in school facilities as sponsored by Senator Bob Smith. He explained that this legislation was reintroduced after revision to address some concerns expressed by NJEA in response to questions raised by the Delegate Assembly.

Wayne Dibofsky provided the committee with both a verbal and written update on a myriad of issues:

##### ASSET MONETIZATION/STATE BUDGET

It was reported that the final budget due by June 30, 2008, will probably be a combination of the original monetization plan with increase in tolls and gas prices, as well as some austerity measures to reduce the size of state government in an effort to address state deficit and to get the state on a more stable financial footing.

S-480 regarding environmental standards for public schools as sponsored by Senator Bob Gordon (Bergen). This legislation would address concerns ranging from mold, radon, and asbestos to issues related to heat, air ventilation, and remediation of issues related to aging infrastructure of our public schools.

School Security legislation is currently being pursued in cooperation with the State Homeland Security Director. It was reported that no standardized security practices exist in the state and that a comprehensive approach is being proposed.

S-110 (Weinberg/Buono) regarding criminal background checks for all public school employees including those previously grandfathers (hired prior to 1986) are being monitored. This legislation could impact as much as 33% of our membership.

A-933 (Scalera) regarding health and safety standards for service providers to public schools. This legislation would require that all vendors providing services to the public schools to meet standards related to immunization, certification, background check, mastery of language, etc. is also being supported by NJEA.

A-267 (Vaulervalk/Voss) regarding medication of students with diabetes by school staff. There are provisions of this legislation that could carry liability for our members, specifically as related to injection of glucose to children.

S-786 Paid Family Leave (Sweeney/Buono) this legislation provides for paid family leave benefits for up to six weeks. It passed the Senate 22-16 on March 3, 2008, it now moves to the Assembly Appropriations Committee for action.

#### **OLD BUSINESS**

Violence and vandalism electronic reporting documentation was shared with the committee. It was requested that Mr. Dibofsky again make contact with the Department to have the report separated into two separate documents—one section for the individual reporting, as well as one section for the administrator reporting.

Tom Falocco of the staff gave an overview of QSAC, the new school monitoring process, as implemented by the Department of Education this school year.

At the request of Chairman Tirri, the committee asked Tom Falocco to return for the April 8, 2008 meeting to give a more in-depth report on QSAC.

#### **ASSAULTS ON SCHOOL EMPLOYEES**

The chair distributed copies of 6A:16-5.7. After discussion, the chair asked the committee to review further in anticipation of a discussion at the March meeting.

#### **UPDATES ON LEGAL DECISIONS & OPINIONS**

The committee was provided with legal opinions regarding Family Leave Eligibility and the scheduling of medical appointments related to workers compensation claims.

**NJEA  
Working Conditions  
Thursday, January 31, 2008**

#### **LEGISLATIVE ISSUES**

Wayne Dibofsky provided the committee with a written report focusing on the passage of the sick leave bank bill and updates on the status of S-786, which is the family leave bill.

The committee also reviewed S-709. The matter will be discussed further at the March meeting. Committee members were encouraged to send comments via email to the staff contact.

NJEA supports A-1547. The sponsor is Assemblywoman Greenstein, and the co-sponsors are Vainieri, Huttle, and Giblin. The bill expands the scope of bargaining. This bill has been around since at least 2004, and we have supported it all along. The bill is in the Assembly Labor Committee.

### **NEW BUSINESS**

#### **ASSAULTS ON SCHOOL EMPLOYEES**

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### **Working Conditions Committee Thursday, November 15, 2007**

#### **LEGISLATIVE ISSUES**

Wayne Dibofsky provided the committee with a written report focusing on the election results. NJEA elected 89% of its endorsed candidates. Under new business, Mr. Geiger advised the committee of the status of S-2249.

#### **NEW BUSINESS**

##### **PAID FAMILY LEAVE**

Jim Geiger provided the committee with a PowerPoint overview of S-2249. By consensus, the committee indicated that the benefits provided by the bill are long overdue for school employees. In addition to the bill itself, the committee stressed the importance of NJEA developing a strategy to liberalize the use of accumulated sick leave in order to take care of a sick family member. The committee also determined that any such effort to liberalize the sick leave should be done through the statutory framework. In addition, the committee noted that S-2249 covered all public employers. As a result, the bill, if left unchanged, would actually expand the right to family leave benefits to our smallest affiliates which are not covered under either the state or federal family leave acts because they do not have the requisite minimum number of employees.

#### **UPDATES ON LEGAL DECISIONS & OPINIONS**

The committee reviewed several legal opinions. Topics included working condition issues related to lesson plan issues, technology, dress codes, employee evaluations, and free speech claims.

### **NJEA Working Conditions Committee Monday, October 1, 2007**

#### **LEGISLATIVE ISSUES**

Wayne Dibofsky provided the committee with a written report that covered a wide range of legislative issues. Mr. Geiger advised the committee about NJEA's PAC endorsements, gave an update on the Committee of 1000, and offered an overview of the importance of the voucher issue in this year's endorsement process.

#### **OLD BUSINESS**

##### **TECHNOLOGY IN THE WORKPLACE**

At the request of the chair, Mr. Geiger provided the committee with an overview of various technology issues that impact on employee rights and responsibilities. It was noted that NJEA has a staff committee working on the emergence of virtual schools. The staff collective bargaining committee is revising the bargaining manual. It is expected this manual will reflect technology's impact on working conditions.

The committee was also updated on the work Mary Ann Jandoli is doing to make the negotiations survey more responsive to technology issues as they affect working conditions.