

**PROTECT THE JOBS OF ESP MEMBERS**

***Background:***

Our education support professionals (ESP) are invaluable to our public schools. Unfortunately, they are often not treated the same way as other school employees. What’s more, the jobs of our education support professionals are put at risk when decision makers attempt to privatize for short-term fixes, which always creates negative long-term consequences. NJEA is working to secure rights and protections for our ESP members through two legislative measures, below.

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***Bill Summaries:***

**Prevents Subcontracting and Requires Employee Notice**

**(S-296)** (Holzapfel, Thompson)

(**A-3185/A-3395)** (Conaway, Dancer, Mazzeo, Armato, Giblin/McGuckin, Dancer, Giblin)

**Status:** Senate Education Committee; Assembly Labor Committee

During the term of an existing collective bargaining agreement, these bills would prohibit employers from entering into a subcontracting agreement that affects the employment of those covered by that contract.

Once a collective bargaining agreement expires, an employer would be permitted to enter into a subcontracting agreement only if:

* The employer provides written notice to both the majority representative of employees in each collective bargaining unit and to the New Jersey Public Employment Relations Commission at least 90 days prior to any effort by the employer to seek the subcontracting agreement.
* The employer offers the majority representative the opportunity to meet and discuss the decision to subcontract and negotiate over its impact.

Each employee replaced or displaced because of a subcontracting agreement would retain all previously acquired seniority and would have recall rights if the subcontracting terminates.

While ESP staffs are more commonly subjected to privatization threats, the bills also cover the subcontracting of professional services.

**Just Cause Arbitration**

**S-3089/A-3664** (Greenstein/Caputo, Jasey, Dancer, Reynolds-Jackson, Giblin, Carter)

**Status**: Proposed for Introduction/Assembly Labor Committee

S-3089/A-3664 would extend to non-teaching employees of local, county or regional school districts, boards or commissions the right to submit to binding arbitration any dispute regarding whether there is just cause for a disciplinary action.

Disciplinary actions subject to arbitration would include, but not be limited to, reprimands, the withholding of a salary increment, termination, non-renewal, an expiration or lapse of an employment contract or term, or the lack of continuation of employment, irrespective of the reason for the employer’s action or failure to act, and irrespective of any contractual or negotiated provision of any contractual or negotiated provision or lack thereof. The bill places the burden of proof on the employer.

***Take Action!***

***Write your Members of the Legislature* and Ask Them to Support ESP Members by Co-Sponsoring S-3089/A-3664**

In order to pass this legislation, we need all NJEA members and their families to write their legislators and ask them to co-sponsor and support this bill.

Here is a sample e-mail message—but, please be sure to add your own personal story describing how unfair treatment by the employer has impacted you, your family or your colleagues:

Dear [Senator/Assemblywoman/Assemblyman]:

My name is\_\_\_\_\_\_\_ and I am a (position in school/retired). I live in (town where you live.) I am writing to ask you to sign on as a co-sponsor S-3089/A-3664 to provide employment fairness for our education support professionals.

S-3089/A-3664 would correct a long-overdue inequity in how the law treats ESP members in our public schools. ESP members are invaluable to our education system, but they are not always treated the same way as other employees. The bill would finally allow the right to submit any

employment dispute, such as dismissal or discipline, to arbitration to determine whether there is just cause. For too long, ESPs were not granted this basic fairness with their employment. This bill would correct this imbalance and bring the respect to ESP members that they deserve.

Please sign on to support and co-sponsor S-3089/A-3664.

Thank you.