MEMBER POWER WINS

HISTORIC CAMPAIGN ROOTED IN MEMBER-LED ORGANIZING

BY MATTHEW STAGLIANO
After years of laser-focused organizing, Gov. Phil Murphy signed Chapter 78 relief into law on July 1, 2020. Then, on Aug. 13 Murphy signed one of the two job justice bills, enacting long-awaited job due-process protections to educational support professionals (ESPs).

The second job justice bill passed through both houses of the Legislature, but because two different versions were passed in each house, it has yet to make it to Murphy’s desk. These new laws will change the trajectory of public education in New Jersey. Thousands of NJEA members participated in a historic campaign to get the bills written, sponsored and signed into law.

“We did the impossible,” said NJEA President Marie Blistan. “Our members trusted in the actions called for by this campaign, and because they trusted in the actions and participated in them, we were heard. This proves one thing: there is nothing this union—our union—cannot accomplish if we all work together. We can move mountains. This campaign wasn’t easy, but we persevered for the future of our profession. I am indescribably proud of every member-leader, member and staff person that worked to achieve this historic success for the future of the schools we love so much.”

This historic accomplishment didn’t come easy, nor did it come without sacrifice, dedication and a steadfast belief in the power of unionism.

NINE YEARS OF WAITING, WORKING

In 2011, then-Gov. Chris Christie signed P.L. 2011 c. 78—commonly known as “Chapter 78.” The law was hailed as “benefit reform,” but, as any NJEA member would tell you, the law did anything but benefit public school employees. Ch. 78 required NJEA members to contribute a higher percentage of their ever-increasing health care premiums every year, far outpacing any increase in salary. Consequently, the law decreased educator take-home pay in the nine years it lasted. It was unsustainable, unfair and caused undue hardship to thousands of families.

Also in 2011, Christie vetoed two bills that would have provided job security and job protections for many of public education’s most vulnerable employees: educational support professionals (ESPs). Both bills were passed by the New Jersey General Assembly and the Senate in 2011 only to be rejected by Christie.

It was time for a change.

A NEW APPROACH

After seven years under Ch. 78 and almost no legislative movement to expand job protections for ESPs, NJEA members were clamoring for a more effective and universal approach to the health care and job security. In August of 2018, NJEA President Marie Blistan, along with Vice President Sean M. Spiller and Secretary-Treasurer Steve Beatty, formed what would become known as a Campaign Steering Committee. They appointed Patrick Manahan, regional director of NJEA UniServ South, chair of the committee that would include, at the time, six NJEA members and six NJEA staff members.

“Our greatest strength is the collective action of our members,” said Manahan. “Having members and staff in the room together as part of the steering committee was so important because you had different perspectives and different talents. When you bring all of this together, you can create something that is truly unstoppable.”

The charge of the committee was to serve as a statewide action committee, organizing members into collective action throughout the campaign. It was the first committee of its kind in modern NJEA history; rarely have member-leaders made day-to-day, tactical and strategic decisions alongside NJEA staff. As the campaign went on, it evolved to include more NJEA members’ voices. The committee met for the first time in August of 2018, just one month before versions of all three bills were introduced in Legislature. It met regularly for the duration of the campaign.

LEADERS TAKE CHARGE

After working for eight long years under the reality of the anti-education Christie, NJEA members knew that it was difficult to pass legislation that would benefit workers, schools and students. When Murphy was elected governor in 2017, with substantial support from NJEA members who organized a successful #Members4Murphy campaign, he shifted the political landscape, opening a long-closed door for policies that benefited working people. The bills had just been introduced in both houses of the Legislature and had a long way to go before passage. Even with the change in state leadership, many believed moving them would be impossible. After all, Ch. 78 had been passed by a Democratic-controlled Legislature.

“Our members felt cautiously optimistic,” said Sue Clark, president of the Gloucester County Education Association (GCEA) and member of the Steering Committee. “They were glad that we were going to do something to get relief and job justice, but, at the same time, everyone knew this was going to be a very heavy lift politically. We knew it would take a great deal of pressure, and that would involve all of our members. It was a big ask.”

The Steering Committee got to work. The 12-person team decided that to move the bills there was only one viable route: collective action. The team knew that moving all of the bills through the Legislature would require thousands of members working together to one unified end.

The group knew that if NJEA were to act with 200,000 voices speaking as one, they would need the local association presidents on board. On Sept. 20, 2018, Marie Blistan called the second all-presidents meeting in NJEA’s history. Each of the 495 presidents who attended the meeting committed to going back to their locals and have their members sign a petition.

“We took on a challenge that many people around the state laughed at,” Clark remembers. “They said we were crazy. They underestimated the determination of our statewide leadership and the tenacity of our membership.”

The petition, which Clark said set the stage for a successful campaign, would be delivered to strategically selected political figures at a time advantageous to moving the bills.

The petition read:

“As education professionals in New Jersey’s public schools, we are proud that our experience, expertise, and dedication have ensured our schools rank amongst the top three in the country. We

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care deeply for our students as we do for our own families. As professionals, we deserve job security without the constant threat of privatization. As professionals, we deserve quality, affordable health care. We cannot sustain bringing home less money annually that is the result of Ch. 78 legislation. We stand united that job security and affordable, high-quality, health care are basic rights of hard-working people—including educational professionals.”

Five months later, when the petition was delivered to legislators, 116,150 members had signed it, achieving for NJEA another accomplishment of historic proportions: more than 70% of all active NJEA members had signed the same petition. The campaign was real.

OWNING THE WORK
As the weather got cooler, changes happened within the campaign: the Steering Committee expanded to include more NJEA members to amplify their voices, lobby days were scheduled for every month, and postcards were delivered to lawmakers in Trenton at an unprecedented rate.

On Jan. 17, 2019, when NJEA hosted a Lobby Day attended by over 140 NJEA members, 12,819 postcards urging legislators to sponsor and pass all three bills had been sent. It was on this cold January day that members delivered the petitions collected in the previous three months to Gov. Murphy and other legislative leaders, urging them to support the bills. NJEA members were acting in unison across the state, and it was making a difference, especially for the bills aimed at providing job justice for ESPs.

“This was a grassroots movement” said Chris Mueller, president of the Passaic County Community College Administrators Association and member of the Steering Committee. “Information flowed seamlessly from rank-and-file members to leadership through the Steering Committee. Members were more informed about the issues and their potential impact on their lives, so they felt more inclined to get engaged in the campaign.”

In January, the bill providing ESPs with due process job protections had earned 16 sponsors in the General Assembly and the anti-privatization bill had earned 12. The Ch. 78 relief bill had 20 sponsors in the Assembly, up from three back in September. It was clear that legislators were getting the message, but something more needed to be done.

“From the standpoint of our ESP members,” said Mueller “this had potential to be very big win for us because we could negotiate in good-faith with our institutions, without the threat of privatization at the conclusion of the process.”

Another shift transformed the campaign again. Members started asking the Legislature to pass all three bills by asking them to “Fix The Unfairness.” Taking it a step further, the campaign began to look like a #RedForEd campaign, which had led to statewide walkouts in other states the year before over issues such as compensation, health care and job protections. Red pins, red scarves, red signs, and red shirts appeared throughout the state reading #RedForEd #FixTheUnfairness and #WeAreWorthIt, and not long after, legislators knew exactly what those three terms meant.

Stemming from discussions during the Steering Committee meetings, NJEA members began to participate in separate, but collective, actions across the state. Led by members and organized by member-leaders, NJEA members gathered in malls across the state, all wearing red. In all, more than 1,000 members wore #RedForEd and gathered and walked in malls to send a message to their legislators that they were not afraid to exercise their power.

NJEA staff began going into schools every Wednesday to talk with members in their schools and about the bills and the campaign. By the end of the year, NJEA staff would visit more than 500 schools and talk with countless members about the role they could play to pass these bills.

The movement was real.

Eloy Delgado, president of the Linden Education Association, served on the Steering Committee. He described the campaign as feeling different than any other union-led campaign.

“It felt different because there was more ground-level support than in the past,” said Delgado. “There were more asks of the general membership to get involved. Whether it was picketing outside of a legislative office, having one-on-one meetings with legislators, or simply being engaged in the work of the campaign, members were asked to take ownership of this work in a very real way.”

NJEA members continued to batter legislative offices with constant communications urging them to move the bills. By the end of March, more than 41,000 postcards had been sent to legislative offices. The two Job Justice bills had each earned more than 40 sponsors in the Assembly, and the Ch. 78 relief bill had more than 30 sponsors in the Assembly. As the sponsor list grew, members began to believe the passage of the three bills was possible. As that belief grew stronger, the actions grew more impactful.

“At a time when many—virtually every—Trenton insider thought it was impossible to move these three bills, our members committed to each other, our profession, and this campaign,” said NJEA Vice President Sean M. Spiller. “Through strategic, sustained collective action, the Statehouse began to hear us. This wasn’t about politics, it was about what was right for educators, public education, and the students we serve. As we kept at it, we began to change minds under the gold dome. We made a difference that will be felt for years to come—maybe forever in New Jersey’s public schools.”

SMALL VICTORIES AND MORE HURDLES
During the spring of 2019, things heated up as members of the Assembly launched their campaigns for the November election. On May 15, 2020, members in all 21 counties across the state rallied outside of targeted legislative offices.

“This campaign was very well organized, and
though. As leaders, we knew the Legislature felt seemed destined to fail. We never gave up hope, to other members about the passage of bills that asking them to make calls, attend rallies, and talk to make sure their buses are prepared and ready to work full-time jobs, some of them get up at 4 a.m. Secretary-Treasurer Steve Beatty. “Our members move the bills.

May, NJEA members had sent more than 40,000 social media to put pressure on the Legislature. By May, NJEA members had sent more than 40,000 campaign-related texts, and still nothing would move the bills. “We were tired but not broken,” said NJEA Secretary-Treasurer Steve Beatty. “Our members work full-time jobs, some of them get up at 4 a.m. to make sure their buses are prepared and ready to pick up children at 6 a.m. And here we were; asking them to make calls, attend rallies, and talk to other members about the passage of bills that seemed destined to fail. We never gave up hope, though. As leaders, we knew the Legislature felt the power of our members in every ZIP code in the state. We were so energized when June 9 rally happened.” In early June of 2019, NJEA joined forces with the Communications Workers of America to host a rally outside the statehouse. Thousands of members flooded the Capital complex in Trenton, and the course of the campaign was changed forever. Organized exclusively by NJEA members, the rally made headlines and members felt energized.

THE CAMPAIGN SHIFTS, THE BILLS PASS

As the summer months came and the campaign began its second year, there was a shift in strategy as the election of the General Assembly grabbed the focus of everyone in Trenton. NJEA members agreed to work with the certain members of the Assembly to win elections. Members demonstrated that their commitment to good policymakers went beyond bills: for NJEA members, it’s about electing the right people who will help New Jersey’s public schools best serve their students.

Shortly after the election, Assembly Speaker Craig Coughlin introduced a new version of the Ch. 78 Relief bill that reimagined health care for educators in New Jersey. “It’s simple: these bills became laws because of member power,” said NJEA Executive Director Steve Swetsky. “The united, coordinated actions of members was what moved Trenton’s mindset on these bills. NJEA members, speaking with one voice, convinced the Legislature that these bills were important for public educators, and by extension, important for public education. Educator’s voices are powerful and these new laws should serve as a constant reminder of our ability to use those voices to support polices that support public education, for the good of the children we teach, and the schools we together call home.”

While the pressure on the Legislature continued to mount as a result of the actions of thousands of members, NJEA leaders began to work with New Jersey Senate President Steve Sweeney on the passage of the bills. On March 9, 2020, at a statehouse press conference, Sweeney and Blistan announced a landmark agreement on a Ch. 78 relief bill. A year and a half after the campaign began, on March 19, all three bills were finally passed through the New Jersey Senate. As the bills passed, the world was changing more rapidly than anyone could have imagined. The pandemic caused by the spread of the novel coronavirus, which causes COVID-19, had forced all in-person organizing to move to the digital realm. Schools were open only remotely, and despite members being physically separate, the activism continued.

FEELING THE POWER OF NJEA MEMBERS

The bills passed the Senate with overwhelming majorities because the members of the New Jersey Senate felt the power of NJEA. In just under two years, more than 12,800 calls had been made to legislative offices by NJEA members and more than 2,000 members attended lobby days. More than 100,000 NJEA members sent emails to legislators, and, not surprisingly, the Steering Committee had expanded to include more than 40 NJEA members guiding the actions of the campaign.

The pandemic forced the campaign to shift to an almost all-digital landscape, and yet, NJEA members stepped up even as they navigated the new world of educating in remote environments. On June 29, 2020, all three bills passed the Assembly. Gov. Murphy signed the Ch. 78 Relief bill July 1, 2020.

One more hurdle for ESP Job Justice came at the eleventh hour: differences between the versions of the anti-privatization bill in the Senate and Assembly had to be resolved. While the due process bill awaited the governor’s signature, Sen. Sweeney and Speaker Coughlin committed to aligning the language in the anti-privatization bill. As of this writing, the bill awaits only a concurrence vote before it is sent to Gov. Murphy’s desk.

The due process bill, however, was signed by Gov. Murphy on Aug. 15, 2020. “Our union is powerful because our members are powerful,” said Blistan. “The passage of these bills demonstrates our members’ strength. When we choose to act, we make a difference. Given the challenges facing our nation and our schools right now, I am filled with confidence because I know when we work together, we can achieve the impossible. I am excited to see what future changes we can bring forth for public education in New Jersey.”
Understanding the Job Justice Bills

After years of waiting and working, educational support professionals (ESP) in New Jersey return to schools this September with enhanced—and long overdue—job protections. As of press time in mid-August, one of the two bills has passed into law, and all indicators point to the second bill becoming law in the near future.

Known as the job justice bills, the two bills were part of a package that NJEA members fought for as part of a two-year campaign that began in August of 2018.

ESP’s and their certified colleagues engaged in the campaign in countless ways. For nearly two years, thousands of NJEA members sent emails, made phone calls, met with their legislative representatives in Trenton and in their districts, participated in electronic activism—posting on social media and sending text messages—and hosted dozens of rallies urging lawmakers to pass the bills. They had passed through the Democratic-controlled Legislature only to be vetoed by then Gov. Chris Christie in 2011. Members knew that many legislators had previously supported those bills and we reminded them of that.

After actions taken by NJEA members, and despite a global pandemic forcing schools to operate remotely, the bills passed through the Legislature in 2020. One of the job justice bills is now law, while the other bill is closer than ever to becoming law.

The bills took nearly two years to pass, but NJEA members never lost sight of the goal. Both job justice bills were passed by the Assembly in March of 2019 with overwhelming majorities, but they were not taken up in the Senate before the end of the legislative session.

Both bills were reintroduced in the new legislative session that began in January of 2020. While in the previous legislative session the bills had moved slowly in the Senate, this time was different. After nearly two years of advocacy by NJEA members, the Senate passed both job justice bills in March by overwhelming majorities. In the Assembly, they passed for the second time in as many years in June.

“We call these bills the ‘job justice’ bills because they will provide professional equity to our schools’ hardest-working employees,” said NJEA President Marie Blistan. “From cafeteria workers and security guards, to bus drivers and grounds workers, to teacher’s aides, paraprofessionals and secretaries, to custodians and school maintenance workers, educational support professionals are the rock that public schools stand on. The success of our schools starts with the people who run the schools. These bills moving ever closer to law symbolize and acknowledge the contributions of more than 50,000 educational support professionals.”

Due Process Law: Strongest in Nation

ESP’s now have the comfort of knowing their positions are safe from the arbitrary whims of those who wield institutional power. After being passed twice through the Assembly in the last two years, and once through the Senate, Gov. Murphy signed the bill into law on Aug. 13. It is one of the strongest laws of its kind in the nation, and ESP’s will feel the security provided by the bill right away.

In the technical language of the law, it extends to nonteaching employees of local, county, or regional school districts, boards, or commissions the to right to submit to binding arbitration any dispute regarding whether there is just cause for disciplinary action. This means ESP’s have due-process protections similar to their certified colleagues as public school employees. With these essential protections in place, students will gain more consistent interactions with educators and build valuable relationships with them over the years.

“This win is about fairness and stability for our students,” said NJEA Vice President Sean M. Spiller. “This law means that ESP’s can perform their jobs without the threat of being let go or fired for unjust reasons. Consistency in these positions means students will have more harmony in their school buildings. This law means ESP’s can better serve their school communities, which is a win for public schools, achieved through union activism.”

Privatization Protection Passes Both Houses, Expected to Become Law

The second job justice bill passed both houses of the New Jersey’s Legislature. However, because two separate versions of the bill existed in their respective legislative houses, it has not yet been sent to the governor’s desk to be signed into law. Even though it’s not yet law, all parties involved have pledged to iron out the differences in the coming months and send it to Gov. Murphy’s desk.

Once passed, the bill will provide common-sense job protections for ESP’s employed by New Jersey’s public schools. Right now, a district may attempt to privatize ESP’s at any time, even during the life of an active collective bargaining agreement. If passed into law, this would prevent that practice that often leaves ESP’s and communities and educators organizing against privatization.

This bill would prohibit employers from entering into subcontracting agreements during the term of an existing collective bargaining agreement. Once a collective bargaining agreement expires, an employer would be permitted to enter into a subcontracting agreement only if the employer provides written notice, and the employer offers the majority representative the opportunity to meet and discuss the decision to subcontract and negotiate over its impact.

The bill would also mandate that 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.

“It’s a bill that just makes sense” said NJEA Secretary-Treasurer Steve Beatty. “It’s no secret that students need stability and consistency in their learning environments to thrive, and that’s what this bill will provide. ESP’s deserve respect offered by the collective bargaining agreements that local associations negotiate at the table. This bill enhances the collective bargaining process’s importance for both union members and communities alike.”
PRESERVING HIGH-QUALITY HEALTH CARE WHILE REDUCING ITS COST

UNDERSTANDING CHAPTER 44
The passage of P.L. 2020, Ch. 44, was the result of more than two years of sustained member organizing and advocacy as detailed in “Member Power Wins” on pages 46-49, but the reason it was needed traces back nearly a decade to the passage of P.L. 2011, Ch. 78, or Chapter 78, as it became known to NJEA members.

HISTORY OF BARGAINING OVER BENEFITS
Prior to Ch. 78, the cost of health insurance benefits had largely been negotiable at the local level as part of school employees’ overall compensation. Ch. 2, an earlier law passed in 2010, had established a baseline health benefits contribution of 1.5% of salary. Outside of that, both the level of health benefits and the amount employees contributed toward them was fully negotiable.

THE DAMAGE OF CH. 78
Ch. 78 changed that. It imposed much higher mandatory minimum contributions toward health insurance and linked those contributions not to a percentage of an employee’s salary but to a percentage of the health insurance premium. Because health insurance premiums can grow unpredictably and rapidly, employees did not know from one year to the next what their health insurance costs would be. Even worse, because premiums could grow so quickly, it became far too common for an employee’s take-home pay to decrease from one year to the next, a phenomenon known as “negative net.”

Eventually, premium contributions grew into thousands of dollars per year for most NJEA members and exceeded $10,000 per year for a growing number. With little relief available at the bargaining table in most districts, the costs imposed by Ch. 78 began to threaten the ability of some educators to stay in the profession.

THE GOAL OF THE CAMPAIGN
When NJEA members set out to win relief from Ch. 78, they had three primary objectives:

• To immediately reduce the amount members were paying for health insurance and help reduce the financial burden that was threatening their ability to remain in the profession.
• To break the link between the employee’s contribution and the cost of the premium and instead link any employee contribution to their salary. That would have the immediate effect of ensuring that health insurance costs could not grow more quickly than salaries and eliminate the threat of “negative net.”
• To eventually return the question of health insurance contributions to the bargaining table where they belong, after first resetting a more reasonable baseline from which to bargain.

OBLIGACLES OVERCOME
After many years of Ch. 78, that was no small task. Boards of education had grown accustomed to the large contributions they were able to take from employees’ paychecks and were not eager to give up either that money or the unfair advantage that Ch. 78 gave them at the bargaining table. Legislators, even those who recognized the problem and were committed to helping fix the unfairness of Ch. 78, were concerned about the impact on school district budgets if they reversed it. And NJEA members had to commit to finding and fighting for a creative solution that met all three of their objectives and could overcome the hesitation of both the boards and some legislators to upset the status quo.

Ch. 44, the law passed unanimously by both the Senate and the Assembly and signed by Gov. Phil Murphy on July 1 at a ceremony attended by Senate President Steve Sweeney, bill sponsor Sen. Joe Cryan and Assembly Speaker Craig Coughlin, accomplished all of those things and more.

HOW CH. 44 WORKS
Specific details about Ch. 44 can be found on pages 54-60. The underlying concept of the new law is relatively simple: decrease the overall cost of health insurance and share the savings between school employees, boards of education and the state of New Jersey.

It does so by making strategic changes to the design of a new default plan option that would be offered in all school districts and county colleges no matter whether they participate in the School Employees’ Health Benefits Program (SEHBP) or not, beginning Jan. 1, 2021.

This new plan will be called the New Jersey Educators Health Plan (NJIEHP), and beginning Jan. 1, 2021, it will join the NJ Direct 10 and NJ Direct 15 as offerings in the SEHBP. In districts that do not participate
in the SEHBP, it will join those plans that have been collectively bargained by that local association.

The NJEHP preserves access to high-quality, low-cost benefits for employees while also reducing the premium costs paid by employers. Employees who enroll in the NJEHP benefit from a new contribution schedule that dramatically lowers employee’s contributions and ties them to a new contribution chart based on a percentage of salary rather than a percentage of premium. The only way an employee’s health insurance contribution can rise even slightly is if their salary increases, and unlike under Ch. 78, the employee is guaranteed to keep the vast majority of any salary increase.

The savings for members and employers alike is achieved by incentivizing the use of in-network doctors and facilities. In the SEHBP, the NJEHP will use the same large Horizon Blue Cross/Blue Shield national network as the existing Direct 10 and Direct 15, so no member currently using in-network providers in those plans should have reason to change doctors if they move to the NJEHP. Out-of-network providers can still be used as well, but member costs will increase out of network and reimbursement to those providers will be lower, which could result in additional balance billing. Districts that do not participate in the SEHBP, will see a similar in-network and out-of-network result.

Ch. 44 also respects collective bargaining. Members hired before July 1, 2020 have the option to select the NJEHP with its lower member contributions or remain in any available plan already negotiated in their contract at the existing contribution levels as well. And very importantly, as of Jan. 1, 2028, all benefit levels and contribution amounts will become fully negotiable again, allowing the collective bargaining process to work as it is supposed to.

We’ve achieved fairness and financial relief for NJEA members and savings for school districts and the state. Our members deserve a lot of credit for their determination and persistence in getting us here.

– NJEA Vice President
Sean M. Spiller

We knew from the beginning that it would take patience, determination and tireless advocacy, and we never backed away from that challenge. Members know they aren’t just members of any union, they are members of NJEA.

– NJEA Secretary-Treasurer
Steve Beatty

RESTORING FAIRNESS AND HONORING COLLECTIVE BARGAINING

Ch. 44 fulfills all three objectives NJEA members had when the campaign for Ch. 78 relief began over two years ago.

It significantly reduces the amount members are required to contribute while preserving access to platinum-level benefits. It ties future member contributions to their salaries, so that no matter what happens with premiums, members know exactly what their contributions will be based on their negotiated salaries, and no member will see their insurance costs outstrip their salary growth. It respects collective bargaining by ensuring that any member who had negotiated a different level of benefits or contributions prior to the passage of Ch. 44 will be able to keep that, and locals will be able to continue to negotiate those plans and contributions.

Finally, it strengthens and reinforces the importance of collective bargaining by returning the whole issue of health benefit levels and contributions to the negotiating table in 2028, after the damage of Ch. 78 has been reversed and a fair starting point has been reestablished.
“I am proud to sign this bill into law and at long-last provide relief for our educators from Chapter 78.”
– Gov. Phil Murphy

“This agreement will produce meaningful and lasting financial benefits at the same time it preserves quality health care for public workers.”
– Senate President Steve Sweeney

“This is a significant achievement that will produce benefits for educators and taxpayers.”
– Assemblyman Joe Cryan

“Public education employees are essential to New Jersey, and we value their contributions.”
– Assembly Speaker Craig Coughlin

WHAT THEY’RE SAYING ABOUT CH. 44
SEHBP and Ch. 78 Relief – Frequently Asked Questions

Note: This FAQ was extracted from the website on Aug. 12, 2020. Additional questions may have been added after that date. Visit njea.org/jobjustice to view any new questions.

SEHBP and Ch. 78 Relief

WHAT IS CHANGING?
On Jan. 1, 2021, the School Employees’ Health Benefits Program (SEHBP) will begin its new plan year offering only the following options:
• Horizon Direct 10
• Horizon Direct 15
• A NEW PLAN, the Horizon New Jersey Educators Health Plan (NJEHP)

WHAT PLANS WILL BE AVAILABLE TO ME AS OF JAN. 1, 2021?
All new employees hired on or after July 1, 2020 must take the NJEHP as of Jan. 1, 2021. All employees hired prior to July 1, 2020 will be given the opportunity to select the NJEHP starting Jan. 1, 2021 during an open enrollment period prior to that date. Regardless of what premium sharing is required in a local contract, employees selecting the NJEHP will pay only the premium sharing required for that plan.

When the voluntary Garden State Health Plan (GSHP) is offered, all employees, may opt to choose it and pay only the lower premium sharing required by that plan.

If your contract currently offers the Direct 10 and/or Direct 15, you will continue to have access to those.

All other plans currently offered by the SEHBP (e.g. 15/25, 20/30, Direct 0, etc.) will no longer be offered by the SEHBP.

WHAT WILL THE PREMIUM SHARING BE FOR THESE PLANS?
Premium sharing for the Direct 10 and Direct 15 plans will continue to be calculated at Ch. 78, Tier 4 levels or at whatever other contribution arrangement has been negotiated in your contract. That premium sharing remains negotiable.

Premium sharing for the NJEHP will be based on a percentage of salary set out in the law. For full details, please review the charts on pages 57-60.

When it is offered, premium sharing for the GSHP will be up to 50% less than the NJEHP.

WHAT IF MY DISTRICT OFFERS AN SEHBP PLAN OTHER THAN DIRECT 10 OR DIRECT 15?
Your local association should work with your NJEA UniServ field representative to review your contract language and determine whether to bargain over the impact of the other plans being eliminated.

HOW IS THE NEW NJEHP DIFFERENT FROM DIRECT 10 AND DIRECT 15?
The new plan is still valued at a platinum level plan and is similar to Direct 10 and Direct 15. The notable changes are an increase in copayment for the emergency room visits that do not result in a hospital admission, the out-of-network deductible and coinsurance, and a different reimbursement schedule for out-of-network providers. For prescription drugs, there is an increase in most copayments as well as mandatory use of generic drugs when they are available. For full details, please review the charts on pages 57-60.

WHAT HAPPENS TO MY HEALTH BENEFITS ON JAN. 1, 2028?
All SEHBP plans and premium sharing arrangements become fully negotiable for all employees.

Non-SEHBP districts/employers

WHAT IS CHANGING?
On Jan. 1, 2021, your employer will offer a new plan called the New Jersey Educators Health Plan (NJEHP) in addition to all other plans currently offered under your collective bargaining agreement.

On July 1, 2021, your district must also offer another plan, the Garden State Health Plan (GSHP). That plan is entirely voluntary. No employee will be required to take it, but those who do will see a premium sharing reduction of up to 50% from the NJEHP.

WHAT PLANS WILL BE AVAILABLE TO ME AS OF JAN. 1, 2021?
All new employees hired on or after July 1, 2020 must take the NJEHP as of Jan. 1, 2021. All employees hired prior to July 1, 2020 will be given the opportunity to select the NJEHP starting Jan. 1, 2021 during an enrollment period prior to that date. Regardless of what premium sharing is required in a local contract, employees selecting the NJEHP will pay only the premium sharing required for that plan.

Those plans that have been collectively negotiated in your district will continue to be offered.

When the voluntary GSHP is offered, all employees, may opt to choose it and pay only the lower premium sharing required by that plan.

WHAT WILL THE PREMIUM SHARING BE FOR MY HEALTH INSURANCE?
Those plans that have been collectively negotiated in your district will continue to be offered. The premium sharing for these plans will be based on what Ch. 78, Tier 4 levels or whatever other rate has been negotiated in your contract. The premium sharing for those plans remains negotiable.

Premium sharing for the NJEHP will be based on a percentage of salary set in the law. For full details, please review the charts on pages 57-60.

When it is offered, premium sharing for the GSHP will be up to 50% less than the NJEHP.

HOW IS THE NJEHP DIFFERENT FROM MY CURRENT PLANS?
The NJEHP is valued as a platinum level. While it is easy to compare this plan to the SEHBP program, it is not easy for the approximately 400 districts that do not participate in the SEHBP. Each non-SEHBP plan has a unique set of benefits. You should work with your local president and your NJEA UniServ field representative to determine how the NJEHP compares to your current plan or plans.
WHAT HAPPENS TO MY HEALTH BENEFITS ON JAN. 1, 2028?
All plans offered under your collective bargaining agreement, the NJEHP, and the GSHP become fully negotiable.

WHAT OTHER HEALTH INSURANCE PLANS CAN MY LOCAL BARGAIN BESIDES THE ONES CURRENTLY OFFERED IN OUR CONTRACT, THE NJEHP AND THE GSHP?
Only those plans required by the law or offered through your collective bargaining agreement prior to Jan. 1, 2021 can be offered through Dec. 31, 2027, unless the new plan results in a lower cost to your employer than the NJEHP.

On Jan. 1, 2028, the NJEHP and its premium sharing chart become the new status quo and can be bargained like the rest of the plans offered under your collective bargaining agreement. Employees hired on or after July 1, 2020 who were limited to the NJEHP will be free to select any plan that is allowed under their collective bargaining agreement.

As always, your local association should work with your NJEA UniServ field representative to review what is permissible to bargain.

General information for all districts/employers open enrollment

IF I AM HIRED PRIOR TO JAN. 1, 2021, WHAT INSURANCE DO I RECEIVE?
All new employees hired after on or after July 1, 2020 must take the NJEHP as of Jan. 1, 2021. If you are hired after July 1, 2020, but prior to December 31, 2020, you will receive the health benefits that a new employee is entitled to under the collective bargaining agreement. When Jan. 1, 2021 comes, you will be enrolled in the NJEHP.

HOW WILL I KNOW WHICH PLAN IS RIGHT FOR ME?
The law requires the SEHBP to develop a guidance tool to provide employees and retirees with confidential consultations about the employer’s or retiree’s decision to select a plan during open enrollment.

Districts that do not participate in the SEHBP are not required to offer a guidance tool to their employees. NJEA will provide extensive materials and guidance to help members make the appropriate selection.

HOW SHOULD I CHOOSE A PLAN?
Based on your medical needs, there are two primary factors that you should consider:

1. Compare the plan design of your current health insurance against the benefits offered in the NJEHP.
2. Calculate the percentage of salary that you would pay if enrolled in the NJEHP, then compare that to your current premium sharing.

CAN MY EMPLOYER STILL ENTER AND LEAVE THE SEHBP WITH THE PROPER NOTIFICATION TO ITS CURRENT PROVIDER?
Yes. Nothing in the law changes the ability for an employer to select the carrier. Employers must continue to honor the terms and conditions in the collective bargaining agreement.

WILL THERE BE AN OPEN ENROLLMENT PERIOD?
Yes. The law mandates that all school employers, whether participating in the SEHBP or not, must offer an open enrollment prior to Jan. 1, 2021.

SHOULD I PARTICIPATE IN OPEN ENROLLMENT?
Open enrollment provides you with a better understanding of your benefits and the cost for those benefits. If you do not participate in the open enrollment, you will be automatically enrolled in the NJEHP.

CAN I TRY THE NJEHP FOR A YEAR?
It depends. All new employees hired on or after July 1, 2020 must participate in the NJEHP or the GSHP. Employees hired prior to July 1, 2020 have the right to move between the NJEHP and their collectively bargained insurance plans during open enrollments offered at least once a year by their employer.

WHEN THE GSHP IS AVAILABLE, CAN I TRY IT FOR A YEAR?
Yes. All new employees hired on or after July 1, 2020 must participate in the NJEHP or the GSHP. Employees hired prior to July 1, 2020 have the right to move between the NJEHP, GSHP and their collectively bargained insurance plans during open enrollments offered at least once a year by their employer.

MY EMPLOYER DOESN’T CURRENTLY OFFER CERTAIN PLANS TO CERTAIN EMPLOYEES. WILL I HAVE THOSE PLANS AS AN OPTION IN OPEN ENROLLMENT?
No. The law does not override what your association has collectively bargained regarding who is covered, as long as it does not conflict with this law. If a local has grandfathered certain members in certain plans, that will continue. However, all employees will be eligible to select either the NJEHP or GSHP, even if they are currently restricted from selecting other plans offered by their employer.

WILL THIS LAW AFFECT MY ABILITY TO SELECT A BENEFITS WAIVER INSTEAD OF INSURANCE?
No. The new law does not modify the payment for those that select a waiver over health insurance.

IF I TAKE AN UNPAID LEAVE OF ABSENCE, WILL I BE A “NEW” EMPLOYEE WHEN I RETURN?
No, only employees with a break in service would be considered new employees.

HOW MUCH MONEY WILL I SAVE IF I PARTICIPATE IN THE NJEHP?
The law guarantees your contribution in the NJEHP will be less than or equal to what you would have paid under PL. 2011, Ch. 78. In most cases, even where a local has negotiated a reduced premium sharing for another plan, a member will save a significant amount of money if they select the NJEHP. Examples of savings are shown on Page 59. You may reach out to your local president or UniServ field representative for help calculating what you can save by switching to a new plan.

NJEHP plan design

WHAT IF MY DISTRICT CURRENTLY OFFERS A PLAN TO A GROUP OF MEMBERS THAT COSTS LESS THAN THE NJEHP? DO THEY STILL HAVE TO OFFER NJEHP?
If a negotiated agreement in effect on the effective date of the legislation is found to have a net cost to the employer that is lower than the cost to the employer under the NJEHP, the employer and the majority representative are required to engage in collective negotiations over the financial impact of the difference.

CAN I STILL SEE MY DOCTOR IN THE NJEHP?
Yes. The SEHBP NJEHP will use the same network of doctors in the state and outside of the state as the Direct 10 and Direct 15 plans. If you receive your benefits from a carrier outside the SEHBP, the network must be nationally established and substantially equivalent to the SEHBP network.
WHAT IS A CLOSED FORMULARY?
When there are multiple medications available to treat the same medical condition, a prescription company creates a closed formulary list, which directs prescriptions to more cost-effective, clinically equivalent medications. The medications are determined by a team of physicians and pharmacists who review all medications on a regular basis.

WHAT IF I CAN’T TAKE THE GENERIC MEDICATION?
If you have tried using generic medication without success, there is an appeal process. You should contact your provider’s office to discuss it. If your appeal is approved, you will not pay the difference.

WHAT IS THE OUT-OF-NETWORK REIMBURSEMENT RATE IN THE NJEHP?
Network providers have agreed to a certain fee schedule. If you use out-of-network providers, they can charge whatever they want. The plan sets an out-of-network reimbursement rate of 200% of the Medicare reimbursement for covered services. If a provider’s charge is more than the plan allowance, this is called a “balance bill.” The difference between what the plan allows and the out-of-network provider charges is the responsibility of the patient if the provider chooses to bill the patient.

WHAT IS AN OUT-OF-POCKET MAXIMUM?
The out-of-pocket maximum refers to the most you will pay in co-payments and coinsurance before the plan will pay 100%. This does not include any balance billing that the out-of-network provider may charge.

DOES THE NEW LAW REQUIRE ALL DISTRICTS TO OFFER A WELLNESS PLAN?
Yes. The law requires the SEHBP to offer a comprehensive health and wellness program to its members that deals with issues such as chronic-condition coaching and smoking cessation services. The law requires the SEHBP to allow districts that do not participate in the SEHBP to access the program at the same cost as districts that do participate in the SEHBP. It is not mandatory that a non-SEHBP district participate in this program.

Savings

HOW MUCH IS THE LAW SUPPOSED TO SAVE?
To ensure savings, state actuaries are required to validate a net annualized savings from the implementation of the NJEHP and the GSHP of at least $300 million comparing plan years 2020, 2021, and 2022. This savings includes money saved by school districts and county colleges that participate in the SEHBP and those that do not participate in the SEHBP, pre-Medicare retirees paid for by the state, and from the value of early plan design changes implemented in Fiscal Year 2020 by the SEHBP.

ARE THERE ANY RESTRICTIONS ON HOW THE EMPLOYER CAN SPEND THE SAVINGS RESULTING FROM MEMBERS ENROLLED IN THE NJEHP OR GSHP?
Yes, districts that are spending “over adequacy” as determined by the NJDOE must use all savings realized from this statute for tax relief. This will be done by reducing their maximum tax levy increase as calculated by the NJDOE. Your local association should work with your NJEA UniServ office to determine how this may affect your district.

WHAT IF A MINIMUM OF $300 MILLION IS NOT SAVED BY DEC. 31, 2023?
If the annualized net savings is less than $300 million, the SEHBP is required to make plan design changes, or adjustments to employee contributions, or a combination of both, to make up the estimated shortfall before Dec. 31, 2027. The SEHBP Commission, which includes NJEA representation, will have the opportunity to determine what those changes, if any, are.

HOW WILL THE STATE TRACK THE SAVINGS?
To enable tracking of health care cost savings by employer, each employer is required to submit annual data to the state. This data will be used to determine the savings statewide.

Retirees – Non-MEDICARE

IF I RETIRE NOW, CAN I STILL GET DIRECT 10 OR DIRECT 15 IN RETIREMENT?
No. All retirees who are currently retired or who retire after the effective date of the legislation, and who are not eligible for Medicare, will be placed into the NJEHP.

I AM/WILL BE PAYING TOWARD THE RETIREE HEALTH BENEFIT PREMIUM. IF I AM NOT ON MEDICARE, BUT MY SPOUSE/PARTNER IS, AM I PAYING A PERCENT OF PREMIUM OR A PERCENT OF SALARY?
If the retiree is not on Medicare and in the NJEHP, they will be paying on the percent of salary chart unless they would pay less on the Ch. 78 chart. Once the retiree becomes Medicare eligible, they will pay a percent of premium in accordance with the Ch. 78 chart.

WILL RETIREES ENROLLED IN THE SEHPB HAVE TO ENROLL IN NJEHP?
On Jan. 1, 2021, retirees who are not on Medicare with health benefits in retirement will be automatically enrolled in the NJEHP. Retirees who are on Medicare will not see a change in their benefits. Retirees who become Medicare eligible will continue to move to the plan offered to Medicare retirees.

WHY ARE RETIREE BENEFITS BEING CHANGED?
SEHBP retiree health benefits are funded from the state’s annual budget on a pay-as-you-go-basis. While these benefits are considered an earned benefit, the benefit level is not protected under state law. Benefit modifications can be made through legislation or the SEHBP Design Committee. No major changes to the non-Medicare benefit plans have been made in over 13 years. This new plan secures this new high level of benefits by law until Dec. 31, 2027.

I HAVE SPOUSE/PARTNER COVERAGE, BUT ONE OF US IS NOT MEDICARE-ELIGIBLE. WHAT HAPPENS TO OUR COVERAGE?
All members and spouses who are not Medicare-eligible will be transferred to the NJEHP.

Visit njea.org/jobjustice which is updated regularly, based on your questions. You’ll also find PDFs of the charts printed in this Special Section and more.
# SCHOOL EMPLOYEES’ HEALTH BENEFITS PROGRAM

## COMPARISON OF PLANS

### ACTIVE EMPLOYEES

<table>
<thead>
<tr>
<th></th>
<th>Direct 10</th>
<th>Direct 15</th>
<th>NJEHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Premium Sharing</td>
<td>Chapter 78 or locally negotiated amount</td>
<td>Chapter 78 or locally negotiated amount</td>
<td>Percent of salary (see chart on other side)</td>
</tr>
</tbody>
</table>

### NETWORK: National network – NOT limited to NJ doctors and facilities

<table>
<thead>
<tr>
<th></th>
<th>Direct 10</th>
<th>Direct 15</th>
<th>NJEHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deductible (Single/Family)</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>In-Network Coinsurance</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Primary Care Physician Copayment</td>
<td>$10</td>
<td>$15</td>
<td>$10</td>
</tr>
<tr>
<td>Specialist Copayment</td>
<td>$10</td>
<td>$15</td>
<td>$15</td>
</tr>
<tr>
<td>Emergency Room Copayment</td>
<td>$25</td>
<td>$50</td>
<td>$125</td>
</tr>
<tr>
<td>Total In-Network Coinsurance and Copayment Maximum (Single/Family)</td>
<td>$400/$1,000</td>
<td>$6,520/$13,040¹</td>
<td>$500/$1,000</td>
</tr>
</tbody>
</table>

### Out-of-Network Coinsurance

<table>
<thead>
<tr>
<th></th>
<th>Direct 10</th>
<th>Direct 15</th>
<th>NJEHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deductible (Single/Family)</td>
<td>$100/$250</td>
<td>$100/$250</td>
<td>$350/$700</td>
</tr>
<tr>
<td>Out-of-Network Coinsurance</td>
<td>20%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Total Out-of-Network, Out-of-Pocket Maximum (Single/Family)</td>
<td>$2,000/$5,000</td>
<td>$2,000/$5,000</td>
<td>$2,000/$5,000</td>
</tr>
<tr>
<td>Maximum Provider Reimbursement (Reasonable and Customary)</td>
<td>90% of Fair Health²</td>
<td>90% of Fair Health²</td>
<td>200% of Medicare²</td>
</tr>
</tbody>
</table>

### Retail – Generic

<table>
<thead>
<tr>
<th></th>
<th>Direct 10</th>
<th>Direct 15</th>
<th>NJEHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail – Generic</td>
<td>$3</td>
<td>$3</td>
<td>$5</td>
</tr>
<tr>
<td>Retail – Brand w/ No Generic Available</td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
</tr>
<tr>
<td>Retail – Brand w/ Generic Available</td>
<td>$10</td>
<td>$10</td>
<td>Member pays the difference³</td>
</tr>
<tr>
<td>Mail – Generic</td>
<td>$5</td>
<td>$5</td>
<td>$10</td>
</tr>
<tr>
<td>Mail – Brand w/ No Generic Available</td>
<td>$15</td>
<td>$15</td>
<td>$20</td>
</tr>
<tr>
<td>Mail – Brand w/ Generic Equivalent</td>
<td>$15</td>
<td>$15</td>
<td>Member pays the difference³</td>
</tr>
</tbody>
</table>

1. Coinsurance is capped at $400/$1,000 (Single/Family)

2. In many instances, 200% of Medicare produces lower payment to providers than 90% of Fair Health. This can result in a larger balance billing liability for the patient when utilizing out-of-network services. When a provider bills more than the maximum reimbursement, the member is responsible for 100% of the difference between the billed amount and the maximum reimbursement. Chiropractic, acupuncture, and physical therapy have a different fee schedule that will apply equally to all plans. Chiropractic: $35/visit or 75% of the in-network cost per visit, whichever is less. Acupuncture: $60/visit or 75% of the in-network cost per visit, whichever is less. Physical therapy: in-network cost per visit. Currently $52.

3. The prescription drug plan will be OptumRx Premium Formulary, which directs prescriptions to more cost-effective, clinically equivalent medications. For brand-name drugs with generic equivalents available, the plan will pay the cost of the generic equivalent. Members who choose to fill the prescription with the brand-name drug will be responsible for the difference in the cost of the prescription. A medical appeal process is available.
NJ EDUCATORS HEALTH PLAN

<table>
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<th>OUT-OF-NETWORK</th>
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</table>

<table>
<thead>
<tr>
<th>PRESCRIPTION DRUG</th>
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<tbody>
<tr>
<td>Retail – Generic</td>
</tr>
<tr>
<td>Retail – Brand w/ No Generic Available</td>
</tr>
<tr>
<td>Retail – Brand w/ Generic Available</td>
</tr>
<tr>
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<td>Mail – Brand w/ Generic Equivalent</td>
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** For brand-name drugs with generic equivalents available, the plan will pay the cost of the generic equivalent. Members who choose to fill the prescription with the brand-name drug will be responsible for the difference in the cost of the prescription. A medical appeal process is available.

CONTRIBUTION SCHEDULE

| BASE SALARY OR PENSION² AMOUNT | LEVEL OF COVERAGE/PERCENTAGE OF SALARY |
|---|---|---|---|---|
| Single | Parent/child(ren) | Two Adults | Family |
| Up to - $40,000 | 1.7% | 2.2% | 2.8% | 3.3% |
| $40,001 - $50,000 | 1.9% | 2.5% | 3.3% | 3.9% |
| $50,001 - $60,000 | 2.2% | 2.8% | 3.9% | 4.4% |
| $60,001 - $70,000 | 2.5% | 3.0% | 4.4% | 5.0% |
| $70,001 - $80,000 | 2.8% | 3.3% | 5.0% | 5.5% |
| $80,001 - $90,000 | 3.0% | 3.6% | 5.5% | 6.0% |
| $90,001 - $100,000 | 3.3% | 3.9% | 6.0% | 6.6% |
| $100,001 - $125,000³ | 3.6% | 4.4% | 6.6% | 7.2% |

1 This contribution cannot exceed the previous Ch. 78 contribution. In every case, the lower contribution applies.

2 Only applicable to retirees required to contribute under Ch. 78. Retirees currently receiving or eligible to receive premium-free health benefits will continue to do so.

3 For any employee earning a base salary above $125,000, the maximum contribution will be based on a salary of $125,000.
Comparison based on 2020 NJ Direct 10 w/ prescription card with the member contributing at Ch. 78 Tier 4 rates vs. NJEHP w/ prescription card, with the member contributing the statutory percentage of salary. Individual savings may vary where locals have negotiated different plans or contribution rates.

For the sample savings chart for non-medicare retirees go to njea.org/jobjustice
## NJ Educators Health Plan Contribution Schedule

<table>
<thead>
<tr>
<th>Base Salary or Pension² Amount</th>
<th>Level of Coverage/Percentage of Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single</td>
</tr>
<tr>
<td>Up to - $40,000</td>
<td>1.7%</td>
</tr>
<tr>
<td>$40,001 - $50,000</td>
<td>1.9%</td>
</tr>
<tr>
<td>$50,001 - $60,000</td>
<td>2.2%</td>
</tr>
<tr>
<td>$60,001 - $70,000</td>
<td>2.5%</td>
</tr>
<tr>
<td>$70,001 - $80,000</td>
<td>2.8%</td>
</tr>
<tr>
<td>$80,001 - $90,000</td>
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</tr>
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**Note:** Visit [njea.org/jobjustice](http://njea.org/jobjustice) which is updated regularly, based on your questions. You’ll also find PDFs of the charts printed in this Special Section and more.
WE'RE OPEN OR WE'RE NOT OPEN. NOW WHAT?

USE THE SCIENCE, AND BASIC PRINCIPLES

BY DOROTHY WIGMORE

What does “safe” or “healthy” mean for students and staff and their communities during a pandemic?

As of press time, it was not yet clear whether or how New Jersey school buildings would open in September and if they did open what form the opening would take. Districts were to prepare a “Restart and Recovery” plan with community stakeholders, using the state’s The Road Back document with mandatory requirements and guidelines about “anticipated minimum standards.”

By the time this article arrives in mailboxes, readers will know what is happening, or not happening, in their school districts and in districts across the state. Whatever the status of schools in September, the only certainty is that uncertainty will remain.

In addition to this article, and others in this edition of the Review, visit njea.org/covid for the latest guidance.

WHAT DO WE (NOT) KNOW?

We’re still learning about the SARS-CoV2 virus behind COVID-19. From pre-pandemic studies, earlier epidemics, and new research, we know:

- The contagious virus gets into the air when people with it sneeze, cough, shout, sing, and/or talk. Sometimes it’s just infected people breathing.
- Long-established science shows small respiratory particles (“aerosols”) matter. Floating easily in the air, they can get into the lungs.
- At least 40% of people with the virus may share it without having symptoms.
- The longer and closer we are to an infected person (in poorly ventilated spaces), the more likely we will inhale it.
- Effective widespread testing, contact tracing and isolation/quarantine is essential to reduce cases.
- A recent study found students aged 10 to 19 spread the virus like adults do.
- It’s still unclear if children and teens are affected as often as adults, how they react, and how long it will take to find an effective vaccine for all.

WHAT ABOUT CLEANING AND DISINFECTING?

Inexpensive soap and water disable the virus, stopping its spread. Studies show absenteeism and disease go down when children wash their hands regularly with soap and water. Children should not use commercial cleaning products or disinfecting wipes, given the hazards.

Disinfect only after cleaning and when it’s necessary, using the least toxic products. The district must supply them, not individuals. (See njea.org/cleaning-to-fight-covid-19-in-schools-and-at-home.)

Procurement policies should require contractors use the least-toxic products and procedures and purchase them for staff. They should ban fogging with disinfectant; it’s hazardous, costly and ineffective.

PRINCIPLES AND OTHER ESSENTIALS FOR PLANS

Pandemic experiences vary by community. A specialist who has examined many reopening recommendations says districts could consider this when there are:

- Five new cases (or fewer) daily per 100,000 population, locally.
- Decreasing cases for the last 14 days in the area.
- Local hospitals have at least 25% extra capacity to handle more cases.

“Don’t hold ourselves accountable to be normal,” Dr. Michael Osterholm, the University of Minnesota’s Center for Infectious Disease Research and Policy (CIDRAP) director, said in a July podcast. “Hold ourselves accountable to get through it with as much grace, as much wisdom and as much… fortitude as possible.”

District plans should be guided by principles and approaches including:

- Accept that 2020-21 is a “COVID year.” Remember, schools in Louisiana redid the year after Hurricane Katrina.
- Decisions must be driven by data and the precautionary principle when the science is not clear.
- Take time. Allow for changes with new information.
- We must live with the virus for now. If schools reopen, students and staff will be infected. Policies and procedures to deal with infections must exist before they return.
- Be flexible and creative, fitting solutions to multiple needs (e.g., school buses can be internet “hot spots,” driven to areas where WiFi is needed.)
- Recognize the importance of mental health for staff, students and parents, with appropriate supports.

Dorothy Wigmore is a long-time health and safety specialist, trained in occupational hygiene, ergonomics, “stress” and education. A Canadian, she has worked also in the U.S. and Mozambique. Her focus is on solving job-related hazards through prevention and worker participation.
The most effective protection against a hazard is the elimination of the hazard. This National Institute for Occupational Safety and Health (NIOSH) graphic identifies protections from most effective to least effective.

**PPE IS THE LEAST EFFECTIVE PROTECTION**

The most effective protections cover everyone. They don’t depend on an individual’s behavior, knowledge or protective gear that must fit. In this pandemic, effective measures include:

- Using outdoor spaces
- Fewer people in every room
- Barriers
- Physical distancing (at least six feet until the local case rate is very low)—sometimes with strategic placement of furniture
- Properly maintained ventilation providing all-fresh or well-filtered air
- Portable air-purifying machines with HEPA filters

Districts also need good sick leave and anti-retaliation policies, one-way “traffic” and universal easy access to hand-washing supplies and spaces. Everyone needs time for the extra measures.

Personal protective equipment (PPE) limits harm to the **user**. Face coverings are not PPE, they are a helpful precaution that can protect **others** around the user. Workers will still need PPE (e.g., gloves, respirator when using toxic products).

**EQUITY AND REAL PARTICIPATION MATTER TOO**

Effective measures cost money. Without sufficient funds, many school districts cannot do what’s needed, creating serious equity issues. They come to light when workers, unions, parents and communities are real partners in all planning, implementation and evaluation of reopening plans, policies and procedures. They must be engaged, educated and comfortable speaking truth to power.

NJEA members also can use their collective bargaining agreements (njea.org/planning-for-back-to-school), the state’s indoor air quality standard (https://bit.ly/njdohiaq), and their right to refuse without retaliation—be sure to consult with your association representative and local president before acting. Members need information and training to do this effectively.

**Resources**

NJEA, Education recovery plan: njea.org/njea-releases-education-recovery-plan


American Federation of Teachers, A plan to safely reopen America’s schools and communities, other resources: aft.org/coronavirus

University of Minnesota Center for Infectious Disease Research and Policy: cidrap.umn.edu