

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF POINT PLEASANT BEACH,

Petitioner,

-and-

Docket No. SN-2016-082

PBA LOCAL 106,

Respondent.

SYNOPSIS

The Commission Chair issues an expedited scope of negotiations ruling on disputed proposals in a pending interest arbitration proceeding between the Borough and the PBA. The Borough filed a scope of negotiations petition and request for expedited resolution, asserting that the disputed proposals were not mandatorily negotiable and should not be submitted to the interest arbitrator. The PBA argued that the proposals were negotiable and should be submitted to the interest arbitrator.

The decision holds that the following proposals are not mandatorily negotiable: a 12-hour shift schedule is preempted by N.J.S.A. 40A:14-132 given the Borough's adoption of the necessary enabling ordinance; participation in the selection of a health insurance carrier absent a change in the level of benefits or administration of the plan; the payment schedule for health insurance premiums is preempted by N.J.S.A. 40A:10-21.2 to the extent the parties are negotiating a multi-year successor agreement that encompasses the period January 1, 2015 to August 1, 2015. The decision holds that the following proposals are mandatorily negotiable: a request for information in the Borough's possession regarding the benefits and administration of the insurance plan under consideration or selected by the Borough; to the extent the parties are negotiating a one-year successor agreement for 2015 and a subsequent multi-year successor agreement, the payment schedule for health insurance premiums is not preempted by N.J.S.A. 40A:10-21.2 for the successor agreement following the one-year agreement.

The order provides that the provisions that are mandatorily negotiable may be submitted to compulsory interest arbitration for inclusion in a successor collective negotiations agreement and those that are not mandatorily negotiable may not be submitted to compulsory interest arbitration.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.