

P.E.R.C. NO. 2019-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2017-269

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the SOA's motion for summary judgment and denies the City's cross-motion for summary judgment in an unfair practice case filed by the SOA. The unfair practice charge alleged that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by unilaterally adding a new paragraph to "Disciplinary Action/Penalty" section of a General Order that would find employees liable for replacement costs or repairs for damages to motor vehicles as a result of willful misuse or unjustifiable neglect. Finding that the City had an obligation to negotiate with the SOA before imposing a reimbursement obligation as a penalty for such motor vehicle incidents, the Commission holds that the City breached its statutory obligation under N.J.S.A. 34:13A-5.3 to negotiate with the SOA over proposed new rules or modification of existing rules, thereby violating N.J.S.A. 34:13A-5.4a(5) and derivatively N.J.S.A. 34:13A-5.4a(1).

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.

P.E.R.C. NO. 2019-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HOBOKEN,

Respondent,

-and-

Docket No. CO-2018-222

HOBOKEN MUNICIPAL
EMPLOYEES ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the City's motion for reconsideration of an interim relief application filed by the Association and granted by a Commission Designee. The Association's unfair practice charge alleges that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by unilaterally changing the Third Party Administrator (TPA) of its self-insured health insurance program while the parties were in negotiations for a successor collective negotiations agreement (CNA), and that the change increased employee contribution levels for health care. The Commission finds that, despite the increased dollar amount of employee contributions, the City complied with the Chapter 78 fourth tier contribution levels it was required to maintain until the parties negotiate different levels in a successor CNA because Chapter 78 defines the contribution levels as a percentage of the cost of coverage. The Commission notes that the record showed that health insurance costs would have increased by even more had the City not changed its TPA, and finds that the City's decision to change its premium calculation from a cost basis to an actuarial basis was within its prerogative to self-insure and did not change the level of health benefits to something that was not substantially equivalent to what the employees had previously.

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P.E.R.C. NO. 2019-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BERGEN,

Petitioner,

-and-

Docket No. SN-2019-001

UNITED SERVICE WORKERS UNION
LOCAL 755, IUJAT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County's request for a restraint of binding arbitration of a grievance filed by Local 755. The grievance alleges the County failed to implement a seniority preference clause when it did not promote the grievant to the Crisis Unit Coordinator (CUC) position. Noting that the County did not provide a certification substantiating the basis for its position that the candidate hired for the CUC position was more qualified than the grievant, the Commission finds that the arbitrator may determine whether the County considered the relative qualifications of the candidates in the exercise of its managerial prerogative, but may not substitute his/her judgment of qualifications for that of the County.

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P.E.R.C. NO. 2019-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2019-008

HUDSON COUNTY SUPERIOR OFFICERS
ASSOCIATION, PBA LOCAL 109A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County's request for a restraint of binding arbitration of a grievance filed by the PBA. The grievance contests the transfer of a unit member from her bidded post in the Classification Department to a post in the Record Room. Finding that the County's certification did not demonstrate a particularized governmental policy need to deviate from an alleged agreement or past practice concerning post/assignment bidding, the Commission declines to restrain arbitration.

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