

P.E.R.C. NO. 2020-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Petitioner,

-and-

Docket No. SN-2017-033

ESSEX COUNTY PBA LOCAL 382,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the County's request for a restraint of binding arbitration of the PBA's grievance challenging the County's unilateral change of medical insurance carriers that allegedly reduced the level of health benefits. The Commission holds that the County had discretion to change health insurance carriers from a private plan to the State Health Benefits Plan (SHBP), but that the PBA may arbitrate whether the change in carriers resulted in changes to the level of health benefits. It finds that while an arbitrator cannot order the SHBP to change its coverage, the County has not demonstrated that SHBP laws or regulations preempt other arbitral remedies. The Commission also holds that any changes to the County's health insurance waiver opt-out payment program caused by its change to the SHBP are preempted by N.J.S.A. 52:14-17.31a, so it restrains arbitration of the PBA's challenge of changes to the opt-out payments.

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. 2020-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF UNION CITY,

Petitioner,

-and-

Docket No. SN-2019-073

UNION CITY EMPLOYEES ASSOCIATION,
ON BEHALF OF [GRIEVANT]

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City's request for a restraint of binding arbitration of the Association's grievance alleging violations of the parties' CNA and N.J.A.C. 4A:2-2.5(b) when the City suspended the grievant without pay prior to her termination. The grievant did not appeal her termination to the Civil Service Commission or its denial of the grievant's petition for Interim Relief, which denied her back pay. The Commission finds that the grievant cannot replace the Civil Service Commission's statutory appeal procedure with arbitration in order to obtain back pay. The Commission concludes that the grievant's suspension without pay for the period prior to her termination is not legally arbitrable or mandatorily negotiable because it is statutorily preempted by N.J.S.A. 34:13A-5.3.

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P.E.R.C. NO. 2020-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERNARDS TOWNSHIP BOARD
OF EDUCATION,

Respondent,

-and-

Docket No. CO-2017-160

BERNARDS TOWNSHIP EDUCATION
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices refusal to issue a complaint and dismisses the Association's unfair practice charge. The Association's charge alleges that the Board violated N.J.S.A. 34:13A-5.4a(5), and, derivatively, a(1) by unilaterally prohibiting all certificated employees from providing counseling services on a fee basis. The Commission concludes that the Board's unilateral change to its policy was not mandatorily negotiable, as the policy change was based on the Board's managerial prerogative to determine that counseling services provided for a fee poses a conflict of interest with counsel provided in an official capacity to non-paying students. Thus, the Director properly refused to issue a complaint.

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P.E.R.C. NO. 2020-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST WINDSOR REGIONAL BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2019-076

EAST WINDSOR EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the East Windsor Regional Board of Education for a restraint of binding arbitration of a grievance filed by the East Windsor Education Association contesting the withholding of a school nurse's salary increment for the 2019-2020 school year. Applying its standard for evaluating the withholdings of teaching staff members who do not have full-time teaching duties, the Commission finds that the withholding predominantly relates to an evaluation of the nurse's performance because at least two of the three reasons given by the Board are directly tied to the nurse's statutory or regulatory duties to (1) notify the parent, and (2) examine the student.

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