

P.E.R.C. NO. 2020-49

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (CORRECTIONS),

Respondent,

-and-

Docket No. CO-2016-107

NEW JERSEY LAW ENFORCEMENT  
SUPERVISORS ASSOCIATION,

Charging Party.

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STATE OF NEW JERSEY (CORRECTIONS)

Respondent,

-and-

Docket No. CO-2016-118

NEW JERSEY SUPERIOR OFFICERS  
LAW ENFORCEMENT ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's conclusions of law that the State violated N.J.S.A. 34:13A-5.4a(5) and, derivatively, 5.4a(1) by unilaterally discontinuing the payment of salary guide step increments to New Jersey Law Enforcement Supervisors Association (NJLESA) and New Jersey Superior Officers Law Enforcement Association (NJSOA) unit employees upon the expiration of their respective 2011-2015 collective negotiations agreements (CNAs) during negotiations for a successor agreement. The Commission finds that, consistent with Atlantic Cty., 230 N.J. 237 (2017), the State failed to maintain existing conditions of employment per N.J.S.A. 34:13A-5.3 when it unilaterally discontinued the undisputed status quo of maintaining the payment of regular salary guide increments post-contract expiration. The Commission finds that the charges are not moot despite the State's eventual payment of increments following the settlement of successor MOAs. The Commission modifies the Hearing Examiner's remedy of prejudgment interest for the NJLESA so that it is reduced by the period of time when

NJLESA requested that its charge be held in abeyance pending the outcomes of certain court decisions.

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. 2020-50

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BERGENFIELD,

Respondent,

-and-

Docket No. CO-2019-288

PBA LOCAL 309,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's Recommended Decision and Order which found the Borough of Bergenfield violated N.J.S.A. 34:13A-5.4a(6) by refusing to sign a collective negotiations agreement (CNA), drafted by PBA Local 309, that memorialized an interest arbitration (IA) award. In rejecting exceptions filed by the Borough, the Commission finds that the draft CNA accurately reflected the IA award's treatment of increment payments. The Commission rejects the Borough's contention that the draft CNA must include the IA arbitrator's calculations of economic change, as no such requirement is found in N.J.S.A. 34:13A-16 or N.J.S.A. 34:13A-5.4a(6). The Commission finds that the parties' ongoing dispute about the amounts required to be paid pursuant to the step increases dictated by the IA award is a matter of contract interpretation best dealt with through the CNA's grievance procedures, which is immaterial to the question of whether the Borough was obligated to sign the agreement drafted by the PBA.

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P.E.R.C. NO. 2020-51

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONROE TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2020-010

MONROE TOWNSHIP ADMINISTRATORS &  
SUPERVISORS ORGANIZATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, the request of the Monroe Township Board of Education for a restraint of binding arbitration of two grievances filed by the Monroe Township Organization of Administrators and Supervisors addressing numerous issues, including: a decision to assign PowerSchool scheduling responsibilities to an assistant principal (granted) and a claim that the employee's workload increased as a result of that decision (denied); decisions not to staff an assistant principal position and to leave other positions unfilled (granted); a claim accusing the Board of a lack of clear and effective communication and untimely processing of purchase orders (granted); claims relating to whether just cause existed for the imposition of disciplinary penalties against unit members for attendance policy violations (denied); the Board's alleged promotion or encouragement of unprofessional and inappropriate conversations in meetings (denied); claims the Board failed to support members who were alleged victims of intimidation and harassment by members of the public (denied); and claims the Board violated its healthy workplace policy through subjecting the Association's president to an unhealthy, harassing workplace environment (denied).

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P.E.R.C. NO. 2020-52

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY  
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2020-025

FOP LODGE 164,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Rutgers, the State University of New Jersey for a restraint of binding arbitration of a grievance filed by the Fraternal Order of Police Lodge 164 alleging the University violated the parties' CNA when it required a Rutgers University Police Department sergeant to undergo a fitness for duty examination resulting in a leave of absence. The Commission finds that the FOP's impact and procedural claims are severable from the University's decision to send the grievant for the fitness for duty examination and that an arbitrator's review of these severable issues will not significantly interfere with the University's managerial prerogative.

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P.E.R.C. NO. 2020-53

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PISCATAWAY,

Petitioner,

-and-

Docket No. SN-2020-032

PBA LOCAL 93,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Piscataway for a restraint of binding arbitration of a grievance filed by PBA Local 93 asserting that the Township violated the parties' CNA when it refused to provide retiree health benefits to a retired patrolman and his family. The Commission finds the grievant did not have the requisite years of service, age, or combination thereof to qualify for employer-paid retiree health benefits under N.J.S.A. 40A:10-23. Thus, the Commission holds that arbitration challenging the Township's denial of the grievant's retiree health benefits is statutorily preempted.

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