

P.E.R.C. NO. 2021-9

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PERTH AMBOY FEDERATION OF TEACHERS,

Respondent,

-and-

Docket No. CO-2019-038

PERTH AMBOY BOARD OF EDUCATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Perth Amboy Federation of Teachers' motion for summary judgment on its unfair practice charge alleging that the Perth Amboy Board of Education 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 Federation employees upon the expiration of their 2015-2018 CNA and during negotiations for a successor agreement. The Commission finds that the parties' CNA did not contain language explicitly continuing or ceasing increments post-contract expiration and that the CNA's general "duration clause" does not establish the parties' intent to freeze the salary guides' usual annual progression during negotiations for a successor CNA. The Commission further finds that post-judgment interest is not warranted due to mitigating factors specific to this case.

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. 2021-10

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF WEST NEW YORK,

Petitioner,

-and-

Docket No. SN-2019-067

WEST NEW YORK POLICE SUPERVISORS
ASSOCIATION, INC.,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, the request of the Town of West New York for a restraint of binding arbitration of a grievance filed by the West New York Police Supervisors Association, alleging that the Town violated the parties' collective negotiations agreement, past practice and disciplinary process when it temporarily transferred the two grievants to different shifts, pending the Town's investigation into a workplace sexual harassment complaint. The Commission grants the request as to the decision to transfer the grievant who was involved in the workplace complaint, finding that allowing arbitration over that non-disciplinary action would substantially interfere with the Town's policy of separating the employees involved. But the Commission finds that an arbitrator may determine whether the other grievant affected by the transfer, who was not involved in the workplace complaint, was entitled to an opportunity to exercise alleged seniority rights in shift selection and, if so, whether he was denied that opportunity, after the Town made the non-mandatorily negotiable decision to temporarily separate the employees involved in the workplace complaint.

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P.E.R.C. NO. 2021-11

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SOMERVILLE,

Petitioner,

-and-

Docket No. SN-2020-033

SOMERVILLE PBA LOCAL NO. 147,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough's request for a restraint of binding arbitration of the PBA's grievance contesting the Borough's refusal to provide a patrolman with payment for waiving health insurance benefits. The Commission finds that the PBA's challenge to the grievant's eligibility for the waiver program does not challenge the Borough's statutory discretion to establish such a program. Holding that N.J.S.A. 52:14-17.31a and N.J.S.A. 40A:10-17.1 do not preempt arbitration over an alleged failure to make waiver payments for a year in which the employer accepted employee health insurance waivers, the Commission declines to restrain arbitration.

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P.E.R.C. NO. 2021-12

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS HILLS REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2020-049

MORRIS HILLS REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Morris Hills Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Morris Hills Regional Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement when it, mid-contract and without notice to the Association, unilaterally altered the contractual level of health benefits because the Boards' health insurance provider instituted a new pre-approval requirement for chiropractic services, which resulted in Association members having their claims denied for those services. The Commission finds that the Association's grievance is legally arbitrable and that the Board's arguments are issues more appropriate for an arbitrator and/or the courts to resolve.

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