

P.E.R.C. NO. 2023-7

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BERKELEY,

Petitioner,

-and-

Docket No. SN-2022-030

PBA LOCAL 237,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township's request for restraint of binding arbitration of the PBA's grievances contesting the Township's refusal to allow PBA members to pay for their own voluntary supplemental disability insurance coverage via payroll deduction. The Commission finds that disability insurance benefits and payroll deduction procedures for employee benefits are both mandatorily negotiable. Holding that the Township has not demonstrated how allowing PBA members to pay for their own disability insurance through payroll deduction, regardless of the carrier, would significantly interfere with its exercise of managerial prerogatives, the Commission declines to restrain 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.

P.E.R.C. NO. 2023-8

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Petitioner,

-and-

Docket No. SN-2022-035

FMBA LOCAL 25,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township's request for a restraint of binding arbitration of the FMBA's grievance contesting the Township's placement of an employee on leave after rejecting his accommodation request for exemption from the Township's COVID-19 vaccination mandate. Applying the court's holding in City of Newark, 469 N.J. Super. 366 (App. Div. 2021), the Commission finds that the Township had a non-negotiable managerial prerogative to implement and enforce a COVID-19 vaccination mandate with no testing alternative. The Commission also finds that to the extent the FMBA's grievance challenges the denial of the employee's religious exemption request, it is not arbitrable because it concerns an alleged violation of anti-discrimination laws that must be considered in the appropriate forum such as the EEOC or DCR. Finally, to the extent that the FMBA alleged the suspension was disciplinary, the Commission finds that the FMBA may not challenge it in binding arbitration because the FMBA has an alternate statutory appeal procedure for major discipline.

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P.E.R.C. NO. 2023-9

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BUENA REGIONAL BOARD OF  
EDUCATION,

Respondent,

-and-

Docket No. CO-2019-232

BUENA REGIONAL SUPPORTIVE  
STAFF ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Board's motion for summary judgment in an unfair practice charge filed by the Association, which alleges the Board committed an unfair practice when it breached a sidebar agreement with the Association and refused to negotiate the potential subcontracting of paraprofessional work. The Commission finds that, on this factual record, there are numerous disputed material facts that require an evidentiary hearing, and thus, resolution of the unfair practice charge through summary judgment is inappropriate.

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