

P.E.R.C. NO. 2023-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PLAINSBORO TOWNSHIP,

Petitioner,

-and-

Docket No. SN-2023-013

PLAINSBORO TOWNSHIP SOA,

Respondent.

SYNOPSIS

The Commission grants, in part, and denies, in part, Plainsboro Township's scope of negotiations petition seeking a restraint of binding arbitration of a grievance filed by the Plainsboro Township Superior Officer's Association, PBA Local 319A, which alleges the Township violated the parties' collective negotiations agreement by allowing a Lieutenant to participate in a promotional process for the position of the Chief of Police when he had not completed the required one year probationary period as a Lieutenant. The Commission restrains arbitration to the extent the grievance challenges the promotional criterion of completion of a one-year probationary period. The Commission denies restraint to the extent the grievance challenges the Township's alleged failure to provide notice about a change in that promotional criterion.

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. 2023-39

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY AND  
UNION COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-2022-043

PBA LOCAL NO. 108A  
SHERIFF SUPERIOR OFFICERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County's request for restraint of binding arbitration of the PBA's grievance alleging that the County violated the parties' collective negotiations agreement (CNA) when it unilaterally implemented a Special Order requiring employees to use their accrued sick leave when they were prohibited from reporting to work due to testing positive for COVID-19. Finding that paid leave is generally mandatorily negotiable and that P.L. 2020, c. 84 does not specifically preempt arbitration over the issue of restoration of paid leave while absent for a work-related illness, the Commission declines to restrain arbitration.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY SPORTS AND EXPOSITION  
AUTHORITY,

Petitioner,

-and-

Docket No. CU-2022-008

FIRE AND EMT LOCAL UNION  
NO. 1412, AFL, CIO,

Employee Organization,

-and-

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN,  
AND HELPERS, LOCAL UNION NO. 560,

Employee Organization.

SYNOPSIS

The Public Employment Relations Commission grants Local 1412's request for review, reversing the Director of Unfair Practices decision, D.R. No. 2023-8, 49 NJPER 328 (¶78 2023), and remanding it for an evidentiary hearing. The Director's decision granted a clarification of unit petition filed by the NJSEA clarifying the unit of Local 560 to include "people ambulance drivers" (PADs) at the East Rutherford Sports Complex. The Director found that recognition clause language in Local 560's CNA contained specific language identifying the petitioned-for employees, compared with more general language in the recognition clause of Local 1412's CNA. The Commission finds that an evidentiary hearing is needed because there exists substantial and material factual disputes which were not sufficiently resolved by the parties, and therefore, not adequately addressed in the Director's decision. The parties did not factually establish, and the Director's decision did not address, the factors for determining which unit was most appropriate under the "community of interests" standard, including the distinction between Local 560 PADs and Local 1412 EMTs regarding paid live events at the American Dream facility and whether change to that work affected the two units' definition or "community of interests."

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P.E.R.C. NO. 2023-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OLD BRIDGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2023-011

OLD BRIDGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Old Bridge Board of Education for a restraint of binding arbitration of a grievance filed by the Old Bridge Education Association, which contested the withholding of a teaching staff member's salary increment. The Commission finds that the withholding was based predominately on the evaluation of teaching performance for the teacher's allegedly inappropriate statements to students in class.

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P.E.R.C. NO. 2023-42

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF LINDEN,

Petitioner,

-and-

Docket No. SN-2023-008

TEAMSTERS LOCAL 469,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City's request for a restraint of binding arbitration of a grievance contesting the discontinuation of health insurance opt-out payments. The Commission finds that N.J.S.A. 40A:10-17.1 preempts arbitration over whether to provide health insurance waiver opt-out payments, that the City made the payments for the final year it provided the program, and that the City passed a resolution and notified the union that it would be discontinuing the opt-out payment program effective 2017.

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P.E.R.C. NO. 2023-43

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2022-041

UNION COUNCIL 8, NEW JERSEY CIVIL SERVICE  
ASSOCIATION, (CITY HALL EMPLOYEES)

Respondent.

SYNOPSIS

The Commission grants the City of Elizabeth's scope of negotiations petition seeking a restraint of binding arbitration of a grievance filed by Union Council 8, New Jersey Civil Service Association, City Hall Employees, asserting the City violated the parties' collective negotiations agreement by mandating that all employees seeking promotion must be vaccinated from the COVID-19 virus. The Commission finds the City's policy identifying the COVID vaccine as a promotional requirement concerns a change in the prerequisites for eligibility for promotion, a matter falling within the City's managerial prerogative that does not involve a negotiable promotional procedure. The Commission also notes the promotional requirement was in effect relatively briefly before it was supplanted by a policy requiring the vaccine as a condition of employment for all employees. The Commission further notes that there remains in effect a statewide State of Emergency under the Disaster Control Act and a nationwide public health emergency at the federal level due to the ongoing consequences of the COVID-19 pandemic.

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