

P.E.R.C. NO. 2016-11

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Appellant,

-and-

Docket No. IA-2015-003

FOP LODGE 91,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms in part, and modifies in part, an interest arbitration award on remand establishing the terms of the first collective negotiations agreement between the State of New Jersey and FOP Lodge 91. The State and FOP cross-appealed. The Commission denies the FOP's requests to reconsider its decision in an earlier appeal from the arbitrator's initial award regarding the applicability of the statutory 2% Hard Cap (P.E.R.C. 2015-50), and to reconsider its negotiability determination on major discipline made as part of a scope of negotiations case decided when the parties were in negotiations (P.E.R.C. No. 2014-50).

With respect to the salary award and calculations, the State argued the award violated the statutory 2% Hard Cap. The Commission finds that the arbitrator's methodology complies with the interest arbitration statute and Commission precedent. The Commission makes no modification to the retiree health benefits clause because the award already contains the non-arbitrability clause sought by the State, even if some of the award's reasoning did not support it. The Commission denies the State's request to vacate the duty officer compensation clause, finding that the arbitrator's award is supported by the record. The Commission denies the State's request to vacate the clothing allowance clause, finding that the arbitrator's compromise award was supported by substantial credible evidence on the record including comparability to other units. The Commission denies the State's request to vacate the education incentive and continuing education reimbursement clauses, finding that the arbitrator's award was well supported by the record and that she adequately analyzed the N.J.S.A. 34:13A-16g statutory factors. The Commission finds that the minor discipline arbitrability

clause was supported by the Commission's previous negotiability determination (P.E.R.C. No. 2014-50).

The Commission modifies the eye care program clause to award the State's sunset language because the award's comparability analysis was factually flawed. The Commission removes the educational program information clause because it was not adequately supported. The Commission removes language allowing arbitration of disciplinary transfers, finding that the issue is non-negotiable and was effectively decided in a previous scope decision involving the parties (P.E.R.C. No. 2014-50).

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.