

P.E.R.C. NO. 2019-35

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY COLLEGE,

Public Employer,

-and-

Docket No. CU-2018-011

UNION COUNTY COLLEGE CHAPTER  
OF THE AMERICAN ASSOCIATION  
OF UNIVERSITY PROFESSORS,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the College's request for review of a Director of Representation decision clarifying a unit of instructional and professional library staff represented by the AAUP to include the job title of academic specialist. The Commission finds no compelling reason warranting review of the Director's determination that the requisite community of interest exists among unit members and academic specialists, and that academic specialists are not supervisors and have no actual or potential substantial conflict of interest with unit members.

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. 2019-36

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BERLIN,

Petitioner,

-and-

Docket No. SN-2019-016

PBA LOCAL 362,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Borough's request for a restraint of binding arbitration of the PBA's grievance contesting the Borough's termination of the grievant's health benefits while he was suspended without pay. The Commission holds that N.J.A.C. 17:9-7.2(c)8 preempts the issue because it expressly requires the termination of SHBP coverage when an employee is suspended.

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P.E.R.C. NO. 2019-37

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ORANGE TOWNSHIP,

Petitioner,

-and-

Docket No. SN-2019-019

PBA LOCAL 89,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City's request for a restraint of binding arbitration of Local 89's grievance contesting the City's failure to make opt-out payments for unit members who had waived employer health care coverage. The Commission finds that once the City exercised its discretion under N.J.S.A. 40A:10-17.1 and N.J.S.A. 52:14-17.31a to accept employees' health care waivers for 2018 in exchange for an annual opt-out payment, those statutes did not preempt arbitration to enforce the City's chosen waiver and payment system for that year.

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P.E.R.C. NO. 2019-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FRANKLIN LAKES BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2019-022

FRANKLIN LAKES EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Board's request for a restraint of binding arbitration of the Association's grievance alleging that a Board member had been intimidating Association members in violation of a collective negotiations agreement (CNA) clause concerning the protection of employees. Finding that the Association was not seeking to arbitrate over a School Ethics Act issue under the jurisdiction of the School Ethics Commission, but was only seeking to arbitrate an alleged violation of the CNA regarding a term and condition of employment not normally within the jurisdiction of the Department of Education, the Commission declines to restrain arbitration.

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