

P.E.R.C. NO. 2022-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RIDGEFIELD BOARD OF EDUCATION,

Respondent

-and-

Docket No. CO-2020-061

RIDGEFIELD EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants a motion of the Ridgefield Education Association for summary judgment on its unfair practice charge alleging that the Ridgefield Board of Education violated subsection 5.4a(5) and, derivatively, 5.4a(1) of the Act when it unilaterally announced that unit members must work at least 32 hours per week to be eligible for health insurance benefits. The Commission finds that although the parties' agreement is silent on the issue, the record supports a past practice by which benefits were made available to those who worked less than 32 hours per week; but the record does not reflect a precise minimum benefits threshold. The Commission further finds that the Board ill-advisedly relied on an opinion from an employee of the Division of Pensions and Benefits, as it omitted the controlling statute and regulation, which provide employers discretion to establish a benefits threshold of 25 hours or more. As a remedy, the Commission orders the Board to negotiate in good faith over any proposed changes to the health benefits eligibility requirement; and further orders the parties to make a good faith effort to mutually determine the status quo ante with respect to the minimum weekly work hour requirement for health benefits, subject to further Commission proceedings as needed if, within 120 days, such effort is not successful.

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. 2022-46

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT CORPORATION
(MERCER),

Respondent,

-and-

Docket No. CI-2019-035

PAMELA L. WILLIAMS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission partially grants a motion of New Jersey Transit (NJT) for summary judgment on an unfair practice charge which alleges NJT, in connection with its disciplinary termination of the Charging Party's employment as a bus operator, denied the Charging Party due process and union representation and fired her unjustly; and which links the termination decision to an alleged argument (unrelated to discipline) between an NJT supervisor and the union president in a meeting prior to the termination decision, in violation of subsection 5.4a(3) of the Act. The Commission finds no basis in the record to conclude the Charging Party, a probationary employee, was denied due process or union representation. However, the Commission finds a hearing is required to determine whether the termination decision was substantially motivated by protected conduct during the meeting, specifically as to the Charging Party's allegations about what occurred between the NJT supervisor and the union president in that meeting.

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P.E.R.C. NO. 2022-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

FRATERNAL ORDER OF POLICE,
NEWARK LODGE NO. 12,

Docket Nos. CO-2016-038
CO-2016-196
CO-2020-092

Charging Party.

CITY OF NEWARK

Respondent,

-and-

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION, INC.,

Docket Nos. CO-2020-063
CO-2020-065

Charging Party.

SYNOPSIS

In an unfair practice determination based on the parties' joint stipulation of facts and waiver of hearing, the Public Employment Relations Commission holds that the City violated subsections 5.4a(5) and (1) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (Act), when it implemented two General Orders and a disciplinary matrix that unilaterally modified negotiable disciplinary procedures and disciplinary penalty policies of FOP and SOA employees. The Commission finds that the City's voluntary Consent Decree with the Department of Justice does not supersede its collective negotiations agreements (CNAs) with the FOP and SOA or its obligations under the Act to collectively negotiate prior to implementing any changes. The Commission finds that the City's creation of a Civilian Complaint Review Board (CCRB) does not violate the Act, as its language recognizes the supremacy of any applicable laws, standing orders, and CNAs, and any due process challenge related to changes the CCRB might make to the FOP's and SOA's negotiated disciplinary procedures are premature.

The Commission orders the City to cease and desist from unilaterally changing negotiable terms and conditions of employment, and to restore the FOP's and SOA's disciplinary procedures.

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P.E.R.C. NO. 2022-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOLLAND TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2022-023

HOLLAND TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Holland Township Board of Education for a restraint of binding arbitration of a grievance filed by the Holland Township Education Association, which contested the withholding of a teaching staff member's increment. The Commission finds that this withholding was based predominately on the evaluation of teaching performance for the teacher's allegedly inappropriate statements to students in class. There were also two incidents which served as secondary reasons for the withholding that were disciplinary in nature. The Commission restrains arbitration over the substantive decision to withhold the increment, but denies a restraint to the extent the grievance contests alleged procedural violations associated with the teacher's rights to be notified of and respond to complaints.

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P.E.R.C. NO. 2022-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MOUNT OLIVE,

Petitioner,

-and-

Docket No. SN-2022-022

FOP LODGE 122,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township of Mt. Olive's request for a restraint of binding arbitration of FOP Lodge 122's grievance alleging that the Township violated the parties' CNA when it suspended "special assignments" with outside agencies for all officers who were not vaccinated against the COVID-19 virus. The Commission, following the holding of In re City of Newark, 469 N.J. Super. 366 (App. Div. 2021), finds that arbitration of the FOP's grievance would substantially limit the Township's governmental policy making powers in mitigating the spread of COVID-19 within the Department and to the public. Given the Township's lack of control over COVID-19 precautions taken during these special assignments, the Commission concludes that, the Township's interest in reducing the increased risk of COVID-19 spread by temporarily restricting unvaccinated officers' participation in special assignments outweighs the officers' interest in preserving their opportunities for overtime compensation and training/experience for promotions.

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