

P.E.R.C. NO. 2024-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE PBA
STATE LAW ENFORCEMENT UNIT,

Respondent,

-and-

Docket No. IA-2023-026

STATE OF NEW JERSEY,

Appellant.

SYNOPSIS

The Public Employment Relations Commission denies the State of New Jersey's appeal of an interest arbitration award. The State asserts that the arbitrator improperly awarded a provision allowing union officials to request unpaid, full-time union leave because that provision is statutorily preempted. The State further asserts that the arbitrator improperly awarded a provision increasing union leave hours because it was not supported by substantial credible evidence and the arbitrator relied on inadmissible settlement discussions. The Commission finds that the State's statutory preemption claim regarding the Award's provision on unpaid full-time union leave is time-barred by N.J.A.C. 19:16-5.5(c), which requires negotiability objections to be raised within certain timeframes in the interest arbitration process. The State did not raise its statutory preemption claims at any time during the interest arbitration process, but instead, raises them for the first time in its appeal. The Commission further finds that the arbitrator's award regarding the increase of union leave hours was based on substantial credible evidence in the record, rather than inadmissible settlement discussions. The State may file a scope of negotiations petition in the ordinary course.

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.