

P.E.R.C. NO. 2024-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

NEPTUNE TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2024-014

NEPTUNE TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Neptune Township Education Association's unopposed motion to seal Commission records containing medical information of a grievant. The Commission, in the absence of a regulation, applies the comparable Administrative Rule governing motions to seal (N.J.S.A. 1:1-14.1(b)). After balancing the Grievant's privacy interest with the public's right to open government records and proceedings, the Commission determined that granting the motion serves to protect the Grievant from the undue deprivation of privacy in his or her medical information.

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. 2024-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Petitioner,

-and-

Docket No. SN-2024-016

PBA LOCAL 44,

Respondent.

SYNOPSIS

The Commission grants the Township of Maplewood's scope of negotiations petition seeking a restraint of binding arbitration of PBA Local 44's grievance challenging the Township's denial of a member's application for a health benefit waiver payment. The Commission finds that a regulation promulgated by the State Health Benefits Commission preempts the issue when a local employer (like the Township) participates in the State Health Benefits Program (SHBP), and an employee waiving that coverage (like the grievant) receives alternate coverage (through the employer of a spouse or domestic partner) that is also under the SHBP. The Commission finds the regulation speaks in the imperative, expressly, specifically, and comprehensively operating to bar non-State local employers who participate in the SHBP from making waiver payments to employees whose other eligible coverage is through the SHBP.

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P.E.R.C. NO. 2024-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-2024-019

PATERSON DEPUTY FIRE CHIEFS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City's request for a restraint of binding arbitration of the Association's grievance. The grievance alleges that the City violated the parties' CNA when it declined to pay the grievant out-of-title pay at the Fire Chief's salary. The City argues that the grievance is preempted by statute because it is a distressed City under the financial control of the Department of Community Affairs (DCA). The Commission finds that the grievance is not preempted by the Special Municipal Aid Act, N.J.S.A. 52:27D-118.24 et seq., or the memorandum of understanding between the City and the DCA. The Commission further finds that arbitration of the grievance would not significantly interfere with the City's policymaking powers.

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P.E.R.C. NO. 2024-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MATAWAN-ABERDEEN REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2024-017

MATAWAN-ABERDEEN REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Commission denies the Matawan-Aberdeen Regional Board of Education's scope of negotiations petition seeking a restraint of binding arbitration of the Association's grievance challenging the Board's unilateral policy requiring unit members to submit bank/credit card statements or canceled checks as proof of payment in order to process contractual reimbursement requests. The Commission finds: (1) the issue is not preempted by statute or regulation; (2) the Association has a valid interest in safeguarding the security of its members' personal financial information, which the Board's policy does not address; and (3) on balance, negotiation over procedures for the verification of contractual reimbursement requests would not significantly interfere with the Board's managerial prerogative to determine major educational policy.

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P.E.R.C. NO. 2024-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Respondent,

-and-

Docket No. IA-2024-002

PATERSON FIRE OFFICERS'
ASSOCIATION, FMBA LOCAL 202,

Appellant.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award issued to settle successor contract negotiations between the City and the PFOA. The PFOA appealed arguing that the arbitrator improperly rejected its revised final offers, mistakenly awarded its health benefits proposal, and failed to properly apply the 16g statutory factors in his consideration of external comparables and the City's receipt of transitional aid. The PFOA also asserted the award was not final and definite because it did not provide language to combine the three units' prior contracts into a single new collective negotiations agreement (CNA). The Commission finds that the arbitrator properly dismissed the PFOA's revised final offers for making substantive changes instead of just providing specific language for the proposals it already submitted. The Commission further finds that the arbitrator did not mistakenly award the PFOA's health benefits proposal, that he explained the weight he afforded to the statutory factors including external comparables and the financial impact of the City's receipt of transitional aid, and that he did not err by leaving to the parties the ministerial task of combining previous contract language into a single CNA.

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