

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Petitioner,

-and-

Docket No. SN-2025-021

FOP LODGE 106,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the County's request for a restraint of binding arbitration of the FOP's request for arbitration of the County's refusal to provide health insurance waiver opt-out payments to FOP members who received alternate State Health Benefits Plan (SHBP) health coverage through a spouse. Pursuant to the unfair practice remedy in P.E.R.C. No. 2023-60, the FOP filed for arbitration to resolve a dispute over a reimbursement claim related to the County's change in health insurance to the SHBP. The Commission holds that N.J.A.C. 17:9-1.7(e) specifically preempts opt-out payments for employees receiving alternate SHBP coverage through a spouse. The Commission further holds that any changes to employee eligibility for health insurance waiver opt-out payments caused by the County's change to the SHBP are preempted by N.J.S.A. 52:14-17.31a, which provides that the decision to provide waiver opt-out payments is non-negotiable.

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.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMILTON TOWNSHIP,

Respondent,

-and-

Docket No. CO-2024-193

POLICEMAN'S BENEVOLENT ASSOCIATION
LOCAL 66 & POLICEMAN'S BENEVOLENT
ASSOCIATION LOCAL 66A,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission grants a motion for summary judgment filed by the charging parties, PBA Locals 66 and 66A (PBA) on the PBA's unfair practice charge alleging respondent Hamilton Township violated the Act by unilaterally changing a past practice affecting healthcare benefits provided to certain PBA members upon retirement. The Commission finds the Township's undisputed provision of two months of no-cost health insurance to numerous PBA members upon retirement over a five-year period qualifies as a past practice establishing an enforceable term and condition of employment. The Commission further finds that because health benefits are mandatorily negotiable, the Township was obliged to negotiate with the PBA before implementing any changes to the practice, absent statutory or regulatory preemption. The Commission rejects respondent's contention that the disputed practice was "illegal" and "unauthorized," because the Township identified no statute, regulation, or other authority that the practice might materially violate. Finally, the Commission finds that at the time the Township sought to implement the change, the benefit was fully negotiable under Chapter 78 and was not violative of that act.

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P.E.R.C. NO. 2026-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY COLLEGE OF MORRIS,

Respondent/Charging Party,

-and-

Docket Nos. CO-2021-228

CE-2021-011

FACULTY ASSOCIATION OF
COUNTY COLLEGE OF MORRIS,

Charging Party/Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Association's motion for reconsideration of P.E.R.C. No. 2025-39, 51 NJPER 361 (¶82 2025), finding that the Association failed to demonstrate extraordinary circumstances or that this case was of exceptional importance. The Commission's decision remanded H.E. No. 2024-3 to the Hearing Examiner for further proceedings, including a supplemental hearing, supplemental findings, and a supplemental report reapplying the standards set forth in Bridgewater Tp., 95 N.J. 235 (1984)-. The Commission finds best practices favored notice to the College before numerous negative inferences were drawn for the College's President not testifying that significantly impacted the Bridgewater analysis. Additionally, the Commission finds inadmissible alleged "off-the-record" discussions with the Hearing Examiner that purportedly show that the College was provided notice of the potential for negative inferences.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2025-087

UNION TOWNSHIP EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses an unfair practice charge filed by the Union Township Education Association against the Union Township Board of Education alleging it violated the Act by refusing to respond to an information request. The Association specifically sought a preliminary environmental report that detailed excessive levels of mold. The Commission dismisses the complaint because the final report was provided to the Association in a timely manner and the facility at issue was not occupied at the time of the information request.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY HOSPITAL,
Respondent,

-and-

Docket No. CI-2026-003

TEAMSTERS LOCAL 97,
Respondent,

-and-

KEVIN PORTER,
Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a request for special permission to appeal the Director of Unfair Practices dismissal of an N.J.A.C. 34:13A-5.4b(1) allegation against Teamster Local 97. The Commission finds that the standard for special permission to appeal has not been met and concurs with the Director's decision. The Director found that the Charging Party's allegations (even if mistaken or negligent) did not constitute a breach of the duty of fair representation as Local 97 had broad discretion to determine whether (or not) to file a grievance on the Charging Party's behalf, whether it had been given sufficient time to respond to the Charging Party's follow-ups, and whether to request that a union member reapply for representation. The Charging Party also alleged N.J.S.A. 34:13A-5.4a(1) and (3) claims against his employer University Hospital, and those claims will continue to be processed.

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