

I.R. NO. 97-10

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SALEM COUNTY BOARD OF CHOSEN
FREEHOLDERS,

Respondent,

-and-

Docket No. CO-97-78

COMMUNICATIONS WORKERS OF AMERICA,

Charging Party.

SYNOPSIS

A Commission Designee declines to restrain Salem County from implementing a new health insurance plan. The CWA claimed that the level of health benefits has changed for certain employees of the Salem County Board of Social Services. The Designee deferred this allegation to arbitration. Certain health insurance plan documents were not provided to the CWA. However, the employer agreed to voluntarily provide those documents so no order was executed; the CWA may make a new application to compel the production of such documents if they are not provided.

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Appearances:

For the Respondent,
Homan & Mulligan, attorneys
(Michael Morris Mulligan, of counsel)

For the Charging Party,
Richard A. Dann, President

INTERLOCUTORY DECISION

On September 11, 1996, the Communications Workers of America filed an unfair practice charge with the Public Employment Relations Commission against the Salem County Board of Chosen Freeholders alleging that the employer had committed unfair practices within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4(a)(1) and (5)^{1/} when after the

^{1/} These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative."

expiration of the parties most recent collective negotiations agreement, the employer changed from an HMO plan to a self-insured medical plan. The contract between the parties provides that the employer may change carriers or elect to self-insure so long as comparable benefits are provided. The CWA, however, claims that the new health insurance plan does not provide the comparable benefits. It is further alleged that the County has not provided the CWA with requested information concerning the new plan.

The unfair practice charge was accompanied by an Order to Show Cause which was executed and heard on October 24, 1996. At that time, both parties argued orally and presented evidence.

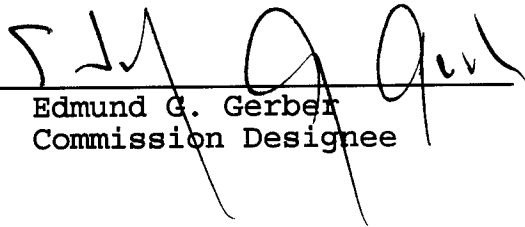
It is undisputed that the County has adopted a new insurance plan. The County disputes that its employees' level of benefits will be changed and represents that it will provide the requested insurance plan documents to the CWA as soon as they are available from the insurance plan.

In County of Morris, P.E.R.C. No. 94-103, 20 NJPER 227 (¶2511 1994), the Commission held that cases where an employer unilaterally reduced health benefits by changing health carriers should be deferred to arbitration. See also Stafford Township Board of Education, P.E.R.C. No. 90-17, 15 NJPER 527 (¶20217 1989).

Accordingly, this matter is appropriate for deferral to arbitration.

The employer has agreed to provide the health insurance plan documents and related information to the CWA. Absent this

agreement, the employer would be obligated to provide such documents. Lakewood Bd. of Ed., I.R. No. 95-22, 21 NJPER 233 (¶26149 1995). Assuming these documents are voluntarily provided, it is not necessary to issue an order at this time. However, if the CWA believes the County failed to comply with its agreement and does not supply the requested relevant documents, it is free to make a new application to compel the County to supply such documents.


Edmund G. Gerber
Commission Designee

DATED: November 18, 1996
Trenton, New Jersey