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New Jersey Appellate Division Upholds FOP Stance on FMLA

MAY 4, 2022

The Fraternal Order of Police Labor Council under the direction of Executive Director Sean Lavin is please to announce that the Labor Council and FOP Lodge 188 have again been supported in their assertion the City of East Orange violated the members rights when they unilaterally and improperly administered a policy that is contradictory and in violation of the Family Medical Leave Act (“FMLA”).

On December 16, 2018 the City of East Orange unilaterally implemented an order that required the FOP to use paid leave under the FMLA in a specified sequence. The City prohibited the FOP from using the contractual time off that they wanted to use in accordance with the law. The City pulled officers vacation time and then denied them vacation due to the fact the City unilaterally pulled their vacation time from them for FMLA use. During this time the FOP and the City were in contract negotiations and the City never brought up the issue for what has been determined as a mandatorily negotiated issue.

In February of 2020 the Public Employment Relations Commission issued a complaint against the City of East Orange and assigned a hearing officer. The Commission found that the City did not argue the fact they unilaterally implemented the changes, and that the City did not negotiate the terms of the changes with the FOP. The Commission ordered the City to:

1. Restore the status quo with respect to the FMLA policy
2. Negotiate in good faith

The City of East Orange appealed the Commission’s decision to find in favor of the FOP and the matter was scheduled in front of the New Jersey Superior Court Appellate Division. The Appellate Division reviewed all of the materials of the Commission and the briefs submitted by the City and the FOP. After a judicial review, on May 4, 2022 the Fraternal Order of Police Labor Council and the East Orange Police Department Lodge 188 prevailed and the City has been ordered to honor the decision of the Public Employment Relations Commission.

The New Jersey Fraternal Order of Police Labor Council works tirelessly to represent the members of the FOP. Our members are our first and only priority. Working through the contract, the Public Employment Relations Commission, and the New Jersey Superior Courts we take action and get relief and satisfaction for our members. This victory just goes to show that there is no length we will not go to stand up for your rights.