To Be Continued: Do Salary Increments Continue During Public Employer-Union Negotiations?

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Public employers in New Jersey have long understood the rules regarding continued payment of salary increments after the expiration of a collective bargaining agreement. That is, until recently, when the state Public Employment Relations Commission ("PERC") started a firestorm of controversy with its decision in two matters in which PERC, rejecting its long-held "dynamic status quo doctrine," held that salary increments could not continue after the expiration of a collective bargaining agreement. Previously, PERC had worked under the "dynamic status quo doctrine," which states that even after the expiration of a collective bargaining agreement, salary increments continue. In March, however, the New Jersey Appellate Division returned the collective bargaining world to the proverbial "status quo" by overturning PERC.

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