

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 198,

Petitioner,

-and-

Docket No. IA-2015-010

CITY OF ATLANTIC CITY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award, notwithstanding a minor revision removing the word "seriously" from the sick leave provision, establishing the terms of a successor agreement between the International Association of Firefighters Local 198 and the City of Atlantic City. The IAFF and the City cross-appealed. Overall, the Commission holds that the arbitrator addressed all of the N.J.S.A. 34:13A-16g statutory factors, adequately explained the relative weight given, analyzed the evidence on each relevant factor, and did not violate N.J.S.A. 2A:24-9.

With respect to economic issues, the IAFF argued the award was not supported by substantial credible evidence or the 16g statutory factors. The City argued that the arbitrator failed to properly apply the statutory factors of interests and welfare of the public and the financial impact on the municipality, its residents, and taxpayers. The Commission finds that the IAFF's economic proposals were inappropriate due to the City's financial condition while the City's economic proposals were not realistic and would result in a dramatic reduction in firefighters' pay.

With respect to non-economic issues, the IAFF argued that "parent of child" be included as "immediate family" for purposes of sick leave, that a change in acting out-of-title pay procedures was not justified by evidence, and that the arbitrator cited no direct evidence supporting a change in prescription co-payments, the deductible for dental services, or retiree health benefit service requirements. With respect to sick leave, the Commission finds there was insufficient testimony to include "parent of child" and no explanation for adding "seriously" before the word "ill." The Commission also finds that the arbitrator properly factored internal comparability into the change in acting out-of-title pay procedures and heavily weighed all of the statutory factors regarding the City's financial condition with respect to the change in health benefits.

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. 2016-2

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JAMES A. BRIDGE,

Petitioner/Charging Party,

-and-

OAL Dkt. Nos. EDU 14001-13

EDU 16637-13

Agency Dkt. Nos. 215-9/13

215-10/13

PERC Dkt. Nos. CI-2013-059

NORTH WARREN REGIONAL SCHOOL

CI-2013-060

DISTRICT BOARD OF EDUCATION,

CI-2013-061

Respondent/Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the North Warren Regional School District Board of Education's for special permission to appeal a hearing examiner/Special Administrative Law Judge's (ALJ) denial of its motion to dismiss the Charging Party's alleged N.J.S.A. 34:13A-5.4a(1) violation which is the subject of Docket No. CI-2013-060 in this consolidated matter. Finding that the evidence relied on by the ALJ supports the Charging Party's prima facie charge, the Commission declines to intrude into the proceedings mid-hearing before the ALJ has weighed the parties' conflicting proofs concerning the Board's legitimate business justification for its actions versus the tendency of its actions to interfere with the Charging Party's rights under the Act.

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P.E.R.C. NO. 2016-3

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PISCATAWAY TOWNSHIP  
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2012-271

PISCATAWAY TOWNSHIP  
EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision and order in an unfair practice case filed by the Piscataway Township Education Association against the Piscataway Township Board of Education. That decision recommended that the Commission find that the Board violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (5), when it unilaterally changed existing terms and conditions of employment by requiring Association members to use paid leaves concurrently with unpaid Family and Medical Leave Act (FMLA) leave when unit members had previously for many years had consecutive leaves approved despite a written board policy for concurrent use. The Commission rejects the Board's exceptions, finding that the Hearing Examiner's findings of fact were supported by witness testimony and documentary evidence, and that the Board had not demonstrated the Association ever acquiesced to the change in leave benefit or had waived negotiations over the issue.

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P.E.R.C. NO. 2016-4

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON CHARTER SCHOOL  
FOR SCIENCE & TECHNOLOGY,

Public Employer,

-and-

Docket No. RO-2015-041

PATERSON CHARTER EDUCATION  
ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Paterson Charter School for Science & Technology (PCSST) for review of the Director of Representation's certification by card check of the Paterson Charter Education Association as the exclusive representative of certain PCSST employees. The Commission finds that the Director complied with the requirements of N.J.A.C. 19:11-2.6 for certification on the basis of authorization cards, and that PCSST's objections raised no doubts about the validity of the certification.

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P.E.R.C. NO. 2016-5

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,  
STOCKTON STATE COLLEGE,

Petitioner,

-and-

Docket No. SN-2015-019

COUNCIL OF NEW JERSEY STATE  
COLLEGE LOCALS, AFT, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the State of New Jersey, Stockton State College's request for a restraint of binding arbitration of a grievance filed by the Council of New Jersey State College Locals, AFT, AFL-CIO. The grievance contests the refusal to place the men's head lacrosse coach into a bargaining unit title. The Commission finds that whether the contractual recognition clause covers the job the Grievant is performing is mandatorily negotiable, but restrains arbitration to the extent the grievance challenges the College's managerial prerogative to create non-unit temporary or part-time seasonal lacrosse coaches.

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P.E.R.C. NO. 2016-6

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,  
ROWAN UNIVERSITY,

Petitioner,

-and-

Docket No. SN-2015-030

COMMITTEE OF INTERNS AND  
RESIDENTS SEIU HEALTHCARE,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the State of New Jersey, Rowan University's request for a restraint of binding arbitration of a grievance filed by the Committee of Interns and Residents SEIU Healthcare (CIR). The grievance contests the University's termination of a physician resident from the urological surgery residency program without just cause. Finding the University's medical and academic judgments implicated in this dispute over the grievant's alleged performance of an unauthorized medical procedure, the Commission holds that academic freedom interests predominate over the right to challenge discipline via binding arbitration.

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P.E.R.C. NO. 2016-7

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLETOWN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-038

MIDDLETOWN TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Middletown Township Board of Education's request for a restraint of binding arbitration of a grievance filed by the Middletown Township Education Association. The grievance contests the Board's implementation of a "basement grade" policy for poorly performing students. The Commission holds that because this dispute involves the establishment of and/or adherence to a grading policy, rather than a grade change consultation requirement, it concerns a non-negotiable educational policy.

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P.E.R.C. NO. 2016-8

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2015-039

PBA LOCAL 109A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the County of Hudson's request for a restraint of binding arbitration of a grievance filed by PBA Local 109A. The grievance contests the County's unilateral rescheduling of work assignments, shifts, and days off without utilizing a shift-bidding process. The Commission holds that its decision in Hudson Cty., P.E.R.C. No. 97-16, 22 NJPER 328 (¶27167 1996), finding that the same contract provision was not mandatorily negotiable, is controlling such that non-negotiability has previously been determined.

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P.E.R.C. NO. 2016-9

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

VERNON TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-040

VERNON TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Vernon Township Board of Education's request for a restraint of binding arbitration of a grievance filed by the Vernon Township Education Association. The grievance contests the Board's unilateral subcontracting of bargaining unit work to non-bargaining unit individuals. The Commission holds that the Board exercised its non-negotiable right to subcontract services to the private sector and that the Association failed to effectively raise any related impact claim.

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P.E.R.C. NO. 2016-10

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CLEMENTON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-041

CLEMENTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that a proposal made by the Clementon Education Association during negotiations for a successor agreement with the Clementon Board of Education is preempted by N.J.S.A. 18A:16-17.2. The Association proposes that bargaining unit members contribute 1.5% of base salary as their health benefits contribution after full implementation of Chapter 78. The Commission concludes that negotiations regarding health benefits contributions are preempted for year one and, if applicable, any additional years of a successor agreement until the parties' next agreement. The Commission further holds that thereafter, health benefits contributions become negotiable, albeit with full implementation levels serving as the status quo.

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