

P.E.R.C. NO. 2016-56

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2014-268

NEWARK POLICE SUPERIOR OFFICERS'  
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's legal conclusion that the City of Newark violated N.J.S.A. 34:13A-5.4(a)(5) and (6), and derivatively, (1) of the New Jersey Employer-Employee Relations Act when its agent unilaterally added a provision to an agreement reached during negotiations with the Newark Police Superior Officers' Association (SOP) and the City refused to execute an agreement that did not contain the contested provision. Though granting the City's exception regarding certain attorney-client communications and modifying the Hearing Examiner's findings and decision accordingly, the Commission nevertheless finds that the SOA's certifications from the City's former mayor and his confidential aide, both of whom were authorized to negotiate an agreement with the SOA, demonstrate that the parties reached an agreement on the terms of a successor agreement that did not include the contested provision. The Commission orders the City to sign the agreement reached and, following SOA ratification, present it to City Council for a ratification vote.

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. 2016-57

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2015-093

FRATERNAL ORDER OF POLICE,  
NEWARK LODGE NO. 12,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants an unopposed motion for summary judgment filed by the Fraternal Order of Police, Newark Lodge No. 12 (FOP). The Commission concludes that the City of Newark violated N.J.S.A. 34:13A-5.4(a)(1) and (5) of the New Jersey Employer-Employee Relations Act by failing to provide information requested by the FOP about the City's use of special police officers, finding the information potentially relevant to the FOP's representational duties. The Commission orders the City to provide the FOP with the requested information to the extent that the information is in the City's possession or control.

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P.E.R.C. NO. 2016-58

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LODI BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-023

LODI EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Lodi Board of Education for a restraint of binding arbitration of a grievance contesting the withholding of a teacher's longevity increment filed by the Lodi Education Association. The Commission finds that the reasons for the withholding are predominately disciplinary in nature.

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P.E.R.C. NO. 2016-59

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROCKAWAY BOROUGH BOARD OF  
EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-031

ROCKAWAY BOROUGH EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Rockaway Borough Board of Education for a restraint of binding arbitration of a grievance contesting a unit member's termination filed by the Rockaway Borough Education Association. The Commission finds that the mid-year termination of a non-tenured custodian is mandatorily negotiable and notes that the question of whether the Board agreed to arbitrate a contractual dispute involving the dismissal of its custodians is a matter of contractual arbitrability that is outside the Commission's jurisdiction.

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P.E.R.C. NO. 2016-60

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF LITTLE SILVER,

Petitioner,

-and-

Docket No. SN-2016-037

PBA LOCAL 359,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a contract clause establishing administrative fees for special duty assignments in an expired collective negotiations agreement between the Borough of Little Silver and PBA Local 359. The Commission holds that the disputed clause is permissively, but not mandatorily, negotiable. Given that the parties' collective negotiations agreement has expired, the disputed clause must be deleted from a successor agreement unless both parties choose to negotiate over it.

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