

P.E.R.C. NO. 2017-2

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MERCER COUNTY SHERIFF'S OFFICE,

Respondent,

-and-

Docket No. CO-2015-156

FRATERNAL ORDER OF POLICE  
LODGE 140,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, a motion for summary judgment filed by the Sheriff's Office. The FOP's charge alleged that the Sheriff's Office violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by interfering with the FOP by telling rival PBA members that they would get a good contract if they filed a representation petition, by allegedly negotiating with PBA members instead of the majority representative FOP, and by allegedly offering to have the PBA withdraw its representation petition if the local FOP President would resign. The Commission dismissed the refusal to negotiate (5.4a(5)) and domination or interference with the majority representative (5.4a(2)) charges, finding the allegations that the Sheriff's Office negotiated with the PBA and promised it a good contract were unsupported by sufficient admissible evidence to raise a genuine issue of fact as to those claims. The Commission denied the County's motion as to the FOP's tendency to interfere (5.4a(1)) charge, finding that the facts regarding that claim, including the Sheriff's alleged nod of the head when a PBA member allegedly commented about the local FOP president and the PBA petition, were not sufficiently developed.

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. 2017-3

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROCKAWAY VALLEY REGIONAL  
SEWERAGE AUTHORITY,

Petitioner,

-and-

Docket No. SN-2016-068

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 125,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Sewerage Authority for a restraint of binding arbitration of a grievance contesting the selection of an employee with an S-1/C-1 license for a trunk line operator position rather than the most senior employee, finding that the Authority acted pursuant to its managerial prerogative to determine the qualifications required for a job and to fill positions based upon a comparison of employee qualifications.

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P.E.R.C. NO. 2017-4

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1031,

Respondent,

-and-

Docket No. CE-2015-007

RUTGERS UNIVERSITY,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Director of Unfair Practices refusing to issue a complaint based on an unfair practice charge filed by Rutgers against the CWA. The charge alleges that the CWA violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by requesting that Rutgers engage in coalition bargaining with the CWA and three other units in order to negotiate on big issues and threatening a negotiations logjam if Rutgers refused. The Commission finds that Rutgers failed to allege a coercive pattern of conduct or adverse impact on or impediment to negotiations warranting issuance of a complaint and agrees with the Director that the charge is moot considering that the parties continued negotiations without delay or detriment, successfully completed contract negotiations, and understand their future negotiations obligations.

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P.E.R.C. NO. 2017-5

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ENGLEWOOD,

Petitioner,

-and-

Docket No. SN-2016-062

IAFF LOCAL 3260,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the request of the City for a restraint of binding arbitration of a grievance filed by the IAFF contesting the City's decision to expire a promotional list and to change the passing score for promotional eligibility after posting the rankings. The Commission holds that the City has a non-negotiable managerial prerogative to determine that the promotional process only produced one qualified candidate and to therefore unilaterally retire the list and lower the composite score and make promotions based on the new lower cut-off score, and to that extent, the Commission restrains arbitration. The Commission declines to restrain arbitration to the extent the grievance alleges that the City failed to comply with any agreed-upon notice provisions before changing the promotional criteria.

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P.E.R.C. NO. 2017-6

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-055

WEST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Association's motion for reconsideration of P.E.R.C. No. 2016-86. In that decision, among other determinations, the Commission found that Article XV, Section B of the parties' expired collective negotiations agreement was preempted by N.J.S.A. 18A:30-6 and therefore not mandatorily negotiable. The Commission concludes there are no extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2017-7

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY COLLEGE,

Petitioner,

-and-

Docket No. SN-2016-078

CAMDEN COUNTY COLLEGE SUPPORT  
STAFF ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relation Commission grants the request of the College for a restraint of binding arbitration of a grievance filed by the Association contesting the termination of a maintenance plumber due to the suspension of his driving license. The Commission holds that the College has a managerial prerogative to determine job qualifications, particularly that maintenance plumbers are required to possess a valid New Jersey driver's license.

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P.E.R.C. NO. 2017-8

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX COUNTY SHERIFF'S OFFICE,

Respondent,

-and-

Docket No. CI-2015-042

PHILIP S. MANDATO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants summary judgment in favor of the Sheriff's Office and dismisses unfair practice charges alleging that it violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1) and (3), by rescinding a Sheriff's Officer's impending transfer, reassigning him, and suspending him for four days. The Commission finds that these claims were not filed within the six-month period of limitations prescribed by N.J.S.A. 34:13A-5.4(c).

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P.E.R.C. NO. 2017-9

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HACKETTSTOWN BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2015-260

HACKETTSTOWN EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission holds, based upon stipulated facts in lieu of a hearing pursuant to N.J.A.C. 19:14-6.7, that a board of education violated N.J.S.A. 34:13A-5.4(a)(1) and (3) when it unilaterally reduced a secretary's work year from 12 to 10.5 months for reasons of economy. Balancing the parties' respective interests based upon the stipulated record, the Commission finds that employee interests in negotiating over the length of the work year and corresponding pay outweigh the Board's interest in unilaterally reducing the employee's work year and pay.

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P.E.R.C. NO. 2017-10

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,  
DEPARTMENT OF CORRECTIONS,

Respondent,

-and-

PERC Docket No. CO-2015-042

IFPTE LOCAL 195,

Charging Party.

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MARCIA DAVIS,

Appellant,

-and-

OAL Docket No. CSV 14106-14  
Agency Docket No. 2015-788

MOUNTAINVIEW YOUTH CORRECTIONAL  
FACILITY, DEPARTMENT OF CORRECTIONS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission adopts the initial decision of an administrative law judge (ALJ) dismissing an unfair practice charge that challenged the discipline of a civilian correctional facility employee. The charge alleged that the Department of Corrections violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1), (3) and (5), when it disciplined the employee allegedly in retaliation for her activities as a shop steward for IFPTE Local 195. The Commission concurs with the ALJ that the charging party failed to show that protected activity was a motivating factor in the employer's decision to discipline the employee.

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