

P.E.R.C. NO. 2017-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOARD OF TRUSTEES OF
OCEAN COUNTY COLLEGE,

Respondent,

-and-

Docket No. CO-2011-137

FACULTY ASSOCIATION OF
OCEAN COUNTY COLLEGE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion and cross-motion for summary judgment filed by the College and Association, respectively, in an unfair practice case alleging that the College violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1) and (5), by unilaterally establishing a tenure cap, creating a non-tenure track "Lecturer" title with unilaterally established terms and conditions of employment, and unilaterally transferring instructional work from tenure-track/tenured faculty members to Lecturers. The Commission finds that there are genuine issues of material fact regarding the pertinent collective negotiations history, the rationale for creating the Lecturer title, and the job duties/responsibilities of the position as well as tenure-track/tenured faculty members, adjunct faculty, and College administrators.

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. 2017-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WAYNE TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-057

WAYNE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Board for a restraint of binding arbitration of a grievance alleging that the Board violated the parties' collective negotiations agreement by directing staff members to "teach/administer" State-mandated standardized tests, causing them to exceed the contractual limit of five teaching periods per day. The Commission holds that while the Board had a managerial prerogative to assign teachers to administer and proctor the tests and to replace one special assignment for another in order to administer the tests in accordance with State-mandate, the grievance is arbitrable to the extent it seeks additional compensation for an alleged workload increase.

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P.E.R.C. NO. 2017-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF PASSAIC, PREAKNESS
HEALTH CARE CENTER,

Petitioner,

-and-

Docket No. SN-2017-018

AFSCME COUNCIL 52, LOCAL 2273,
AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the County's request for a restraint of binding arbitration of a grievance contesting alleged changes to existing job descriptions. Finding that the assignment of additional duties unrelated to an employee's job description/classification is mandatorily negotiable, the Commission declines to restrain arbitration over the addition of dining room duties to those job titles whose duties are purely clerical and do not include contact with residents. Conversely, finding that the assignment of additional duties incidental to the regular duties of a job title are not mandatorily negotiable, the Commission restrains arbitration over the addition of dining room duties to those job titles whose regular duties include contact with residents.

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P.E.R.C. NO. 2017-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ESSEX COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2017-017

PBA LOCAL 183,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the County's request for a restraint of binding arbitration of a grievance alleging that a Sheriff's Investigator was terminated without just cause, notice, or a departmental hearing. The Commission holds that N.J.S.A. 40A:9-117a, providing that Sheriff's Investigators serve at the pleasure of the Sheriff, preempts arbitration over the termination of Sheriff's Investigators and that a departmental hearing would impermissibly infringe on the Sheriff's discretion under N.J.S.A. 40A:9-117a to immediately suspend or terminate Investigators.

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