

P.E.R.C. NO. 2017-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Respondent,

-and-

Docket No. CO-2015-077

IFPTE LOCAL 196 CHAPTER 1,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants summary judgment in favor of the IFPTE on its claim that the Authority violated §5.4a(1) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when an Authority supervisor secretly recorded a meeting with IFPTE representatives and an employee having performance issues. The Commission finds that the supervisor's interest in having a recording of the meeting as a memory aid did not overcome the employee's reliance on the supervisor's promise that the meeting would be off the record. The Commission also finds that the supervisor's failure to disclose her intention to record the meeting was contrary to the purpose underlying the Act of promoting labor peace.

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. 2017-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2016-061

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Association's motion for reconsideration of a Commission Designee's interlocutory order denying the Association's application for interim relief in an unfair practice charge. The charge alleges that the City violated the New Jersey Employer-Employee Relations Act by failing to pay a lieutenant for accrued compensatory time upon retirement. The Commission agrees with the Designee that the Association did not establish a substantial likelihood of success in a final Commission decision or irreparable harm. The Commission finds that the existence of a successor CNA covering the period between the lieutenant's retirement and the filing of the interim relief application rebuts any presumption of a chilling effect on negotiations and that the Association has not shown extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2017-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-035

WARETOWN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2017-045, 43 NJPER 325 (¶92 2017). In that decision, the Commission granted the Board's request for a restraint of binding arbitration of the Association's grievance contesting - as an asserted violation of the unit work doctrine - the Board's appointment of the superintendent's secretary to the part-time positions of substitute caller and transportation coordinator. The Commission reiterates its finding that the Board's managerial prerogatives to determine the qualifications of positions, to assess candidates' qualifications, and to select the employee it deemed best suited for the positions outweighed unit members' economic interest in retaining the work in question. The Commission finds that the Association has not shown extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2017-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STAFFORD TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-020

STAFFORD TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Board for a restraint of binding arbitration of a grievance contesting the discipline of four teaching staff members for alleged inappropriate behavior at a professional development workshop. Finding that letters issued by the Board referred to themselves as "disciplinary action," the Commission holds that the letters are reprimands and, therefore, the grievance may proceed to arbitration.

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P.E.R.C. NO. 2017-55

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY LIBRARY COMMISSION,

Petitioner,

-and-

Docket No. SN-2017-021

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION LOCAL 32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County for a restraint of binding arbitration of a grievance contesting the two-day suspension of a librarian for issues identified in a performance memorandum. The Commission holds that the County's assertion that the parties' collective negotiations agreement does not provide for binding arbitration of discipline is a contractual arbitrability argument outside of the Commission's jurisdiction. The Commission also holds that inasmuch as disciplinary review procedures are mandatorily negotiable, the librarian's suspension is arbitrable to the extent it is found that the County agreed to binding arbitration of minor discipline. The Commission notes that the demand for arbitration is limited to a challenge of the suspension and does not contest the contents of the performance evaluation.

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P.E.R.C. NO. 2017-56

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TRENTON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-022

TRENTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Board's request for a restraint of binding arbitration of a grievance contesting its failure to renew a non-tenured school nurse's employment. The Commission notes that absent constitutional or statutory violations, boards of education have virtually unlimited discretion not to renew the contracts of non-tenured teachers.

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P.E.R.C. NO. 2017-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF NORWOOD,

Petitioner,

-and-

Docket No. SN-2017-023

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 125,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough's request for a restraint of binding arbitration of a grievance contesting the Borough's failure to pay additional compensation to the employee qualified in the processing of bio-diesel fuel selected by the Local. Given the Borough's admission that all unit members are qualified to process bio-diesel fuel, and in the absence of a certification or other evidence from the Borough showing that it engaged in an assessment of relative fitness in selecting the employee to receive the additional pay, the Commission finds that arbitration would not substantially limit the Borough's governmental policymaking powers.

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