

P.E.R.C. NO. 2017-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

IFPTE LOCAL 195,

Petitioner,

-and-

Docket No. CO-2016-033

STATE OF NEW JERSEY
KEAN UNIVERSITY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by Kean University in an unfair practice case brought by IFPTE Local 195 alleging that Kean violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(3) and (5), by subcontracting unit work while retaining control of working conditions of the contractor's employees and not negotiating over the terms and conditions of employment of those employees. The Commission dismisses IFPTE's 5.4a(3) charge because none of its assertions establish a basis for it and such charge is already included in a related consolidated appeal pending at the Office of Administrative Law. The Commission denies summary judgment on the 5.4a(5) charge finding disputed issues of material fact over the relationship between Kean and the subcontractor's employees.

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. 2017-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY SUPERINTENDENT
OF ELECTIONS,

Public Employer,

-and-

Docket No. SN-2017-029

CWA LOCAL 1032,

Respondent,

-and-

COUNTY OF PASSAIC,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies the County of Passaic's motion to intervene, via a scope of negotiations petition, in grievance arbitration between the Superintendent of Elections and the CWA. Based upon the amendment of N.J.S.A. 19:32-27, the statute authorizing the Superintendent to appoint employees and to fix their salaries, the County argued that it and the Superintendent of Elections were joint employers of the election workers and that any salary increases for those employees had to be approved by the County. The Commission holds that the amendment may not be applied so as to require County approval of salary increases until the current negotiated agreement between the Superintendent and the CWA expires on December 31, 2107. The Commission also notes that the County may request the arbitrator to permit it to intervene in the arbitration.

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P.E.R.C. NO. 2017-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX BOROUGH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-037

MIDDLESEX EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Board of Education for a restraint of binding arbitration of a grievance alleging that the Board placed the grievant on the wrong step of the salary guide, finding that placement on a salary guide is mandatorily negotiable.

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P.E.R.C. NO. 2017-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BROOKDALE COMMUNITY COLLEGE,

Petitioner,

-and-

Docket No. SN-2017-027

FOP LODGE 79,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the College for a restraint of binding arbitration of a grievance contesting the College's denial of the grievant's request to work an off-duty assignment because he was already scheduled for regular duty. Based upon the parties' submissions, the Commission finds no basis upon which to determine that the College's managerial prerogatives would be impaired by allowing officers who are scheduled for regular duty to request the use of compensatory time or other paid leave in order to be available for an off-duty assignment.

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