

P.E.R.C. NO. 2017-69

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT,

Appellant,

-and-

Docket No. IA-2017-004

PATROLMEN'S BENEVOLENT ASSOCIATION  
LOCAL 304,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award establishing the terms of a successor agreement between the Association and New Jersey Transit. New Jersey Transit appealed, arguing that an ex parte communication to the arbitrator after the record closed tainted the award. The Commission holds that the arbitrator addressed all of the N.J.S.A. 34:13A-16g statutory factors, adequately explained the relative weight given, analyzed the evidence on each relevant factor, and did not violate N.J.S.A. 2A:24-8 and -9.

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. 2017-70

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET HILLS BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2012-349

SOMERSET HILLS EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission rejects a Hearing Examiner's recommended decision in which the Hearing Examiner concluded that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4a(1) and (5), by sending two letters to Association members setting forth the Board's then-current collective negotiations offers in violation of the parties' ground rules. The Commission holds that an isolated breach of a ground rule is not a per se violation of subsections 5.4a(1) or (5). The Commission also finds that neither the content nor the sending of the letters was, or tended to be, coercive and that the evidence does not establish that the Board refused to negotiate in good faith.

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. 2017-71

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FORT LEE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2015-231

FORT LEE EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts in part, and modifies in part, a Hearing Examiner's recommended decision in which the Hearing Examiner concluded that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4a(1), (3), and (5), by: (1) refusing to negotiate upon demand over the impact of the decision to schedule instructional days during spring break; (2) announcing to staff, parents, and students that the reason for its decision to eliminate spring break was a result of the Association's grievance challenging the school calendar and subsequent refusal to negotiate an exchange of instructional days for professional development. With respect to the first charge, the Commission finds that the Board violated subsection 5.4a(5), and derivatively 5.4a(1), of the Act when it failed to respond to the Association's impact negotiations demand. With respect to the second charge, the Commission finds that the Board exercised its managerial prerogative to unilaterally establish and revise the school calendar, and did not violate subsection 5.4a(3) of the Act, when it scheduled three instructional days during spring break.

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. 2017-72

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

QUEEN CITY ACADEMY  
CHARTER SCHOOL,

Respondent,

-and-

Docket Nos. CO-2016-200  
CO-2017-007

QUEEN CITY EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision concluding that Queen City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4a(1) and (3), and encouraged and supported an effort to decertify the Association, when: (1) the Director, in response to a communication from the Association President to unit members, sent an email to staff criticizing his tone as combative and divisive; (2) the Director invited an organization opposed to the Association and the NJEA to present to staff during a mandatory professional development day school and later reprimanded the Association President for his conduct at the presentation; (3) Queen City's Board of Trustees released a strategic plan identifying unionization as a threat to the goals and objectives of the school; and (4) the Director bypassed the Association President and Vice President as designated union representatives to accompany a PEOSHA inspector after telling the inspector there was no union contract or dues collected. The Commission rejects Queen City's exceptions, finding that the Hearing Examiner's findings of fact were supported by the record and the Hearing Examiner's conclusions of law were correct.

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. 2017-73

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PLAINFIELD,

Respondent,

-and-

Docket No. CO-2016-216

PLAINFIELD FIRE OFFICERS  
ASSOCIATION, LOCAL 207,

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the City in an unfair practice case alleging that it violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1), (5) and (6), by failing to execute a written memorandum of agreement (MOA) regarding vacation spots, convention leaves, and emergency appointments, and by failing to negotiate in good faith. The Commission finds that there are genuine issues of material fact regarding whether the parties entered into a verbal agreement, and if so, whether the Association's draft MOA accurately reflects that verbal agreement.

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. 2017-74

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BARNEGAT,

Petitioner,

-and-

Docket No. SN-2017-019

BARNEGAT TOWNSHIP POLICEMAN'S  
BENEVOLENT ASSOCIATION, LOCAL 296,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the Township's request for a restraint of binding arbitration of a grievance alleging that the Township unilaterally changed health insurance carriers, thereby increasing the costs of PBA members' Chapter 78 contributions. The Commission holds that the PBA's claim concerning increased health insurance contributions is preempted by N.J.S.A. 52:14-17.28c to the extent the increases are solely due to the costs of dental and/or vision coverage. The Commission also holds that arbitration of the grievance is preempted to the extent that the parties' collective negotiations agreement provides an opt-out or waiver payment in excess of the maximum set by N.J.S.A. 40A:10-17.1 and N.J.S.A. 52:14-17.31a.

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. 2017-75

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STERLING BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-031

STERLING EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Board's request for a restraint of binding arbitration of a grievance contesting the Board's denial of two unit members' tuition reimbursement requests. The Commission holds that N.J.S.A. 18A-6:8.5(b) preempts arbitration because it requires that an employee obtain approval from the superintendent prior to enrollment in a course for which tuition is sought, and it is undisputed that such approval was not obtained.

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.