

P.E.R.C. NO. 2018-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROCKAWAY TOWNSHIP,

Respondent,

-and-

Docket No. CO-2018-111

ROCKAWAY TOWNSHIP FRATERNAL ORDER
OF POLICE LODGE NO. 31,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the FOP's motion for reconsideration of a Commission Designee's interim relief decision denying the FOP's request for interim relief. The FOP's unfair practice charge alleges that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4a(1) through (7), when the Chief of Police terminated a program allowing officers to pair up to swap shifts in order to work steady shifts for three months, rather than rotating between the day and night shift every four weeks. The Commission finds that the Designee did not violate any procedural rules by initially deciding and denying the FOP's motion for reconsideration, and that no Commission rules entitle the FOP to full Commission review of a motion for reconsideration of an interim relief decision. The Commission agrees with the Designee that the FOP did not establish a substantial likelihood of prevailing on the merits, and finds that the FOP's arguments demonstrate that there are disputed material facts. Holding that the case is not of exceptional importance warranting intrusion into the regular interim relief process, the Commission denies reconsideration and refers the charge to the Director of Unfair Practices for further processing.

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. 2018-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT BUS
OPERATIONS, INC.,

Petitioner,

-and-

Docket No. SN-2018-003

AMALGAMATED TRANSIT UNION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies NJTBO's request for a restraint of binding arbitration of the ATU's claim contesting the refusal to provide employees with the difference between workers' compensation benefits that were received based upon then-existing wages and workers' compensation benefits that would have been provided based upon a retroactive wage increase. Finding this matter indistinguishable from P.E.R.C. No. 2013-61, a prior case between the parties involving the same issue, the Commission denies a restraint of arbitration.

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. 2018-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2018-012

UNION OF RUTGERS ADMINISTRATORS,
AMERICAN FEDERATION OF TEACHERS,
LOCAL 1766, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies Rutgers' request for a restraint of binding arbitration of a grievance filed by Local 1766 asserting that Rutgers violated University policy and applicable law, including the Fair Labor Standards Act (FLSA), by reclassifying a unit member's position from overtime eligible to overtime ineligible. The Commission finds that the FLSA does not preempt arbitration of the grievance to the extent it seeks arbitral review of Rutgers' classification decision and the payment of overtime if the classification decision is found to be erroneous under applicable FLSA law and regulations.

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. 2018-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2018-014

NEW JERSEY CIVIL SERVICE ASS'N,
COUNCIL NO. 21 a/w IFPTE, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City's request for a restraint of binding arbitration of a grievance filed by Council 21 alleging that the City violated the parties' collective negotiations agreement when it reduced a unit member's salary with no apparent explanation or justification. Finding no assertion by the City of a managerial prerogative to reduce the salary or of any law preempting arbitration of the grievance, and given the Civil Service Commission's determination that it did not have jurisdiction over the salary dispute, the Commission holds the grievance arbitrable.

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. 2018-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MATAWAN-ABERDEEN REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2018-016

MATAWAN REGIONAL ADMINISTRATORS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Board's request for a restraint of binding arbitration of a grievance filed by the Association contesting the withholding of a principal's increments. The Commission finds that the reasons for the withholding - inappropriate handling of a student-staff altercation, failure to comply with directives to establish a building staff development plan and to sign purchase orders, and failure to provide leadership and training to vice principals - are not predominately disciplinary, but rather relate predominantly to an evaluation of the principal's performance as an educational leader and manager.

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. 2018-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2016-011

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the State's request for a restraint of binding arbitration of two grievances contesting its refusal to pay annual step increments upon the expiration of the parties' collective negotiations agreement. Applying the Supreme Court's decision In re County of Atlantic, 230 N.J. 237 (2017), the Commission finds that step movement during the hiatus period between an expired contract and a successor agreement is mandatorily negotiable.

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. 2018-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLIAM TOOLEN, et al.,

Plaintiffs,

-and-

Docket No. MC-2017-001

STATE OF NEW JERSEY, et al.,

Defendants.

STATE TROOPERS FRATERNAL
ASSOCIATION OF NEW JERSEY, et al.,

Plaintiffs,

-and-

Docket No. MC-2017-002

STATE OF NEW JERSEY, et al.,

Defendants.

SYNOPSIS

The Public Employment Relations Commission denies the motions for reconsideration of P.E.R.C. No. 2018-29 filed by the plaintiffs and plaintiff-intervenors. In that decision, the Commission dismissed complaints filed by the plaintiffs, finding that none of the cited statutes required the payment of salary increments during the hiatus period between collective negotiations agreements. The Commission finds no basis upon which to grant reconsideration given that the plaintiffs and plaintiff-intervenors failed to challenge the substantive legal validity of P.E.R.C. No. 2018-29. Moreover, the Commission declines to consider arguments raised for the first time in a motion for reconsideration.

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.