

P.E.R.C. NO. 2018-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WARREN COUNTY
COMMUNITY COLLEGE,

Respondent,

-and-

Docket No. CO-2016-006

WARREN COUNTY
COLLEGE FACULTY ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the motion for summary judgment filed by the College in an unfair practice case filed by the Association. The Association's charge alleges that the College violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4a(1) and (5), when it unilaterally changed its promotional guidelines for Assistant Professor and Associate Professor positions. The Commission upholds its findings in P.E.R.C. No. 2018-25, which affirmed D.U.P. No. 2018-4, and remands this matter for an evidentiary hearing to determine the severable impact, if any, of the modification of promotional criteria.

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. 2018-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HACKENSACK,

Respondent,

-and-

Docket No. CO-2017-106

UNITED PUBLIC SERVICE EMPLOYEES UNION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission holds, based upon stipulated facts in lieu of a hearing pursuant to N.J.A.C. 19:14-6.7, that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsection 5.4a(5), by unilaterally implementing salary increases for unit members in order to settle pending litigation without negotiating with the UPSEU.

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P.E.R.C. NO. 2018-55

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
DEPARTMENT OF HUMAN SERVICES,

Respondent,

-and-

Docket No. CO-2017-218

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, LOCAL 1040,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Acting Director of Unfair Practices refusing to issue a complaint based upon the unfair practice charge filed by the CWA against the Hunterdon Developmental Center (HDC). The charge alleges that the HDC violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., subsections 5.4a(2), (3), and (5), by unilaterally issuing an internal memorandum/policy mandating that Cottage Training Supervisors (CTS) represented by CWA be assigned "direct care" work and subsequently refusing to negotiate over the issue. The Commission agrees with the Acting Director's determination that the dispute alleged does not trigger the Commission's unfair practice jurisdiction and affirms the decision to dismiss CWA's charge.

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P.E.R.C. NO. 2018-56

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DIVISION
OF LAW AND PUBLIC SAFETY),

Petitioner,

-and-

Docket No. SN-2018-029

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 33,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Division of Law and Public Safety's (LPS) request for a restraint of binding arbitration of a grievance contesting the title and salary level of a Deputy Attorney General (DAG) who was demoted from Section Chief to a position with non-supervisory duties. Finding that N.J.A.C. 4A:3-4.10 preempts this matter because it expressly, specifically, and comprehensively addresses the issues of title and salary range upon demotion, the Commission restrains arbitration.

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P.E.R.C. NO. 2018-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SOUTHAMPTON,

Petitioner,

-and-

Docket No. SN-2018-031

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 701,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract clauses in an expired collective negotiations agreement and contract proposals for a successor agreement between the Township and Local 701. The Commission finds that a sick leave buy-back provision is not mandatorily negotiable for employees hired on or after May 21, 2010 but is mandatorily negotiable for employees hired before May 21, 2010. The Commission finds not mandatorily negotiable provisions concerning: finite and/or inflexible limitations on the number of part-time or seasonal employees that can be employed; minimum staffing requirements that mandate a certain number of full-time employees; limitations on negotiations that guarantee future benefits; prohibitions against part-time employees being allocated overtime. The Commission finds mandatorily negotiable provisions concerning: preferences among employees based upon full-time or part-time status; recognition and elimination of certain persons or titles in a unit.

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