

P.E.R.C. NO. 2019-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CLARK TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2016-290

CLARK EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's report and recommended decision dismissing the complaint. The Clark Education Association's charge alleged that the Clark Township Board of Education violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4a(1) and (3), by non-renewing a unit member because she was a member of the Association's negotiations team. The Commission holds that in the absence of a contractual tenure claim, the Board had a managerial prerogative to non-renew the unit member and that the Association failed to sufficiently demonstrate that anti-union animus triggered the Board's decision.

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. 2019-2

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2017-266

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Newark Police Superior Officers' Association's motion for summary judgment, and denies the City of Newark's cross-motion, in an unfair practice case filed by the SOA. The SOA's charge alleged that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4a(1), (5), (6), and (7), when it repudiated the parties' negotiated grievance procedure by refusing to abide by the Public Safety Director's decision to sustain a grievance. The Commission holds that the City's refusal to implement the Police Director's decision constitutes a refusal to negotiate in good faith in violation of subsection 5.4a(5), and derivatively a(1), of the Act.

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P.E.R.C. NO. 2019-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAPE MAY COUNTY
MUNICIPAL UTILITIES AUTHORITY,

Petitioner,

-and-

Docket No. SN-2018-028

IBT LOCAL 331,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Cape May County Municipal Utilities Authority's request for a restraint of binding arbitration of a grievance contesting the imposition of a one-day suspension without pay on the grievant. Finding that N.J.S.A. 34:13A-5.3 permits negotiated grievance procedures that provide for binding arbitration of disciplinary determinations and that timeliness is an issue of contractual/procedural arbitrability, the Commission declines to restrain arbitration.

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P.E.R.C. NO. 2019-4

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF GLOUCESTER,

Petitioner,

-and-

Docket No. SN-2018-039

FOP LODGE 206 (PATROL UNIT),

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a contractual provision in an expired collective negotiations agreement between the Township of Gloucester and the FOP Lodge 206 (Patrol Unit). The Commission finds that N.J.S.A. 40A:10-21.1 preempts negotiations over retiree health benefits contribution levels in the succeeding years of a multi-year CNA in which the parties reach the fourth tier level of contributions in the first year except for retirees who are exempt from Chapter 78 contributions under N.J.S.A. 40A:10-21.1b(3).

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P.E.R.C. NO. 2019-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CUMBERLAND
(DIVISION OF SOCIAL SERVICES),

Petitioner,

-and-

Docket No. SN-2018-041

UAW LOCAL 2327,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County of Cumberland's request for a restraint of binding arbitration of a grievance challenging unilaterally changed criteria in the "Attendance and Punctuality" section of an employee evaluation form. The "Attendance and Punctuality" section rated employees based on use of employee leave time, and the rating was used in determining eligibility for merit salary increments. Applying the Local 195 balancing test, the Commission finds that the criteria are mandatorily negotiable and legally arbitrable because they concern issues of employee leave time and eligibility for merit salary increments more than they concern the County's need to use them to evaluate employee performance. The Commission declines to restrain arbitration.

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