

P.E.R.C. NO. 2020-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CARTERET,

Petitioner,

-and-

Docket No. SN-2019-043

FMBA LOCAL 67,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough's request for a restraint of binding arbitration of Local 67's grievance contesting the Borough's failure to re-assign probationary firefighters from a daytime weekly work schedule to 24-shifts at the completion of their academy training. Finding that Local 67's claim relates to the generally negotiable issue of work schedules, and that the Borough has not sufficiently demonstrated its asserted governmental policy interests to the schedule assignment's of post-academy probationary firefighters, the Commission finds the grievance mandatorily negotiable and legally 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. 2020-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Public Employer,

-and-

JERSEY CITY PUBLIC EMPLOYEES, INC.,
LOCAL 245,

Docket Nos. CU-2016-027
CU-2016-028
CO-2016-221
CO-2016-236

Petitioner,

-and-

INTERNATIONAL BROTHERHOOD OF TEAMSTERS UNION,
LOCAL 641,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies Local 245's request for review of a Director of Representation decision dismissing Local 245's clarification of unit petitions and related unfair practice charges seeking to clarify its unit to include former Jersey City Incinerator Authority (JCIA) employees represented by Local 641 and now employed by the City. The Commission finds that Local 245 has not identified any clearly erroneous substantial factual issue in the Director's decision. The Commission further finds that the Director's determination that there were no changed circumstances necessitating a clarification of unit was supported by the facts and legal precedent, and that Local 245 has failed to demonstrate any compelling reason warranting review of the Director's determination.

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. 2020-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LAKEWOOD,

Respondent,

-and-

Docket No. CI-2018-005

TEAMSTERS LOCAL 97,

Respondent,

-and-

SAMUEL SCHULMAN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the refusal of the Director of Unfair Practices to issue a complaint on an unfair practice charge filed by Schulman against the Township and Local 97. D.U.P. No. 2020-2, 46 NJPER 41 (¶10 2019). The charge alleges that the Township violated the Act by terminating his employment, and that Local 97 violated the Act by failing to represent him fully and fairly in connection with his termination. Procedurally, the Commission finds that Schulman had standing to file the unfair practice charge because his separation from employment was disputed, and that Schulman's charge as to Local 97 was not untimely. Substantively, the Commission finds that Schulman has not demonstrated facts warranting the issuance of a complaint against Local 97 for an alleged breach of its duty of fair representation, and has submitted no facts supporting his charge against the Township, and therefore affirms the Director's dismissal of the charges.

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. 2020-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2018-227

EDISON TOWNSHIP EDUCATION ASSOCIATION,

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 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 unilaterally advancing a unit member two steps on the salary guide without negotiating with the Association. Finding that ordering the Board to recoup the additional salary already paid to the employee is not necessary for a sufficient remedy, the Commission orders the Board to prospectively conform the employee's salary to the level it would have been had her salary not been unilaterally increased.

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. 2020-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

THE OCEAN COUNTY UTILITIES
AUTHORITY,

Petitioner,

-and-

Docket No. SN-2019-058

UNITED STEEL WORKERS, AFL-CIO,
PAPER AND FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL and SERVICE WORKERS
INTERNATIONAL UNION, LOCAL 4-406,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Authority's request for a restraint of binding arbitration of Local 4-406's grievance contesting the Authority's failure to credit a unit member with paid vacation/sick leave while he was out on a work related injury and receiving workers' compensation benefits. Finding that the issue of paid leave is generally mandatorily negotiable and that the Authority has cited no statute or regulation applicable to non-State employees that expressly, specifically, or comprehensively preempts negotiations over whether employees out on workers' compensation leave may accrue paid sick and vacation leave during such absence, the Commission holds the grievance legally 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. 2020-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
MOTOR VEHICLE COMMISSION,

Petitioner,

-and-

Docket No. SN-2019-061

LOCAL 32BJ, NJ STATE MOTOR VEHICLE
EMPLOYEES UNION, SEIU, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the State's request for a restraint of binding arbitration of Local 32BJ's grievance contesting the State's failure to credit a unit member with paid leave she used for medical and physical therapy appointments related to an injury she sustained at work. Finding that the issue of paid leave for sickness or injury is generally mandatorily negotiable and not expressly, specifically, or comprehensively preempted by workers' compensation laws, the Commission holds the grievance legally 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.