

P.E.R.C. NO. 2020-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2020-063

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION, INC.,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the motion of the City of Newark (City) for reconsideration of I.R. No. 2020-3, 46 NJPER 167 (¶41 2019), wherein a Commission Designee granted the request of the Newark Police Superior Officers' Association, Inc. (SOA), for interim relief pending a final decision on its unfair practice charge alleging the City repudiated the parties' CNA and failed to negotiate in good faith before unilaterally changing mandatorily negotiable pre-disciplinary procedures. The Commission finds the Designee applied the appropriate interim relief standards in determining that the SOA demonstrated a substantial likelihood of success on its claim, and appropriately considered the interim relief application as unopposed. The Commission finds the City failed to demonstrate extraordinary circumstances warranting reconsideration. The City's assertion, that it need not negotiate over the disputed changes because they were dictated by a Consent Decree with the Department of Justice, was not argued below and is not supported by Commission and judicial precedent.

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. 2020-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(JUVENILE JUSTICE COMMISSION),

Petitioner,

-and-

Docket No. SN-2018-046

NEW JERSEY LAW ENFORCEMENT
COMMANDING OFFICER'S ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies, in part, the request of the State of New Jersey (Juvenile Justice Commission) for a restraint of binding arbitration of a grievance filed by the New Jersey Law Enforcement Commanding Officer's Association, which demands the placement of the grievant in Employee Relations Group "4" or "4A," as defined by the New Jersey Civil Service Commission (CSC), and a corresponding salary increase, pursuant to a provision in the parties' CNA that guarantees such an increase to any employee who is promoted to any unit job title. The Commission finds that the applicable CSC rules do not expressly, specifically and comprehensively preempt negotiations over the grievant's compensation following the inclusion of his title in the negotiations unit by card check. Thus the issue of whether and to what extent, if any, the grievant is entitled to an increase in compensation is arbitrable. However, the Commission restrains arbitration to the extent the grievance seeks to compel the State, absent a determination by the CSC, to classify, assign or re-assign classification of the grievant's position.

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P.E.R.C. NO. 2020-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PINELANDS REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2019-047

PINELANDS REGIONAL EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Pinelands Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Pinelands Regional Education Association which asserts that the withholding of a Learning Disabilities Teacher-Consultant's salary increment constitutes discipline without just cause. The Commission finds that the reasons advanced by the Board for withholding the grievant's increment, including performance issues noted in observation documents and ratings covering the 2015-2016, 2016-2017 and 2017-2018 school years, are predominately related to her performance as a teaching staff member. Thus, pursuant to N.J.S.A. 34:13A-27a and -27d, the Commission determines that the Commissioner of Education is the appropriate forum for resolving this dispute.

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P.E.R.C. NO. 2020-32

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-2019-050

AMALGAMATED TRANSIT UNION,
NEW JERSEY STATE COUNCIL,
ATU LOCALS 540, 819, 820, 822,
824, 825 AND 880,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of New Jersey Transit Bus Operations, Inc. (NJTBO), for a restraint of binding arbitration of grievances filed by various locals of the Amalgamated Transit Union, New Jersey State Council (ATU), challenging the disciplinary terminations of five bus operators who were discharged for alleged negligence in relation to bus accidents. The Commission finds NJTBO has not demonstrated how permitting ATU unit members to present evidence of alleged visual obstruction caused by certain bus design elements as a mitigating factor in determining their culpability in accidents would prevent NJTBO from fulfilling its statutory mission. The Commission further finds that these issues are not statutorily preempted by the fact that the buses met minimum federal safety standards, nor has the NJTBO cited any other statutes or regulations that would preempt arbitration.

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P.E.R.C. NO. 2020-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2019-059

PBA LOCAL 243,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Atlantic County Sheriff's Office for a restraint of binding arbitration of a grievance filed by PBA Local 243 which asserts the County violated the parties' CNA by failing to safely and adequately staff the Civil Courts Building in Atlantic City and the Criminal Courts Complex in Mays Landing, resulting in noncompliance with the minimum staffing requirements of the New Jersey Supreme Court's Model Court Security Plan. The Commission finds that minimum staffing levels are generally not mandatorily negotiable, and the PBA articulated no safety-related remedy other than an increase or alteration to the County's staffing levels, which the Commission has consistently held cannot be obtained through binding arbitration. The Commission further finds that the Model Plan's requirements, and the County's disputed compliance therewith, fall within the County's managerial prerogative to determine minimum staffing levels.

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