

P.E.R.C. NO. 2020-60

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CAMDEN COUNTY BOARD OF  
CHOSEN FREEHOLDERS,

Respondent,

-and-

Docket No. CO-2020-254

CWA LOCAL 1014,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the CWA's request for reconsideration of a Commission Designee's decision denying interim relief on its unfair practice charge against the County. The CWA's charge alleges the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act) by refusing to supply it with certain documents that are necessary for it to effectively represent a unit member who has been placed on administrative leave and ordered to undergo a psychiatric fitness-for-duty examination. The Commission finds that the CWA has established extraordinary circumstances warranting reconsideration based on the unit member's imminent fitness-for-duty examination and the irreparable harm to both the unit member and the CWA from the County refusing to supply information potentially relevant to the CWA's ability to fairly evaluate its options for challenging the examination and any discipline that ensues from refusing to take it or from its results. The Commission finds that the County offered no compelling reason for its refusal to supply the requested documents, and that its unilateral control over the timing of the release of information to the CWA is damaging to the labor relations process and violates its duty under the Act to supply information. The Commission grants interim relief and orders that the County supply the CWA with the requested information at least 10 days prior to the unit member's fitness-for-duty examination.

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. 2020-61

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CARTERET,

Petitioner,

-and-

Docket No. SN-2020-035

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 schedule junior firefighters to 24-hour shifts, as firefighters, following their probationary period. Finding that Local 67's claim relates to the generally negotiable issue of work schedules, and that the Borough has not sufficiently demonstrated a particularized need based on its asserted governmental policy interests to preclude the junior firefighters from working the 24/72 shift schedule, 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. 2020-62

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

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

Respondent,

-and-

Docket No. CO-2020-207

STATE TROOPERS NON-COMMISSIONED  
OFFICERS ASSOCIATION OF NEW JERSEY,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the State Troopers Non-Commissioned Officers Association's motion for reconsideration of I.R. No. 2020-15, 46 NJPER 459 (¶104 2020), wherein a Commission Designee denied the Association's application for interim relief seeking an order enjoining the employer, State of New Jersey, Department of Law and Public Safety, from unilaterally deducting monies from a Sergeant's paycheck to recoup an allegedly erroneous salary overpayment. The Commission finds that in concluding that the State's unilateral action did not have a tendency to irreparably undermine or chill the negotiations process, the Designee did not unreasonably consider evidence that the State acted pursuant to a final decision of the Civil Service Commission affecting a single employee with a deduction schedule less financially detrimental to that employee. The Commission finds this did not establish extraordinary circumstances or a case of exceptional importance warranting reconsideration, given that any financial detriment would be fully remunerated to the Sergeant if the Association prevails on the pending unfair practice charge or grievance arbitration. Finally, the Commission finds that a grant of interim relief would be inappropriate because material facts are in dispute, specifically as to whether the State attempted to engage in good faith negotiations before implementing the recoupment action.

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. 2020-63

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2020-018

CITY ASSOCIATION OF SUPERVISORS  
AND ADMINISTRATORS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the Newark Board of Education's request to restrain arbitration of a grievance filed by the City Association of Supervisors and Administrators. The grievance alleges that a 2017-2018 written evaluation of a Vice-Principal was a disciplinary reprimand and that it was issued in derogation of required evaluation procedures and should be voided. The Commission restrains arbitration of the claim that the document is a disciplinary reprimand, but allows arbitration to proceed on the claimed procedural violation.

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. 2020-64

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2020-027

JERSEY CITY PUBLIC EMPLOYEES, INC.,  
LOCAL 245,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants Jersey Cit's request for a restraint of binding arbitration of Local 245's grievance alleging the City violated the parties' collective negotiations agreement (CNA) when it terminated eleven crossing guards prior to the 2019-2020 school year. The Commission held N.J.S.A. 40A:9-154.1 statutorily preempts Local 245's grievance and arbitration over the alleged reappointment of the crossing guards would significantly interfere with the City's non-negotiable, managerial prerogative to hire or not hire. The Commission concluded that N.J.S.A. 40A:9-154.1 limits appointments of school crossing guards to a maximum one-year term, and thus, the crossing guards' appointment expired at the conclusion of the 2018-2019 school year and the City chose not to reappoint the crossing guards for the 2019-2020 school year.

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. 2020-65

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RIDGEFIELD PARK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2020-034

RIDGEFIELD PARK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Ridgefield Park Board of Education for a restraint of binding arbitration of a grievance filed by the Ridgefield Park Education Association which alleges that the Board violated the parties' collective negotiations agreement when it failed to hire the grievant as head football coach, an extracurricular position. The Commission finds that the Board's decision not to hire the grievant as the football coach is legally arbitrable because N.J.S.A. 34:13A-23 expressly permits a school district to agree to arbitrate disputes over the assignment of employees to extracurricular positions. The Board's asserted reasons in support of its decision relate to the merits of the grievance and may be presented to the arbitrator.

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. 2020-66

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LACEY,

Petitioner,

-and-

Docket No. SN-2020-043

CWA LOCAL 1088,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township's request for a restraint of binding arbitration of the CWA's grievance alleging that the Township violated the parties' collective negotiations agreement (CNA) when it continued to assess health care contributions pursuant to Tier Four of P.L. 2011, c. 78 (Chapter 78) following its full implementation, commencing on July 1, 2016 through the expiration of the parties' 2016-2018 CNA and during current negotiations for the successor CNA. The Commission found that N.J.S.A. 40A:10-21.2 established Tier Four, once implemented in July 2016, as the healthcare contribution rate for the remainder of the 2016-2018 CNA and the starting point for the pending negotiations for a successor CNA. The Commission concluded that health care coverage contributions did not become negotiable until negotiations for the next CNA, and thus, until a successor contract is reached, arbitration over the healthcare contribution rate is statutorily preempted.

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.