

P.E.R.C. NO. 2021-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CUMBERLAND,

Respondent,

-and-

Docket No. CO-2020-113

CUMBERLAND COUNTY POLICEMEN'S
BENEVOLENT ASSOCIATION, LOCAL 231,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the PBA's motion for reconsideration of I.R. No. 2020-21, wherein a Commission Designee denied the PBA's request for interim relief in its unfair practice charge against the County. The charge alleges that the County violated the Act, N.J.S.A. 34:13A-1, et seq., when it no longer permitted corrections officers to leave the correctional facility during their breaks. Finding that the County's failure to negotiate in good faith prior to restricting officers' breaks to the facility is extraordinary under these circumstances where the regular stress of the corrections environment is exacerbated by the COVID-19 pandemic which presents a greater hazard indoors, the Commission finds that extraordinary circumstances exist warranting reconsideration. Finding that the PBA has established a substantial likelihood of success on the merits, as well as irreparable harm and greater relative hardship should relief not be granted, the Commission grants interim relief, rescinding the County's directive on breaks pending a final resolution of the unfair practice charge.

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. 2021-2

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket Nos. CO-2014-169

CO-2014-170

NEWARK POLICE DEPARTMENT
SUPERIOR OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the City's exceptions and adopts a Hearing Examiner's report and recommended decision (H.E. No. 2020-8) granting the SOA's motion for summary judgment on its unfair practice charges and denying the City's cross-motions for summary judgment. The charges allege the City violated the Act, N.J.S.A. 34:13A-1, et seq., when it failed to honor the decisions of its Police Director to sustain the grievances of two unit members concerning lump sum payouts for unused vacation days upon retirement. Finding that the CNA designates the Police Director as the City's authorized agent at Step 5 of the grievance procedure, and the Police Director found the grievances had merit, the Commission concurs with the Hearing Examiner's legal conclusion that the City's refusal to abide by the decision of its designated grievance representative 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. 2021-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(DEPARTMENT OF CORRECTIONS),

Petitioner,

-and-

Docket No. SN-2020-038

NEW JERSEY SUPERIOR OFFICERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State of New Jersey, Department of Corrections, for a restraint of binding arbitration of a grievance filed by the New Jersey Superior Officers Association which asserts that the Department violated the parties' collective negotiations agreement (CNA) when the grievant, while on Workers' Compensation benefits, was required to pay the same amount for health care benefits as when he was working on full duty receiving his base salary. The Commission finds that the issue of the amount the grievant is required to pay for health care benefits is not preempted because the requirement for "full implementation," as set forth in P.L. 2011 c. 78 and N.J.S.A. 40A:10-21.2, was met in the parties previous CNA. The Commission also finds that negotiation on the determination of the "base salary," for purposes of computing that payment, is not preempted by N.J.S.A. 52:14-17.28c and N.J.S.A. 43:15A-25.1.

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P.E.R.C. NO. 2021-4

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER CITY EDUCATION ASSOCIATION,

Petitioner,

-and-

Docket No. SN-2020-045

GLOUCESTER CITY BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Gloucester City Education Association to allow binding arbitration of a grievance contesting the Gloucester City Board of Education's unilateral implementation of an attendance policy (Policy) to the extent the grievance challenges the as-applied impact of the Policy. The Commission restrains arbitration to the extent the grievance challenges the establishment of the Policy's attendance goals where no discipline has been issued, and to the extent the grievance challenges the calculation of the attendance rate based on the shortened 2019-2020 school year.

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P.E.R.C. NO. 2021-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Respondent,

-and-

Docket No. CO-2019-137

HUDSON COUNTY PBA LOCAL 334,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the PBA's motion for reconsideration of P.E.R.C. No. 2020-55, in which the Commission granted the County's motion for summary judgment and dismissed the PBA's unfair practice charge. The PBA's charge alleged that the County violated the Act, N.J.S.A. 34:13A-1, et seq., when it transferred a Sheriff's Officer from the Detective Bureau to the Cyber Crimes Unit and removed him from various overtime lists. Finding that no extraordinary circumstances exist, the Commission denies reconsideration. The Commission finds that P.E.R.C. No. 2020-55 distinguished between the extradition and non-extradition overtime lists and applied the facts to find that the Sheriff's Officer was appropriately removed from both overtime lists, consistent with the CNA and past practice, once he was no longer in the Detective Bureau. The Commission therefore finds no basis for the PBA's assertion that the removal from the lists was an adverse action in retaliation for protected union activity.

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