

P.E.R.C. NO. 2021-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JACKSON TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2020-048

TEAMSTERS LOCAL 97,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Board's request for a restraint of binding arbitration of Local 97's grievance contesting the Board's transfer of a school law enforcement officer from a high school to a middle school for the 2019-2020 school year. Finding that N.J.S.A. 34:13A-25 specifically preempts negotiations over non-disciplinary transfers of school district employees and that Local 97 does not allege the transfer was disciplinary, the Commission holds that the transfer is not 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. 2021-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONMOUTH COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2020-044

PBA LOCAL 240,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Monmouth County Sheriff's Office (Sheriff) to restrain binding arbitration of a grievance filed by PBA Local 240 (PBA) alleging that the Sheriff violated the parties' collective negotiations agreement (CNA) by unilaterally implementing a revised outside employment policy for County Correctional Police Officers (CCPOs) employed by the Sheriff, which in pertinent part limits the ability for these employees to engage in outside employment requiring a firearm. This prohibition on armed outside employment included employment as a Special Law Enforcement Officer (SLEO) pursuant to N.J.S.A. 40A:14-146.8 et seq., but did not prohibit other forms of outside employment. The Commission finds that N.J.S.A. 40A:14-146.10(d) does not statutorily preempt arbitration of the grievance. The Commission concludes that arbitration of the grievance will not significantly interfere with the Sheriff's policy-making powers because the Sheriff, under the revised policy, retains sufficient control over the outside employment process.

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P.E.R.C. NO. 2021-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2021-021

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Newark Police Superior Officers' Association (SOA) motion for reconsideration of a Commission Designee's denial of the SOA's request for interim relief, pending a final decision on its unfair practice charge that the City of Newark (City) violated the New Jersey Employer-Employee Relations Act by unilaterally transferring unit work traditionally performed by employees represented by the SOA to non-unit employees represented by the Newark Fraternal Order of Police Lodge No. 12 (FOP). The Designee's decision denied the SOA's application for interim relief and dissolved temporary restraints, which had restrained the City from utilizing non-unit employees as "acting sergeants" to perform SOA unit work, except in case of an emergency, among other conditions, during the COVID-19 pandemic. The Commission denies the SOA's motion for reconsideration because the SOA repeated arguments addressed by the Designee's decision and failed to establish extraordinary circumstances and exceptional importance warranting reconsideration.

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P.E.R.C. NO. 2021-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ENGLEWOOD,

Petitioner,

-and-

Docket No. SN-2021-003

ENGLEWOOD PBA LOCAL 216,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, the request of the City of Englewood for a restraint of binding arbitration of a grievance filed by the Englewood PBA, Local 216, contesting the City's implementation of a new uniform requirement (reverting from the Class "B" to the Class "A" uniform as the daily police uniform). The Commission restrains arbitration of the City's non-mandatorily negotiable decision to designate the daily police uniform, including its decision to allow officers to continue to use the Class "B" weapon holster with their Class "A" uniforms until they are able to qualify in the normal course at the weapons range with the Class "A" holster. The Commission finds permissively negotiable the PBA's claim that the City unilaterally reduced a previously established phase-in period for changes in uniforms. The Commission finds the grievance legally arbitrable as to alleged economic and safety-related impacts of the City's decision to revert to Class "A" uniforms. Finally, the Commission finds the PBA's retaliation claim falls under the Commission's unfair practice jurisdiction, and may not be submitted to binding arbitration.

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