

P.E.R.C. NO. 2021-23

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SOUTH ORANGE VILLAGE,

Petitioner,

-and-

Docket No. SN-2021-004

SOUTH ORANGE SOA LOCAL 12A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township's request for restraint of binding arbitration of the SOA's grievance challenging the timeliness of disciplinary charges, including removal, filed against a unit member. Finding that the alleged procedural timeliness violation is preempted by N.J.S.A. 34:13A-5.3 because it involves a challenge to major discipline in a Civil Service jurisdiction and is appealable to the Civil Service Commission (CSC), the Commission restrains binding arbitration.

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. 2021-24

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MONROE,

Petitioner,

-and-

Docket No. SN-2021-007

UNITED SERVICES WORKERS UNION,  
LOCAL 255, IUJAT

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township's request for a restraint of binding arbitration of Local 255's grievance contesting the Township's failure to promote the applicant with the most general seniority to a full-time Road Division Laborer position. The Commission finds that the Township certified to the specific qualifications of the selected employee, including more specific relevant Road Division experience, that were superior to the other applicants, including the grievant. The Commission holds that the Township retains the non-arbitrable right to determine, based on a comparison of applicant qualifications to the promotional criteria, that a less senior employee is the most qualified employee despite a seniority preference clause. The Commission also holds that the Township's alleged violation of a 30-day time limit to fill the vacancy is not arbitrable because a public employer has a managerial prerogative to decide whether and when to fill vacancies.

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P.E.R.C. NO. 2021-25

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WINSLOW TOWNSHIP FIRE DISTRICT 1  
BOARD OF FIRE COMMISSIONERS,

Petitioner,

-and-

Docket No. SN-2021-012

IAFF LOCAL 3249,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Winslow Township Fire District 1 Board of Fire Commissioners (Township) for a restraint of binding arbitration of a grievance filed by IAFF Local 3249, asserting that the Township violated the parties' extended collective negotiations agreement (extended CNA) when the Board provided a 2% increase in the current base salary of each employee covered by agreement, while failing to implement salary scale step progressions for represented employees for the 2020 year. The Commission finds that the parties' dispute about whether the agreed-upon CNA extension adopted all provisions of the prior CNA, including salary step increments, is a contractual dispute appropriate for resolution through the parties' negotiated grievance procedure.

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P.E.R.C. NO. 2021-26

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BUENA REGIONAL SCHOOL DISTRICT  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2021-014

BUENA REGIONAL SCHOOL DISTRICT  
SUPPORT STAFF ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Buena Regional School District Board of Education for a restraint of binding arbitration of a grievance filed by the Buena Regional School District Support Staff Association, asserting that the Board terminated without just cause the employment of a special education paraprofessional. The Commission finds the non-renewal of a non-tenured, non-certificated employee to be a legally arbitrable and mandatorily negotiable subject. The question of whether the parties agreed to submit such disputes to arbitration is a determination that must be made by an arbitrator or the courts.

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P.E.R.C. NO. 2021-27

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RIDGEFIELD PARK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2018-099

RIDGEFIELD PARK ADMINISTRATORS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices refusal to issue a complaint and dismisses the Association's unfair practice charge. The Association's charge alleges that the Board violated N.J.S.A. 34:13A-5.4a(1), (3) and (5) by unilaterally increasing unit employees' contributions towards health insurance premiums. The Commission concludes that the Director was correct in finding that, after full implementation of P.L. 2011, c. 78 (Chapter 78), Tier Four became part of the parties' CNA and the status quo for future negotiations until the parties agree in a CNA to change the Tier Four rate. The Commission agrees with the Director's finding that that parties' CNA is a fully integrated agreement, which provides that all negotiated terms be reduced to writing and for that writing to be the complete and final agreement between the parties. The parties' CNA is silent on a reduction to the contribution rate. The Commission finds that the Director was correct in excluding extrinsic parol evidence to modify the terms of the parties' CNA. The Commission finds, as did the Director, that the parties reached full implementation at Tier Four upon the expiration of their 2012-2015 CNA, and thus, Tier Four was the contribution rate upon entering their 2015-2018 CNA.

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P.E.R.C. NO. 2021-28

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MERCER COUNTY PROSECUTOR'S OFFICE,

Appellant,

-and-

Docket No. IA-2020-008

PBA LOCAL 339,

Respondent.

SYNOPSIS

The Public Employment Relations Commission remands an interest arbitration award to the arbitrator for a cost-out of his award that clarifies the net annual economic changes and annual costs of all base salary items. The MCPO appealed from the award setting the terms of a successor agreement with a non-supervisory detective unit (PBA) arguing, among other things, that the arbitrator did not cost-out his award. The Commission declines to decide the MCPO's other cost-related objections to the award prior to reviewing the arbitrator's cost-out on remand. The Commission retains jurisdiction and orders the parties to file supplementary briefs with it following receipt of the arbitrator's cost-out and clarification.

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