

P.E.R.C. NO. 2014-37

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ATLANTIC,

Respondent,

-and-

Docket No. CO-2009-276

FOP LODGE 34,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the Hearing Examiner's recommended dismissal of a complaint issued in an unfair practice case filed by FOP Lodge 34 against the County of Atlantic. The FOP alleged that the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by unilaterally implementing a policy restricting the number of employees who may be off duty or on leave on any one shift. The Hearing Examiner found that the FOP did not establish a past practice by the County concerning the grant of leave without regard to categories of leave; that the parties had already negotiated terms pertaining to leave categories in their most recent agreement; and that the dispute concerns the interpretation of contractual provisions and should be addressed through the parties' negotiated grievance procedure. The Commission rejects the FOP's exceptions, holding that even accepting the issue as framed by the FOP, the record does not support finding a unilateral change in work conditions.

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.

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LAKELAND REGIONAL BOARD OF  
EDUCATION,

Respondent,

-and-

Docket No. CO-2009-454

LAKELAND EDUCATIONAL SECRETARIES'  
ASSOCIATION,

Charging Party,

-and-

LAKELAND REGIONAL BOARD OF  
EDUCATION,

Respondent,

-and-

Docket No. CO-2009-455

LAKELAND REGIONAL HIGH SCHOOL  
TEACHERS' ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision in an unfair practice case filed by the Lakeland Educational Secretaries' Association and the Lakeland Regional High School Teachers' Association against the Lakeland Regional Board of Education. That decision recommended that the Commission find that the Board violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (5), when it changed health care coverage and did not meet its contractual obligation to maintain health care benefits at a level that was "equal to or better than" the benefits employees had prior to the change in carriers. The Commission rejects the Board's exceptions, finding that Hearing Examiner correctly applied precedent regarding the mandatory negotiability of the level of health benefits. The Commission also dismissed the Board's exceptions and the Association's cross-exceptions to the recommended remedy.

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P.E.R.C. NO. 2014-39

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND  
DENTISTRY OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-2011-163

HEALTH PROFESSIONALS AND  
ALLIED EMPLOYEES, LOCAL 5089

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the University of Medicine and Dentistry of New Jersey's (UMDNJ) motion for summary judgment and the Health Professionals and Allied Employees, Local 5089's (HPAE) cross-motion for summary judgment in an unfair practice case filed by HPAE. HPAE alleges that UMDNJ violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4b(1) and (5), when it unilaterally created a new employee status resulting in changes to wages, benefits, and working conditions of certain unit employees. Finding that material facts are in dispute, the Commission denies the parties' motions for summary judgment.

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P.E.R.C. NO. 2014-40

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ATLANTIC,

Respondent,

-and-

Docket Nos. CO-2011-253,  
CO-2011-254 & CO-2011-255

PBA LOCAL 243, FOP LODGE 34 and  
PBA LOCAL 77,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission rejects a Hearing Examiner's report and recommended findings in unfair practice cases filed by PBA Local 243, FOP Lodge 34, and PBA Local 77 against the County of Atlantic. The Hearing Examiner recommended that the Commission find that the County violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (5), when it ceased paying increments to unit members after the expiration of the parties' collective negotiations agreements. The Commission rejects the hearing examiner's finding of repudiation which he based on application of the dynamic *status quo* doctrine. The Commission finds that the dynamic *status quo* was a Commission policy which, in the evolution of public sector labor negotiations in New Jersey, no longer fulfills the needs originally intended, and disserves rather than promotes the prompt resolution of labor disputes. Accordingly, public employers will instead be bound by a "static" *status quo*. The Commission holds that, because the dynamic *status quo* doctrine is no longer effective, the underpinnings of repudiation no longer exist and the unfair practice charges are dismissed.

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P.E.R.C. NO. 2014-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY  
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2012-011

UNION OF RUTGERS ADMINISTRATORS-  
AMERICAN FEDERATION OF TEACHERS,  
LOCAL 1766, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of Rutgers, the State University of New Jersey, for a restraint of binding arbitration of a grievance filed by the Union of Rutgers Administrators-American Federation of Teachers, Local 1766, AFL-CIO (URA-AFT). The grievance contests the assignment of non-unit members to perform boiler checks in the University's heating/cooling plants when unit members are on vacation. The Commission finds that this case does not invoke the unit work doctrine because the record does not support that the boiler monitoring functions were being performed only by unit members. The Commission holds that this case involves Rutgers' non-negotiable managerial prerogative to determine the staffing levels necessary for efficient boiler monitoring services.

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P.E.R.C. NO. 2014-42

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LINDEN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-051

LINDEN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Linden Board of Education for a restraint of binding arbitration of a grievance filed by the Linden Education Association. The grievance contests the withholding of a teacher's salary increment. Finding that the stated reason for the withholding predominately relates to teaching performance because it was based on an annual evaluation containing unsatisfactory ratings in instruction, preparation, and professional responsibility, the Commission restrains arbitration of the increment withholding.

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P.E.R.C. NO. 2014-43

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HOBOKEN,

Petitioner,

-and-

Docket No. SN-2013-062

HOBOKEN MUNICIPAL EMPLOYEES ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Hoboken for a restraint of binding arbitration of a grievance filed by the Hoboken Municipal Employees Association. The grievance asserts that the City violated the parties' collective negotiations agreement when it ceased allowing civilian dispatchers to leave police headquarters during their one-hour meal breaks. Noting that all police officers can perform dispatch duties in an emergency, the Commission holds that the dispatchers' interest in negotiating over the past practice of leaving headquarters during meal breaks outweighs the City's interest in unilaterally eliminating the practice because it has not been shown to significantly interfere with any governmental policy determination.

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P.E.R.C. NO. 2014-44

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2013-064

SEIU LOCAL 617,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by SEIU Local 617. The grievance asserts that the City violated wage provisions of the parties' agreement when it failed to provide backpay to four employees who were reinstated after being improperly laid off. The Commission holds that compensation is mandatorily negotiable, and that Civil Service regulations cited by the City do not expressly, specifically, or comprehensively preempt the award of backpay for the time they were laid off.

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