

P.E.R.C. NO. 2015-12

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(JUVENILE JUSTICE),

Respondent,

Docket No. CI-2012-016

-and-

JUDY THORPE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2014-71 filed by Judy Thorpe. In that decision, the Commission affirmed the Deputy Director of Unfair Practice's refusal to issue a complaint based on allegations in an unfair practice charge filed by Thorpe against her employer. The Commission finds that Thorpe has not set forth any extraordinary circumstances warranting a grant of reconsideration.

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. 2015-13

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TOWN OF WESTFIELD,

Respondent,

-and-

Docket No. CI-2012-046

BARRON CHAMBLISS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants one of Barron Chambliss' exceptions to a Hearing Examiner's report and recommended decision in an unfair practice case filed by Chambliss against the Town of Westfield. The Commission holds that the Hearing Examiner mistakenly found that an alleged conversation at the center of Chambliss' N.J.S.A. 34:13A-5.4a(1) charge occurred more than six months prior to the filing of the unfair practice charge, which led to the erroneous conclusion that the charge was untimely. The Commission finds that is not necessary at this time to review Chambliss' other exceptions, and remands to the Hearing Examiner for reconsideration of her findings of fact and conclusions of law.

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P.E.R.C. NO. 2015-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOARD OF FIRE COMMISSIONERS,
FIRE DISTRICT NO. 1, MONROE TOWNSHIP,

Respondent,

-and-

Docket No. CO-2009-332

MONROE TOWNSHIP PROFESSIONAL
FIREFIGHTERS ASSOCIATION,
INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL 3170,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision in an unfair practice case filed by the Monroe Township Professional Firefighters Association, International Association of Firefighters, Local 3170 against the Board of Fire Commissioners, Fire District No. 1, Monroe Township. 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), (3), (4), and (5), when it employed non-bargaining unit, per diem firefighters to perform firefighter duties historically performed by full-time bargaining unit firefighters represented by Local 3170 and terminated the paid firefighters in retaliation for filing an unfair practice charge regarding the transfer of unit work. The Commission rejects the Board's exceptions, finding that the Hearing Examiner's comprehensive and extensive findings of both direct and circumstantial evidence of hostility to protected activity are supported by references to the transcripts and exhibits. The Commission also finds that the Hearing Examiner appropriately considered the Board's financial evidence and made witness credibility determinations, correctly determined that the relevant evidence regarding local finances and the Board's motivation for the terminations does not include the state budget, and properly applied the Bridgewater standard in determining that the Board violated the Act.

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P.E.R.C. NO. 2015-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WINSLOW TOWNSHIP PARAPROFESSIONAL
ORGANIZATION LOCAL 6171, AFT,
AFL-CIO,

OAL DKT. NO. EDU 1077-110
AGENCY DKT NO. 159/6/11

OAL DKT NO. PRC 15022-13
PERC DKT NO. CO-2011-086

Petitioner/Charging Party,

-and-

WINSLOW TOWNSHIP BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission adopts the Initial Decision of an Administrative Law Judge designated to hear a contested case pursuant to a Joint Order of Consolidation and Predominant Interest (P.E.R.C. No. 2014-8, 40 NJPER 171 (¶65 2013)) that consolidated an unfair practice charge filed by the Winslow Township Paraprofessional Organization Local 6171, AFT, AFL-CIO (Local 6171) against the Winslow Township Board of Education (Board), and an appeal by Local 6171 to the Commissioner of Education. As to the PERC matter, the Initial Decision denied Local 6171's motion for summary decision, and granted the Board's motion for summary decision and dismissed the unfair practice complaint. The Commission holds that the ALJ was correct in finding that the Board had a managerial prerogative to subcontract, and that the record is devoid of bad faith on the part of the Board. The Commission also finds that the ALJ was correct in dismissing unfair practice allegations for refusal to permit union representatives on workers' compensation on school property where the record showed a Board policy prohibiting employees on workers' compensation from entering school property, and the Board offered another negotiations location.

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P.E.R.C. NO. 2015-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
DEPARTMENT OF CORRECTIONS,

Respondent,

-and-

Docket No. CO-2013-250

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, COUNCIL 71,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the refusal of the Director of Unfair Practices to issue a Complaint based on an unfair practice charge filed by the American Federation of State, County and Municipal Employees, Council 71, against the State of New Jersey, Department of Corrections. The Director found that none of the allegations, if true, would violate the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The Commission finds that the Director properly applied Human Services in declining to issue a complaint on an alleged violation of the parties' collective negotiations agreement.

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P.E.R.C. NO. 2015-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2013-058

HEALTH PROFESSIONALS AND
ALLIED EMPLOYEES, LOCAL 5089,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the request of the University of Medicine and Dentistry of New Jersey for a restraint of binding arbitration of grievances filed by Health Professionals and Allied Employees, Local 5089. The grievances assert that UMDNJ violated the parties' collective negotiations agreement (CNA) by creating .9 part-time nursing positions in the Family Health Unit at University Hospital and transferring full-time Family Health Unit nurses to other departments. Finding that UMDNJ was responding to a decline in patient population and reallocating staff to meet patient needs of University Hospital, the Commission restrains arbitration of the parts of the grievances challenging the work schedule change and the staff reorganization, but declines to restrain arbitration over aspects of the grievances concerning seniority and bumping rights of affected reassigned, transferred, or laid off nurses.

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P.E.R.C. NO. 2015-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
KEAN UNIVERSITY,

Petitioner,

-and-

Docket No. SN-2014-051

COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the request of the State of New Jersey Kean University for a restraint of binding arbitration of a grievance filed by the Council of New Jersey State College Locals, AFT, AFL-CIO. The grievance asserts that the University violated the parties' collective negotiations agreement (CNA) and internal policies when it abolished the Graphics Communications Program and laid off two faculty members without reassigning them to other courses. Finding that the part of the Council's grievance alleging violation of internal policies is subject to advisory arbitration only, the Commission dismisses the University's request to restrain advisory arbitration where there is no statutory preemption claim. Holding that the remainder of the grievance which is subject to binding arbitration infringes on the University's managerial prerogative to reduce the number of employees regardless of asserted procedural safeguards in the CNA, the Commission restrains binding arbitration of the layoff.

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P.E.R.C. NO. 2015-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2014-060

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 the parties' collective negotiations agreement when it failed to pay a unit member a higher wage rate for working in a higher title. The Commission finds that compensation is a mandatorily negotiable subject, and that the Civil Service Commission rules cited by the City address reclassification issues but do not preempt the issue of back pay for alleged out of title work.

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