

P.E.R.C. NO. 2013-58

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED  
SCHOOL DISTRICT OF THE  
CITY OF NEWARK,

Respondent/Petitioner,

-and-

NEWARK TEACHERS UNION,  
LOCAL 481, AFT, AFL-CIO,

PERC Docket No. CO-2011-220  
Agency Docket No. 725-12/10  
OAL Docket No. EDU 1620-11

Charging Party/Respondent.

SYNOPSIS

The Public Employment Relations Commission adopts the Initial Decision of a Special Administrative Law Judge designated pursuant to a Joint Order of Consolidation and Predominant Interest (P.E.R.C. No. 2013-26, 39 NJPER 198 (¶63 2012)) that consolidated an unfair practice charge filed by the Newark Teachers Union, AFT and a declaratory judgment action before the Commissioner of Education filed by the State Operated School District of the City of Newark. The Initial Decision finds that a settlement agreement between the parties meets the requirements of N.J.A.C. 1:1-19. The Commission remands the remaining severable allegations in the NTU's unfair practice charge to the Deputy Director of Unfair Practices for a hearing. The Initial Decision is transferred to the Commissioner of Education for consideration pursuant to the Joint Order.

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. 2013-59

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL  
FIRE AND RESCUE,

Appellant/Respondent,

-and-

Docket No. IA-2010-099

NORTH HUDSON FIREFIGHTERS  
ASSOCIATION,

Appellant/Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the North Hudson Firefighters Association's motion for reconsideration of a decision by the Commission Chair dismissing its appeal of a supplemental interest arbitration award. The Commission finds that the Association filed its appeal outside the seven-day time frame required by N.J.S.A. 34:13A-16f(5)a. The Commission holds that the Association has not established unusual circumstances or good cause under N.J.A.C. 19:10-3.1(a) to justify relaxing the statutory appeal deadline.

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P.E.R.C. NO. 2013-60

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TEANECK FIREFIGHTERS MUTUAL  
BENEVOLENT ASSOCIATION LOCAL  
NO. 42,

Petitioner,

-and-

Docket No. SN-2012-043

TOWNSHIP OF TEANECK,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a past practice which Teaneck FMBA seeks to include in a successor collective negotiations agreement with the Township of Teaneck. The Commission finds that the past practice of permitting up to four firefighters off per shift is not mandatorily negotiable as it prevents the Township from meeting its minimum staffing levels.

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P.E.R.C. NO. 2013-61

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT  
BUS OPERATIONS, INC.,

Petitioner,

-and-

Docket No. SN-2012-048

NEW JERSEY STATE COUNCIL  
OF AMALGAMATED TRANSIT UNION,  
LOCAL 822,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of New Jersey Transit Bus Operations, Inc., for a restraint of binding arbitration of a grievance filed by New Jersey State Council of Amalgamated Transit Union, Local 822. The grievance asserts that employees were entitled to retroactive workers' compensation benefits based on negotiated retroactive salary increases in the parties' most recent contract. The Commission holds that the grievance is not preempted by the workers' compensation statutes because the dispute is about wages and proper calculation of benefit amounts based on wages. The Commission further holds that an agreement by the parties to increase employees' workers' compensation benefits based on the negotiated salary increase does not substantially impair the ability of NJTBO to operate and manage mass transit efficiently and effectively in New Jersey.

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P.E.R.C. NO. 2013-62

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HOWELL,

Petitioner,

-and-

Docket No. SN-2012-060

TRANSIT WORKERS UNION OF AMERICA  
AFL-CIO, LOCAL 225, BRANCH 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a grievance filed by TWU, Local 225, branch 4 against the Township of Howell post-award. The grievance asserts that the Township violated the seniority clause of the parties' agreement when it failed to promote the most senior employee who met minimum posted requirements for a maintenance worker position. The Commission finds that the grievance is not arbitrable to the extent it challenges the Township's right to set or apply promotional criteria. The Commission holds that the grievance is arbitrable to the extent it challenges the promotional procedures, including whether the employer was required to announce all promotional criteria in advance.

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P.E.R.C. NO. 2013-63

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PLEASANTVILLE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-070

PLEASANTVILLE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Pleasantville Board of Education's request for a restraint of binding arbitration of a grievance filed by the Pleasantville Education Association. The grievance alleges that a secretary was terminated without just cause. The Commission holds that the grievant may arbitrate a mid-year termination based on the disciplinary provisions of N.J.S.A. 34:13A-5.3 for board of education employees.

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