

P.E.R.C. NO. 2014-1

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY SUPERINTENDENT  
OF ELECTIONS,

Respondent,

-and-

Docket No. CO-2009-493

COMMUNICATION WORKERS OF AMERICA  
AFL-CIO LOCAL 1032,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision in an unfair practice case filed by Communications Workers of America, AFL-CIO, Local 1032 against the Passaic County Superintendent of Elections. That decision recommended that the Commission find that the Superintendent violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (3), when it terminated unit employees in retaliation for protected activity. The Commission rejects the Superintendent's exceptions, finding that the Hearing Examiner's credibility determinations and comprehensive findings of fact including evidence of hostility to protected activity and inconsistent cost evaluations of subcontracting that were prepared after the employees were terminated, were supported by references to the transcripts and exhibits. The Commission holds that the Hearing Examiner did not err by finding the Superintendent's reasons for the terminations were pretextual and that the employees' protected conduct was a substantial and motivating factor in the decision to contract out those positions.

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. 2014-2

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL FIRE & RESCUE,

Respondent,

-and-

Docket No. CO-2011-153

NORTH HUDSON FIREFIGHTERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2013-83 filed by the North Hudson Regional Fire & Rescue. In that decision, the Commission granted the North Hudson Firefighters Association's motion for summary judgment in an unfair practice case filed against the public employer. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it unilaterally terminated the practice of paying terminal leave in one payment. The Commission finds that the employer has not advanced any argument that meets the extraordinary circumstances needed to warrant reconsideration of its original decision.

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P.E.R.C. NO. 2014-3

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ATLANTIC CITY,

Appellant,

-and-

Docket No. IA-2013-016

ATLANTIC CITY POLICE BENEVOLENT  
ASSOCIATION LOCAL 24,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms a supplemental interest arbitration award establishing the terms of a successor agreement between the City of Atlantic City and the Atlantic City Police Benevolent Association Local 24. The City appealed the award, asserting that the arbitrator erred by accepting the PBA's scattergram, that the City consistently objected to the PBA's figures, and that the arbitrator directed the City to use its prior submission. The Commission finds that the arbitrator complied with the remand order, and that the City was given the opportunity to provide the arbitrator with documentation to support its argument that the PBA's figures were inaccurate. The Commission notes that the City did not provide the Commission with evidence of inaccurate numbers or miscalculations to establish that the award violates the statutory salary cap, and therefore the interest arbitration review standard has not been met.

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P.E.R.C. NO. 2014-4

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF UNION BEACH,

Respondent,

-and-

Docket No. IA-2013-026

PBA LOCAL 291,

Appellant.

SYNOPSIS

The Public Employment Relations Commission grants the appeal of PBA Local 291 in an interest arbitration case between the PBA and Borough of Union Beach. The Commission remands the award to a new arbitrator holding that the arbitrator did not analyze the subsection 16g factors as required by law because he did not satisfactorily explain the relevance and weight given to each 16g factor. The Commission also finds that the arbitrator did not comply with N.J.S.A. 34:13A-16f(5) because he did not certify that he took the statutory local tax levy cap into account.

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P.E.R.C. NO. 2014-5

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BRANCBURG TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-057

BRANCBURG TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part the request of the Branchburg Township Board of Education for a restraint of binding arbitration of a grievance filed by the Branchburg Township Education Association. The grievance seeks removal of a letter from a teacher's personnel file. The Commission holds that the letter, including portions criticizing the teacher's demeanor during a meeting, is predominantly evaluative. The Commission finds that a portion of the letter referencing a second reprimand letter is disciplinary in nature and therefore arbitrable, but restrains arbitration on the balance of the letter.

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P.E.R.C. NO. 2014-6

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROSELLE PARK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-075

ROSELLE PARK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Roselle Park Board of Education for a restraint of binding arbitration of a grievance filed by the Roselle Park Education Association. The grievance asserts that the Board paid the wrong contractual rate of pay for teachers who taught an additional exam prep period beyond the regular school day. The Commission holds that the dispute over proper compensation for additional duties performed is mandatorily negotiable.

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P.E.R.C. NO. 2014-7

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WINSLOW TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-009

WINSLOW TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Winslow Township Board of Education for a restraint of binding arbitration of grievances filed by the Winslow Township Education Association. The grievances assert that the Board violated the parties' collective negotiations agreement by eliminating two stipended positions and integrating the duties of those positions into the duties of guidance counselors and principals. The Commission holds that the Board's incorporation of the duties of the stipended positions into the guidance counselor and principal positions is a non-negotiable reorganization of its education program. The Commission finds that the unit work doctrine is not implicated because guidance counselors are in the unit, and because the Association did not provide a certification setting forth pertinent information needed to establish a unit work claim regarding the duties integrated into non-unit principal positions.

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