

P.E.R.C. NO. 2020-17

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WARREN HILLS REGIONAL  
BOARD OF EDUCATION,

Respondent/Cross-Movant,

-and-

Docket No. CO-2019-021

WARREN HILLS REGIONAL  
EDUCATION ASSOCIATION,

Charging Party/Movant.

SYNOPSIS

The Public Employment Relations Commission partially grants a motion for summary judgment filed by the Warren Hills Regional Education Association and partially denies a cross-motion for summary judgment filed by the Warren Hills Regional Board of Education. The Association's unfair practice charge alleges that the Board violated N.J.S.A. 34:13A-5.4a(1), (3), and (5) when it eliminated full-time paraprofessional positions at the end of the 2017-2018 school year. The Commission finds that the Board unilaterally reduced the work hours of the full-time paraprofessionals thereby eliminating the need for healthcare coverage. The Commission concludes that the Board's actions breached the negotiations obligations of N.J.S.A. 34:13A-5.3 and violated N.J.S.A. 34:13A-5.4a(5), and derivatively, N.J.S.A. 34:13A-5.4a(1). However, the Commission finds that the Association has not established a violation of N.J.S.A. 34:13A-5.4a(3) and dismisses that charge.

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. 2020-18

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOUTH ORANGE VILLAGE TOWNSHIP,

Public Employer,

-and-

Docket No. AC-2019-002

TEAMSTERS LOCAL 125,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission grants the Teamsters Local 125's request for review of the Director of Representation's decision, D.R. No. 2020-3, 46 NJPER 55 (¶13 2019). The Director dismissed a petition for Amendment of Certification seeking to amend a Certification of Representative for the South Orange Municipal Employees Union (SOMEU) to have its name Teamsters Local 125 as the majority representative. The Commission affirms the Director's decision for the reasons set forth in his written opinion. The Commission concurs with the Director's analysis that there would be no continuity of representation if the certification issued to SOMEU were to be amended to certify Local 125 as the exclusive representative.

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P.E.R.C. NO. 2020-19

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Respondent,

-and-

Docket No. CO-2018-001

JERSEY CITY POLICE OFFICERS  
BENEVOLENT ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the City of Jersey City and a cross-motion for summary judgment filed by the Jersey City POBA. The POBA filed an unfair practice charge alleging that the City violated N.J.S.A. 34:13A-5.3, 5.4a(1) and (5) when it issued a memorandum requiring that police officers wear only "Class A" uniforms and prohibiting the use of "Class B" uniforms and by refusing to negotiate with the POBA over the economic impact of the change to the uniform policy. In denying both motions, the Commission concludes that the City had the prerogative to make changes to the uniform policy, but the POBA had the right to negotiate over the financial impact of those changes. However, the Commission found that there are material facts in dispute that requires consideration of competing evidence.

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P.E.R.C. NO. 2020-20

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2019-024

ELIZABETH SUPERIOR OFFICERS  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Elizabeth Superior Officers Association's (SOA) motion for reconsideration of P.E.R.C. NO. 2019-53, 46 NJPER 7 (¶3 2019). In that decision we granted the request of the City of Elizabeth (City) for a restraint of binding arbitration of a grievance filed by the SOA. The grievance asserted that the City violated the parties' CNA by ordering a fitness for duty examination of the grievant, reassigning him, and declaring him ineligible, for at least a year, from performing extra-duty uniformed police work. The Commission found the grievance was not mandatorily negotiable because the City has a right to determine if its public safety personnel are fit to perform their duties, the reassignment of its police officers may not be challenged through binding grievance arbitration, and the City has a strong managerial interest in regulating which officers can perform uniformed extra-duty work. Here, the Commission finds that the SOA has not demonstrated extraordinary circumstances and exceptional importance warranting reconsideration of our prior decision.

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P.E.R.C. NO. 2020-21

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-2019-051

OFFICE PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION, LOCAL 153,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Rutgers, the State University of New Jersey, for a restraint of binding arbitration of a grievance filed by the Office of Professional Employees International Union, Local 153 (Local 153). The grievance contests the transfer of security officer from University Hospital to Rutgers-Newark campus. The Commission found the transfer of the grievant was precipitated by an alleged incident of misconduct (an altercation between the grievant and another employee) and no operational justification for the transfer was provided by the employer. The Commission concludes that the grievant's transfer is predominantly disciplinary and therefore arbitrable.

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P.E.R.C. NO. 2020-22

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LYNDHURST BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2019-056

LYNDHURST EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Lyndhurst Board of Education's for a restraint of binding arbitration of a grievance filed by the Lyndhurst Education Association. The Grievance challenges the non-renewal of a teacher for the 2018-2019 school year as discipline without just cause in violation of the parties' CNA. The Commission finds that the Board's substantive decision not to renew the grievant's employment contract is not mandatorily negotiable or legally arbitrable. Rather, the Association's dispute over the legitimacy of the Board's reasons for the grievant's non-renewal may be resolved through the grievant's pending verified petition to the Commissioner of Education.

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