

P.E.R.C. NO. 2022-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF JACKSON,

Respondent,

-and-

Docket No. CI-2020-023

DANIEL J. BURKE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants Burke's appeal of the Director of Unfair Practices' refusal to issue a complaint on his unfair practice charge against the Township. Burke's charge alleges that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act) when it laid him off in retaliation for his union activities. Finding that Burke's charge was timely filed and that he submitted evidence of his protected activity and of his relationship with the Township to support his allegations of hostility towards his protected activity, the Commission finds that Burke's allegations, if true, may constitute unfair practices. The Commission orders Burke's 5.4a(3) charge remanded to the Director for issuance of a complaint.

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. 2022-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Appellant,

-and-

Docket No. IA-2022-005

NEW JERSEY SUPERIOR OFFICERS
LAW ENFORCEMENT ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award setting the terms of a four-year collective negotiations agreement between the State of New Jersey and the New Jersey Superior Officers Law Enforcement Association (Association), a unit consisting mostly of Lieutenants employed in State correction facilities, with the rest employed in other State agencies. The Commission finds that while the State timely filed its appeal, its arguments do not support modifying the award's wage term, or vacating or remanding the award. The Commission finds: (1) the award addresses all nine statutory factors under N.J.S.A. 34:13A-16(g); (2) those factors judged by the arbitrator as being relevant to the resolution of this dispute are discussed in detail; (3) the arbitrator fully and sufficiently acknowledged the existence of a prior pattern of settlement of across-the-board 2% wage increases for other units of State corrections officers and civilians; (4) the arbitrator gave a "reasoned explanation" for deviating from the pattern to award 3% increases in the final two years of the contract, including by crediting a significant increase in the cost of living, the influence of economic uncertainty caused by the COVID-19 pandemic on other units' acceptance of the 2% settlement pattern, a legislated wage increase affecting one of the comparison units, and the fact that State corrections officers, historically, have received significantly lower wages than County corrections officers; (5) the award thus gave due weight to the public interest factor, the comparison of wages factor, and the continuity and stability of employment factor.

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P.E.R.C. NO. 2022-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ORANGE TOWNSHIP,

Respondent,

-and-

Docket No. CO-2018-087

PBA LOCAL 89,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the PBA's motion for summary judgment and denies the City's cross-motion for summary judgment on unfair practice charge filed by the PBA against the City. The charge alleges that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act), by unilaterally rescinding a past practice of allowing PBA officers to accumulate negative sick leave balances until they leave employment when any negative balance is recouped by the City. The Commission finds that the negative sick leave balance practice was a mandatorily negotiable issue and had been an existing term and condition of employment in its current form since at least 2007. Therefore, the Commission holds that the City's 2017 announcement that it was unilaterally rescinding the negative sick leave balance practice and taking measures to reduce negative sick leave balances violated the Act, even though it had not yet implemented the unilateral changes. The Commission orders the City to refrain from implementing the announced unilateral changes to the negative sick leave balance practice and to negotiate in good faith with the PBA over proposed changes to the practice.

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P.E.R.C. NO. 2022-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Respondent,

-and-

Docket No. CI-2022-004

CWA LOCAL 1081,

Respondent,

SYNOPSIS

The Public Employment Relations Commission affirms the Director of Unfair Practices' refusal to issue a complaint on the Charging Party's unfair practice charge (UPC) filed against the County and Local 1081. The Charging Party alleged that the County failed to interview for a promotional position and that Local 1081 breached its duty of fair representation by not advancing her grievance about not being interviewed for the promotion to arbitration. The Commission finds that the Director correctly dismissed the Charging Party's claims that Local 1081 breached its duty of fair representation because Local 1081's determination that the Charging Party's grievance would not be successful at arbitration was not arbitrary, discriminatory, or in bad faith. The Commission further finds that Director dismissed the Charging Party's 5.4a(1) and (5) against the County because the Charging Party lacked standing. The Commission further affirms the Director's decision that the Charging Party did not timely file the UPC.

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