

P.E.R.C. NO. 2023-16

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CARTERET,

Petitioner,

-and-

Docket No. CU-2019-020

LOCAL 67, FIREFIGHTERS MUTUAL  
BENEVOLENT ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants a request filed by Firefighters Mutual Benevolent Association, Local 67, for review of the Director of Representation's decision granting the Borough of Carteret's unit-clarification petition, excluding lieutenants from a negotiations unit of lieutenants and firefighters represented by Local 67 due to an inherent conflict of interest. The Commission finds the record presented indicates Carteret is a Civil Service jurisdiction wherein lieutenants do not have the statutory authority to hire, fire or formally discipline other employees; and it does not support a conclusion that lieutenants otherwise have such authority to a significant degree. In particular, the record shows no evidence of any specific disciplinary recommendations having either been made by lieutenants or considered by the Chief. As such, the Commission finds the lieutenants would not qualify under N.J.S.A. 34:13A-5.3 as supervisors having the power to hire, discharge, or discipline, and there is insufficient evidence to establish that they possess either the power to "effectively recommend" such actions or exercise "significant authority" over them.

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. 2023-17

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-2022-042

RUTGERS COUNCIL OF AAUP CHAPTERS,  
AMERICAN ASSOCIATION OF UNIVERSITY  
PROFESSORS-AMERICAN FEDERATION OF  
TEACHERS, AFL-CIO

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies Rutgers' request for restraint of binding arbitration of the AAUP's grievance contesting the allegedly disciplinary reassignment of a music professor following his administrative leave with pay and unpaid suspension for alleged misconduct. The Commission finds that the record demonstrates a close temporal proximity between Rutgers' reassignment of the grievant and its misconduct allegations, investigations, and suspension of the grievant. The Commission also finds that Rutgers offered no substantive non-disciplinary basis for its reassignment of the grievant. Accordingly, the Commission holds that the grievant's reassignments were predominately disciplinary and arbitrable.

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P.E.R.C. NO. 2023-18

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODSTOWN-PILESGROVE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2022-017

LISA QUIRK,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the refusal of the Director of Unfair Practices to issue a complaint on an unfair practice charge filed by Lisa Quirk against the Board. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act) by terminating her in retaliation for grievances she filed challenging the Board's COVID-19 vaccination and testing policy. Finding that the Board had a legitimate and substantial business reason for terminating the Charging Party due to her non-compliance with the COVID-19 policy, the Commission dismisses the 5.4a(1) charge. As for the 5.4a(3) retaliation claim, the Commission finds that the majority of the grievances did not constitute protected activity but contested her personal situation related to her being placed on unpaid leave for violation of the COVID-19 policy. The Commission finds that even if some of the grievances could constitute protected activity, the Charging Party did not demonstrate a sufficient nexus between such activity and her termination because the Board's decision to terminate her was initiated prior to those grievances.

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P.E.R.C. NO. 2023-19

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-2023-003

AFSCME NEW JERSEY COUNCIL 63,  
LOCAL 3474A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City's request for restraint of binding arbitration of AFSCME's grievance contesting the termination of a Municipal Court Director. The Commission finds that the Municipal Court Director is a "managerial executive" under N.J.S.A. 34:13A-3(f) of the Act because the position has managerial authority and broad discretion to both formulate and direct the effectuation of policy. Accordingly, under N.J.S.A. 34:13A-5.3, the grievant is excluded from being represented by an employee organization and AFSCME is statutorily preempted from arbitrating over the grievant's termination.

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