

P.E.R.C. NO. 2023-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF MILLTOWN,

Petitioner,

-and-

Docket No. SN-2023-009

PBA LOCAL 338,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough's request for restraint of binding arbitration of the PBA's grievance contesting the Borough's prohibition of the grievant from performing extra-duty work for 60 days and by not holding a disciplinary hearing over it. As the prohibition on extra-duty work was imposed as part of a formal reprimand, the Commission finds it was a minor disciplinary penalty subject to review in arbitration. The Commission also finds that the Borough's alleged violation of disciplinary hearing procedures prior to imposing the extra-duty work prohibition is legally arbitrable. Finally, the Commission finds that the Borough did not establish a governmental policy need to deviate from its usual allocation of extra-duty work; therefore, arbitration over the grievant's removal from extra-duty work would not significantly interfere with its managerial prerogative to administer the extra-duty work program.

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. 2023-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MIDDLETOWN,

Petitioner,

-and-

Docket No. SN-2023-005

CWA LOCAL 1032,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses the Township's request for a scope of negotiations determination concerning a CWA proposal to negotiate the hearing and vision standards for school crossing guards. The Commission finds that because the CWA withdrew its proposal to negotiate over the hearing and vision standards, the issue is no longer in dispute in the parties' negotiations for a successor agreement. The Commission further finds that the Township has not alleged there are any active arbitrability disputes concerning the application of the parties' current contract's hearing and vision standards and that the Township has not alleged any special circumstances warranting the exercise of the Commission's scope of negotiations jurisdiction in the absence of an active dispute.

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P.E.R.C. NO. 2023-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF MILLVILLE,

Petitioner,

-and-

Docket No. SN-2023-006

NEW JERSEY CIVIL SERVICE ASSOCIATION
CUMBERLAND COUNTY COUNCIL 18,

Respondents.

SYNOPSIS

The Public Employment Relations Commission grants the City's request for a restraint of binding arbitration of Council 18's grievance. The grievance asserts that the City violated the parties' collective negotiations agreement when it unilaterally changed the grievant's provisional job title from Sanitation Inspector back to her permanent title of Code Enforcement Officer. The City eliminated the Sanitary Inspector title for budgetary reasons and reassigned the grievant to her former position, as permitted by the Civil Service Commission's reclassification of the job title, with no reduction in pay despite her working fewer hours. The Commission finds that the City's reassignment of the grievant and elimination of the Sanitation Inspector title is not mandatorily negotiable or legally arbitrable because arbitration of Council 18's grievance would significantly interfere with the City's managerial prerogative to reassign employees. The Commission further finds no severable compensation claim that resulted from the grievant's reassignment.

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P.E.R.C. NO. 2023-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF BRIGANTINE,

Petitioner,

-and-

Docket No. SN-2023-004

IBT LOCAL 331,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, the City's request for a restraint of binding arbitration of Local 331's grievance. The grievance asserts that the City violated the parties' collective negotiations agreement when it failed to promote the grievant by not properly considering his years of experience and abilities.

Following the Commission's decision in the previous scope of negotiations petition between the parties, P.E.R.C. No. 2022-40, the parties proceeded to arbitration, where the parties decided to allow the arbitrator to frame the issue for arbitration. The Commission finds that Local 331's grievance, as framed by the arbitrator, is not legally arbitrable to the extent it contests the City's determination of the minimum number of years of experience required for the job posting, or the City's determination of who it deemed to be the most qualified for the position. However, Local 311's grievance, as framed by the arbitrator, is legally arbitrable to the extent it alleges violations of promotional procedures regarding the City's failure to notify the employees of how many open positions there were and what promotional criteria the City used in determining its rankings for the position.

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P.E.R.C. NO. 2023-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Public Employer,

-and-

Docket No. RO-2023-010

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

Petitioner.

SYNOPSIS

The Commission denies a request for review filed by Rutgers, the State University of New Jersey, and affirms a decision of the Director of Representation which granted a representation petition filed by Rutgers Council of AAUP Chapters, American Association of University Professors - American Federation of Teachers (AAUP-AFT), seeking to add the employees in another negotiations unit of faculty and librarians (represented by AAUP-BHSNJ) to AAUP-AFT's existing negotiations unit of faculty members, teaching assistants and graduate assistants. The Commission finds no substantial questions of law or fact implicated by the Director's determination of a shared community of interest between the two units, which is fully consistent with the Commission's longstanding preference for broad-based negotiations units. The Commission finds the Director thoroughly considered the job-based distinctions relied upon by Rutgers, but properly found such considerations were outweighed by other significant factors, including that AAUP-AFT sought consolidation not severance, the affected employees expressed interest in the broader unit, and that AAUP-BHSNJ supported the merger. The Commission further affirms the Director's finding that Rutgers did not overcome the presumption of validity of the signed authorization cards submitted by AAUP-AFT in support of its petition.

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P.E.R.C. NO. 2023-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY DEPARTMENT OF CORRECTIONS,

Petitioner,

-and-

Docket No. SN-2023-014

HUDSON COUNTY SUPERIOR OFFICERS
ASSOCIATION, PBA LOCAL 109A

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County's request for restraint of binding arbitration of the PBA's grievance alleging that the County violated the parties' collective negotiations agreement (CNA) by unilaterally implementing a quarantine directive following a positive COVID-19 test result that required Officers to use their own accumulated leave time pending a review by Risk Management. Finding that paid leave is generally mandatorily negotiable and legally arbitrable, the Commission declines to restrain arbitration.

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P.E.R.C. NO. 2023-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2023-017

CWA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses the State's request for a scope of negotiations determination concerning the CWA's grievance alleging that the State violated the non-discrimination clause of the parties' collective negotiations agreement (CNA) with respect to the denial of the grievant's religious exemption request from a COVID-19 vaccination mandate. The Commission finds that because the State's scope petition is not related to the negotiability of a contract provision during negotiations for a successor CNA or a demand for arbitration, and that no special circumstances exist to warrant the issuing of an advisory scope of negotiations opinion, the Commission dismisses the State's scope of negotiations petition.

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