

P.E.R.C. NO. 2023-49

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET HILLS BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2023-016

SOMERSET HILLS EDUCATION  
ASSOCIATION,

Respondent

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, the Board's request for a restraint of binding arbitration of the Association's grievance. The grievance asserts that the Board violated the parties' collective negotiations agreement when it denied the grievant course approval for a second masters degree, thereby preventing him from advancement on the salary guide. The Commission finds that to the extent that the Association's grievance is challenging the superintendent's denial of the grievant's tuition reimbursement for a second masters degree, that issue is preempted by N.J.S.A. 18A:6-8.5 and not legally arbitrable. The Commission further finds the Association's grievance is not preempted by N.J.S.A. 18A:6-8.5 to the extent it is challenging the Board's denial of the grievant's advancement on the salary guide for completed graduate coursework.

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. 2023-50

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PROSPECT PARK BOARD  
OF EDUCATION,

Respondent,

-and-

Docket No. CO-2023-099

TEACHERS ASSOCIATION  
OF PROSPECT PARK,

Charging Party.

SYNOPSIS

The Commission denies, in part, and grants, in part, the Teachers Association of Prospect Park's motion for reconsideration of a Designee's partial grant of interim relief on the Association's unfair practice charge alleging the Board of Education violated the Act when it placed the Association's grievance committee chairperson on paid administrative suspension and barred her from school premises pending an investigation into alleged misconduct in her role as a teacher; and subsequently barred her from participating in a virtual grievance meeting. The Commission declines to reconsider the Designee's denial of the Association's demand that the teacher have access to school grounds to conduct union business while the investigation is pending, as material facts are disputed regarding whether the incident under investigation involved students or implicated their safety and well-being. The Commission, without altering the relief granted, reconsiders the Designee's finding that the Association failed to establish irreparable harm while ordering that the teacher be allowed to conduct union business remotely. The Commission finds the Association established irreparable harm by the teacher's undisputed certification that she alone on the grievance committee has the requisite background and experience to process grievances, which have been stalled in her absence.

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P.E.R.C. NO. 2023-51

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HOBOKEN,

Petitioner,

-and-

Docket No. SN-2023-023

IAFF LOCAL 1078,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City of Hoboken's scope of negotiations petition requesting the restraint of binding arbitration of a grievance filed by IAFF 1078, which asserted that the City violated a "Sick Leave Incentive" contractual provision. That provision provides for a monetary bonus when employees use zero or very few sick days in a calendar year in a system where employees do not accumulate sick leave but are provided with unlimited sick leave. The Commission finds that since employees do not accumulate sick leave, N.J.S.A. 11A:6-19.2 does not preempt negotiations over the issue of an attendance bonus and, therefore, the issue is legally arbitrable.

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P.E.R.C. NO. 2023-52

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY HOSPITAL,

Respondent,

-and-

Docket No. RO-2023-028

TEAMSTERS LOCAL 97,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Teamsters Local 97's request for review of the Director of Representation's decision to dismiss its representation petition seeking to represent a negotiations unit of paramedics, EMT's, and dispatchers by severing them from Local 97's existing unit that includes many other titles. The Commission finds the Director properly applied the Commission's "community of interest" standards and considered the differences in job duties and conditions of employment in determining that the petitioned-for employees and the broader Local 97 unit continue to share a community interest. The Commission also finds that the increased numbers of petitioned-for employees did not change the relevant factors for determining community of interest, including the Commission's preference for broad-based units and reluctance to form units along occupational or departmental lines. The Commission therefore finds Local 97 failed to demonstrate any compelling factual, legal, or policy reason warranting review of the Director's determination.

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P.E.R.C. NO. 2023-53

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CUMBERLAND COUNTY UTILITIES AUTHORITY,

Public Employer,

-and-

Docket No. CU-2021-010

COMMUNICATIONS WORKERS OF AMERICA,  
AFL-CIO, LOCAL 1085,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission grants the Cumberland County Utilities Authority's request for review, remanding for an evidentiary hearing the Director of Unfair Practices' decision in D.R. No. 2023-11, 49 NJPER 412 (¶101 2023). The Director's decision granted a clarification of unit petition filed by the CWA seeking to include the position of Business Administrator in its already existing unit of supervisory employees. The Director found that the Authority did not establish sufficient facts demonstrating that the Business Administrator actually performed confidential duties and that the position formulates policy or directs its effectuation. The Commission finds that review of the Director's decision is warranted because a substantial question of law remains unresolved due to the insufficient establishment of facts by the parties. The Commission further finds an evidentiary hearing is needed to establish the extent of the Business Administrator's involvement in labor relations matters and employee discipline to determine whether she is considered a confidential employee or a managerial executive.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TEANECK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2023-035

TEANECK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission partially grants, and partially denies, the Board's request for restraint of binding arbitration of the Association's grievance challenging a statement in a teacher's observation report as a reprimand, and alleging the Board violated the CNA by using a different evaluation rubric and forms than what the Board had notified the Association it would be using for the 2021-22 school year. Finding that the comment in the observation report was a non-punitive and benign suggestion for how the teacher could more efficiently utilize her paraprofessional, the Commission holds it was predominantly evaluative and not legally arbitrable. As for the alleged violation of evaluation procedures requiring notice of changes in evaluation/observation forms, copies of the forms to be used for the upcoming school year, and that the Board use those forms for all unit employees, the Commission finds they are legally arbitrable.

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