

P.E.R.C. NO. 2024-12

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

WATCHUNG HILLS REGIONAL
HIGH SCHOOL DISTRICT
BOARD OF EDUCATION,

Charging Party/Cross-Respondent,

-and-

Docket Nos. CE-2022-005
CO-2022-168
CONSOLIDATED

WATCHUNG HILLS REGIONAL
EDUCATION ASSOCIATION,

Respondent/Cross-Charging Party.

SYNOPSIS

On a consolidated complaint issued on opposing unfair labor practice charges respectively filed by the Watchung Hills Regional High School District Board of Education and the Watchung Hills Regional Education Association, the Commission dismisses the Board's charge alleging the Association violated the Act when it refused to negotiate for a successor to the parties' collective negotiations agreement without the presence at each session of its "Bargaining Council" (comprised of, and open to, all Association members), and refused the Board's request for a ground rule to permit only small groups designated by each party to attend. While not endorsing or discouraging such "open" collective negotiations, as defined and practiced by the Association, the Commission finds it is not inherently an unfair practice when carried out in accordance with good faith and within the boundaries of the Act. On the Association's charge, the Commission finds the Board violated the Act when it refused to meet and negotiate with the Association in the presence of Bargaining Council members. The Commission cautions the parties to exercise discretion and good faith in implementing large team meetings, ensuring it does not compromise the effectiveness of the process, and does not otherwise obstruct the process or infringe upon the parties' rights under the Act.

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. 2024-13

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CARTERET,

Petitioner.

-and-

Docket No. SN-2024-009

FIREFIGHTERS MUTUAL BENEVOLENT
ASSOCIATION, LOCAL 67

Respondent.

SYNOPSIS

The Commission grants the Borough of Carteret's petition for a restraint of binding arbitration of a grievance filed by FMBA, Local 67 that alleged the Borough violated the parties' collective negotiation agreement when it cancelled a promotional exam conducted by the Civil Service Commission (CSC). The Commission based its decision on well-established precedent holding that: (1) a public employer can determine whether or not to fill a vacant position; (2) the subject of whether to request a promotional list and/or initiate a promotional examination is preempted by CSC statutes; and (3) the Borough's decision not to request a promotional examination from the CSC was not mandatorily negotiable, and requiring it to do so would significantly interfere with its governmental policymaking powers in deciding whether to initiate a promotional process.

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P.E.R.C. NO. 2024-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST MILFORD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2023-042

WEST MILFORD BUS DRIVERS' ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, the Board's request for restraint of binding arbitration of the Association's grievance, alleging that the Board violated the parties' collective negotiations agreement and past practice by requiring bus drivers to fuel their buses. The Commission finds the Board has a managerial prerogative to assign bus drivers fueling duties, as those duties are incidental and comprehended within the bus drivers' normal duties. The Commission, however, further finds the grievance legally arbitrable to the extent it asserts a contractual violation regarding safety training, gloves and additional compensation for the fueling duties.

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P.E.R.C. NO. 2024-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2024-004

PBA LOCAL 165,

Respondent or Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies, in part, and grants, in part the Sheriff's request for binding arbitration of the PBA's grievance, alleging that the Sheriff violated the parties' collective negotiations agreement when a written reprimand was issued to the grievant without conducting an internal affairs investigation, and by failing to conduct an investigation into the grievant's complaint of misconduct, harassment, and discrimination. The Commission finds the Sheriff issued a written reprimand to the grievant because the Sheriff's memo to the grievant contained language that was more critical than evaluative, and thus, the issuance of the written reprimand is legally arbitrable. The Commission, however, further finds that the portion of the grievance relating to the alleged failure to investigate the grievant's discrimination claim relates to the Sheriff's managerial prerogative to make assignments, and therefor, is not legally arbitrable. The Commission concludes that arbitration is not restrained to the extent the PBA's grievance is challenging the issuance of the written reprimand, but arbitration is restrained to the extent the grievance raises discrimination claims relating to the grievant's asserted gender-based assignment.

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P.E.R.C. NO. 2024-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

POLICEMEN'S BENEVOLENT ASSOCIATION,
LOCAL 334,

Respondent,

-and-

Docket No. CI-2022-015

JUAN MENDOZA

Charging Party

SYNOPSIS

The Public Employment Relations Commission grants the Charging Party's request for special permission to appeal from the decision of the Director of Unfair Practices partially refusing to issue a Complaint on his unfair practice charge against his majority representative, PBA Local 334, on his claim that its suspension of him from the union violated N.J.S.A. 34:13A-5.4b(1) of the New Jersey Employer-Employee Relations Act. The Commission finds that the Charging Party's amended unfair practice charge provided sufficient allegations of retaliation for his protected activity including a previous unfair practice charge filed against Local 334 which, if true, may constitute an unfair practice and warrant the issuance of a Complaint.

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P.E.R.C. NO. 2024-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2024-003

JERSEY CITY PSOA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the City of Jersey City's request for a restraint of binding arbitration of a grievance filed by the Jersey City PSOA. The grievance contests the City's failure to promote a negotiations unit member in accordance with CNA to a Deputy Chief position where the City allowed the number 13 ranked individual on the promotional eligibility list to remain in the position in a provisional capacity for five weeks. The Commission finds that the decision to promote or fill a vacancy is managerial prerogative and therefore restrains arbitration on this issue. However, the Commission declines to restrain arbitration over the PSOA's severable compensation claims for breach of the contract's promotional procedures.

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