

P.E.R.C. NO. 2024-18

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

NJ TRANSIT BUS OPERATIONS, INC.

Petitioner,

-and-

Docket No. CU-2022-015

NATIONAL ASSOCIATION OF TRANSPORTATION  
SUPERVISORS, LOCAL 354,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies NATS' request for review of the Director of Representation's decision granting NJTBO's clarification of unit petition to exclude Foremen I and Foremen II from the NATS units. The Commission finds that Foremen I and II are precluded from collectively organizing under the New Jersey Public Transportation Act because they are supervisors within the meaning of 29 U.S.C. §152(11) of the NLRA and LMRA. Specifically, the Commission finds that the record demonstrates that Foremen I and II exercise independent judgment in responsibly directing the work of maintenance employees and in effectively recommending discipline. The Commission therefore finds NATS failed to demonstrate any compelling factual, legal, or policy reason warranting review of the Director's determination.

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. 2024-19

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE;  
SOMERSET COUNTY PROSECUTOR'S OFFICE,

Petitioners,

-and-

PBA LOCAL 177A;  
PBA LOCAL 307,

Docket Nos. SN-2023-043  
SN-2024-044  
(Consolidated)

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Respondents.

SYNOPSIS

The Commission consolidates and administratively dismisses scope of negotiations petitions filed by the Somerset County Sheriff's Office and Prosecutor's Office (collectively, County) seeking a restraint of binding arbitration of grievances respectively filed by PBA Locals 177A and 307 which alleged the County violated its collective negotiations agreements (CNAs) with the Locals by requiring certain retired unit members to contribute toward the cost of their health insurance premiums in retirement, pursuant to P.L. 2011, c.78 (Chapter 78). The Commission finds nothing in the County's filing, which states that it "amends" scope petitions the Commission previously denied in P.E.R.C. No. 2023-4, that would have altered the Commission's prior conclusion that both grievances presented a contractual dispute about the level of retiree health benefits coverage, a mandatorily negotiable subject following expiration of the contract in which a unit reaches full implementation of the employee health benefit contributions required by Chapter 78. The Commission rejects the County's reliance on a decision subsequently issued by the Appellate Division, which the Commission finds did not alter the negotiability of employee health benefit contributions after full implementation of Chapter 78.

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P.E.R.C. NO. 2024-20

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CU-2022-007

JNESO DISTRICT COUNCIL 1  
IUOE, AFL-CIO,

Petitioner.

SYNOPSIS

The Commission denies the request of JNESO District Council 1 for review of the Director of Representation's dismissal of JNESO's clarification of unit petition seeking to include employees of the City of Newark who hold the title of Senior Practical Nurse (SPN) in JNESO's collective negotiations unit. The Commission finds JNESO raises no substantial questions of law or factual errors, and otherwise fails to establish grounds to review the Director's determinations that: (1) SPNs, as non-professional employees, cannot be included in JNESO's existing unit of professional employees unless a majority of the professionals vote to include the non-professionals; (2) the Workplace Democracy Enhancement Act did not eliminate the professional option requirement of our Act for proposed mixed units; and (3) in the event a majority of the professional employees in JNESO's unit vote to include the non-professional SPNs, JNESO may then file a representation petition seeking to add the SPNs to the unit to form a mixed unit.

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P.E.R.C. NO. 2024-21

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEST DEPTFORD,

Petitioner,

-and-

Docket No. SN-2024-005

AFSCME NEW JERSEY COUNCIL 63, LOCAL 3523,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township's request for restraint of binding arbitration of the Local 3523's grievance, alleging Township violated the parties' collective negotiations agreement (CNA) by not allowing a probationary employee to grieve his termination. The Commission finds that the Township's express reliance on contractual clauses regarding the grievant's probationary employee status and his rights under the CNA raises issues pertaining to substantive and procedural arbitrability that are beyond the purview of our negotiability determination.

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P.E.R.C. NO. 2024-22

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLETOWN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2024-006

TEAMSTERS LOCAL 11,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Middletown Board of Education's request for a restraint of binding arbitration of a grievance filed by Teamsters Local 11. The grievance alleges that the Board violated the CNA when it did not permit a unit of paraprofessionals the opportunity to participate in Take Your Child to Work Day. The Commission, in applying the Local 195 balancing test, determined that the Board's managerial interest in providing adequate supervision, assistance and care to special needs students outweighed the paraprofessionals' interest in participating in Take Your Child to Work Day, a day that can provide enrichment to the children of negotiations unit members.

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P.E.R.C. NO. 2024-23

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF LODI,

Petitioner,

-and-

Docket No. SN-2023-039

PBA LOCAL 26,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Lodi's request for a restraint of binding arbitration filed by PBA Local 26. The grievance contests whether the Borough violated the CNA by denying certain employees the opportunity to sell back sick leave for supplemental compensation. Specifically, the grievance contends that employees hired after the effective date of N.J.S.A. 11A:6-19.2 but before the expiration of the CNA in effect on that date are exempt from the statute's preemptive effect. The Commission, in reliance on Appellate Division precedent, finds that the statute does not preempt negotiations over supplemental compensation for accumulated unused sick leave prior to retirement for this narrow group of employees.

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P.E.R.C. NO. 2024-24

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2023-045

JERSEY CITY POLICE SUPERIOR  
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the PSOA's motion for reconsideration of the Commission's decision in P.E.R.C. No. 2024-9 granting the City's request for a restraint of binding arbitration of the PSOA's grievance. The grievance asserted that the City violated the parties' collective negotiations agreement (CNA) by failing to request a promotional examination from the Civil Service Commission (CSC) for the rank of lieutenant. On reconsideration, the PSOA asserts that a recent CSC decision finding that the City's rescinded lieutenant announcement should proceed despite the City stating that it would not be filling any lieutenant vacancies requires that the Commission change its decision. The Commission finds that the CSC decision does not conflict with the Commission's decision, as the CSC decision applied the relevant CSC statutes within its jurisdiction concerning promotional announcements and examinations, but explicitly did not consider the Commission's distinct scope of negotiations jurisdiction regarding the legal arbitrability of the parties' CNA provisions.

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