

P.E.R.C. NO. 2024-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

NEW JERSEY PINELANDS COMMISSION,

Respondent,

-and-

Docket No. CO-2024-029

COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the New Jersey Pinelands Commission's (NJPC) motion for reconsideration of a Commission Designee's decision granting the CWA's application for interim relief on its unfair practice charge alleging that the NJPC violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act) by unilaterally discontinuing merit pay increases to CWA unit employees during negotiations for a successor collective agreement. The Commission finds that the parties' CNA required merit salary increases for unit employees who achieved certain annual performance ratings and that the CNA contained no language explicitly discontinuing this term and condition of employment. Therefore, the Commission holds that, under both N.J.S.A. 34:13A-59(f) of the Responsible Collective Negotiations Act and Commission case law, the NJPC was required to maintain the status quo of paying the merit salary increases to qualified employees. The Commission finds that the NJPC's unilateral change to that term of employment caused irreparable harm to the collective negotiations process during successor contract negotiations.

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. 2024-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ASBURY PARK BOARD OF EDUCATION,

Petitioner,

-and-

Docket Nos. SN-2024-010
SN-2024-011
(Consolidated)

ASBURY PARK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Asbury Park Board of Education's requests for a restraint of binding arbitration filed by the Asbury Park Education Association. The grievances contend that the Board violated the CNA when it neglected to train teacher evaluators on a newly adopted evaluation method prior to conducting the evaluations. The Commission finds that this training requirement is a mandatorily negotiable procedural aspect to the evaluation process and therefore legally arbitrable.

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P.E.R.C. NO. 2024-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF NUTLEY,

Respondent,

-and-

Docket No. CO-2022-207

INTERNATIONAL ASSOCIATION OF EMTS
AND PARAMEDICS (IAEP), LOCAL R2-806,

Charging Party.

SYNOPSIS

The Commission denies the Township of Nutley's motion for summary judgment on IAEP, Local R2-806's unfair practice charge alleging the Township violated the Act by refusing to sign and execute a collective negotiations agreement (CNA) after Local R2-806 adopted and signed a tentative agreement reached by the parties' negotiating teams. The Commission finds summary dismissal would be premature as the motion record does not contain facts material to a determination of whether the Township violated the Act, including facts establishing: (1) whether the Township's Board of Commissioners actually met and exercised its right to ratify (or not ratify) the draft CNA; or (2) any explanation why it found the draft unacceptable and did not thereafter notify Local R2-806 and otherwise resume negotiations toward an agreement that the Township could accept.

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P.E.R.C. NO. 2024-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MENDHAM BOROUGH BOARD
OF EDUCATION,

Charging Party,

-and-

Docket No. CE-2022-001

MENDHAM BOROUGH EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms and adopts a Hearing Examiner's decision in H.E. No. 2024-2, 50 NJPER 109 (¶29 2023). The Mendham Board of Education filed an unfair practice charge alleging that the Mendham Borough Education Association violated subsections 5.4b(3) and (4) of the Act by refusing to sign the parties' successor collective negotiations agreement (CNA) and proposing, post-ratification, to revise the salary guide progression chart. The Commission agrees with the Hearing Examiner's decision, finding that the parties reached agreement that the salary guide progression chart included in the Board's 2021-2025 CNA was operationally and functionally the same as the salary guide progression chart in the 2016-2021 CNA. The Commission concludes that the the Association's continued refusal to sign the Board's proposed CNA, which accurately reflected the parties' MOA, constituted a 5.4a(b) violation.

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P.E.R.C. NO. 2024-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW BRUNSWICK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2023-006

NEW BRUNSWICK EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Board's exceptions and adopts a Hearing Examiner's decision on unfair practice charges alleging that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act) by discriminating against a unit employee and Association representative in retaliation for his interactions with the school principal during a building representative liaison meeting to discuss issues of concern to the Association. The Commission finds that because the Association representative was engaging in protected conduct during the liaison meeting, he and the principal were on equal footing. The Commission further finds that, despite some disrespectful comments, the Association representative's conduct was not so offensive or disruptive as to lose the protection of the Act. Therefore, the Commission holds that the Board's memorandum reprimanding the Association representative for his conduct at the liaison meeting was retaliation for his protected activity in violation of the Act.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ESSEX COUNTY,
DEPARTMENT OF CORRECTIONS,

Respondent,

-and-

Docket Nos. CO-2022-231,
CO-2023-102, CO-2023-135,
CO-2023-142, CO-2023-143,
CO-2023-145, CO-2023-148.

ESSEX COUNTY SUPERIOR OFFICERS,
FOP LODGE 106,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices' refusal to issue a complaint in D.U.P. No. 2024-10, 50 NJPER 215 (¶48 2023) on unfair practice charges (UPC) filed by the FOP. The UPCs allege that the County violated sections 5.4a(1), (5), and (7) of the Act when it required unit members to sign a "defense agreement" as a precondition to providing that member with legal representation in a federal civil matter. The Commission agrees with the Director's finding that the issues arising from the defense agreement are now moot following the County's elimination of the agreements and its repeated assertion, in writing, that it was willing to represent employees, even without signing the agreement. Further, the Commission finds that the County notified the FOP and the subject employees that the County would not pay legal fees if they retained FOP Counsel. The Commission concludes that the FOP has not met the complaint issuance standard because they commenced representation of the defendants, and filed the instant UPCs, before any adverse outcome had resulted from the County's alleged refusal to represent the defendants.

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