

P.E.R.C. NO. 2024-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2023-118

MIDDLESEX EDUCATION ASSOCIATION,

Charging party.

SYNOPSIS

The Public Employment Relations Commission denies the Association'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 refusing to negotiate additional compensation for speech therapists to prepare and submit billing for the Special Education Medicaid Initiative (SEMI) program. The Commission finds that the task of completing billing paperwork for the SEMI program is incidental to or comprehended within the job description and regular job duties of the speech therapist position. Therefore, the Commission finds the Board had a non-negotiable prerogative to unilaterally assign such duties without negotiating over additional compensation.

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. 2024-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ATLANTIC CITY,

Respondent,

-and-

Docket No. CO-2022-200

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 198,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies both IAFF Local 198 and the City of Atlantic City's cross motions for summary judgment on the Local's unfair practice charge, and remands this dispute for an evidentiary hearing. The charge alleges that the City violated the Act by failing to participate in impact negotiations after unilaterally requiring additional training of employees. The Commission finds that genuine issues of material fact exist to preclude summary disposition. Specifically, the parties dispute whether the imposition of the training program affected certain terms and conditions of employment, such as: hours of work, the scheduling of leave, or employee discipline, thereby triggering the duty to engage in impact negotiations.

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P.E.R.C. NO. 2024-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT BUS
OPERATIONS, INC.,

Public Employer,

-and-

Docket No. RO-2023-041

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
LOCAL 701,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission grants NJTBO's request for review of the Director or Representation's decision, D.R. No. 2024-5, 50 NJPER 339 (¶80 2024). The Director's decision certified a unit of operational training instructors finding that they were not statutory supervisors with the meaning of the Labor Relations Management Act, 29 U.S.C. 141, et seq., and are therefore not employees as defined by the New Jersey Public Transportation Act, N.J.S.A. 27:25-14 et seq., which precludes supervisors of NJ Transit from being included in any negotiations unit. The Commission remands the matter for an evidentiary hearing because a substantial question of law remains unresolved due to disputed material facts regarding the extent to which the instructors utilize independent judgment in their evaluations of new operator performance to effectively qualify or disqualify them from being NJTBO operators.

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P.E.R.C. NO. 2024-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BLOOMFIELD,

Respondent,

-and-

OAL Dkt. No. PRC 02350-23

PERC Dkt. No. CO-2022-214

INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 68,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands an unfair practice case to the Administrative Law Judge (ALJ) in a consolidated matter with the Civil Service Commission. The Commission instructs the ALJ to determine whether Local 68's unfair practice charge was timely filed and, if so, whether the Township's enforcement of its no recording policy against an employee which resulted in her termination violated the Act.

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P.E.R.C. NO. 2024-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET HILLS BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2024-021

SOMERSET HILLS EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the Somerset Hills Board of Education's request to restrain binding arbitration of a grievance filed by the Somerset Hills Education Association. The grievance asserts that the Board violated the collective negotiations agreement (CNA) when it refused to provide the name of the person who made a complaint and the nature of the complaint after a teaching staff member was the subject of investigations by both the Division of Child Protection and Permanency (DCP&P) and the Board. The Commission finds that while the CNA provision at issue is a negotiable disciplinary procedure, N.J.S.A. 9:6-8.10(a) and N.J.A.C. 6A:16-11.1(a)(5)(iv)(1)(A) preempts disclosure to the extent the DCP&P investigation overlaps with the Board's investigation. However, to the extent the Board's investigation was not connected to the DCP&P investigation, disclosure is not preempted.

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