

P.E.R.C. NO. 2024-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2024-029

JERSEY CITY PSOA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City of Jersey City's request for a restraint of binding arbitration of a grievance filed by the Jersey City PSOA. The grievance alleges that the City violated the parties' collective negotiations agreement and the terms of a 2003 Settlement Agreement, resolving several FLSA lawsuits, when it allegedly began denying "short notice" assignments and the required additional compensation for such assignments. The Commission finds that PSOA's grievance is not challenging the City's managerial prerogative to make the short notice assignments, but rather, the compensation allegedly owed for such assignments, which is mandatorily negotiable and legally arbitrable.

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. 2024-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EDISON,

Petitioner,

-and-

Docket No. SN-2024-028

IAFF LOCAL 2883,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township's request for a restraint of binding arbitration of Local 2883's grievance contesting the Township's use of a non-unit firefighter instead of a Local 2883 fire officer on overtime to fill a fire officer staffing vacancy. The Commission finds that, while the Township has a managerial prerogative to determine staffing levels on each shift, overtime procedures for filling in for absent staff are mandatorily negotiable. Therefore, the Commission holds that Local 2883's grievance challenging the diminished allocation of overtime opportunities to fire officers caused by the Township's decision to maintain firefighters in acting officer positions instead of using them to replace absent firefighters and calling in sworn fire officers on overtime is mandatorily negotiable and legally arbitrable.

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P.E.R.C. NO. 2024-55

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Petitioner,

-and-

Docket No. SN-2024-030

JNESO DISTRICT COUNCIL 1, IUOE,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the County's request for a restraint of binding arbitration of JNESO's grievance contesting the County's failure to provisionally appoint the applicant with the most seniority to the Assistant Director of Nursing position. The Commission finds that the County retains the non-arbitrable right to determine, based on a comparison of applicant qualifications to the promotional criteria, that a less senior employee is the most qualified employee despite a seniority preference clause or practice. Accordingly, as the County certified to the specific qualifications of the selected employee that it determined were superior to the other applicants, the Commission restrains arbitration.

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P.E.R.C. NO. 2024-56

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(OFFICE OF EMPLOYEE RELATIONS),

Respondent,

-and-

Docket No. CO-2023-119

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,

Charging Party.

SYNOPSIS

The Commission grants, in part, and denies, in part, each party's motion for summary judgment on unfair practice charges filed by the Communications Workers of America, AFL-CIO (CWA) against the State of New Jersey, Office of Employee Relations (State). The Commission grants the State's motion as to certain paragraphs of the charge, and dismisses those allegations as untimely. The Commission grants CWA's motion on its timely charges, finding the State violated the Act through its unexplained delays in assigning to CWA negotiations units newly hired State employees as to whom the State does not dispute are performing CWA negotiations unit work and are not otherwise exempt under the Act. The Commission dismisses, without prejudice, CWA's charge that the State violated the Act by avoiding its obligations under the parties' negotiated agreements.

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P.E.R.C. NO. 2024-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2021-138

LOCAL 617, WORKERS UNITED, SEIU,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's Report and Recommended Decision dismissing a Complaint alleging that the City of Newark retaliated against a member by terminating his employment for engaging in protected conduct under the Act, including advocating for better working conditions and speaking at a union rally. The Commission finds that the Hearing Examiner's findings of fact and conclusions of law are reasonably supported by the record, specifically the finding that while the terminated employee had engaged in protected conduct, the record showed that the adverse employment action suffered by the member was caused by his own violations of the attendance policy and that the decision to end his employment occurred before he engaged in protected conduct.

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P.E.R.C. NO. 2024-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC CITY BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2023-086

ATLANTIC CITY EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Atlantic City Board of Education's motion for summary judgment on an unfair practice charge filed by the Atlantic City Education Association. The charge alleges that the Board violated the Act when: (1) it refused to provide information regarding the hiring of a non-unit employee as the high school basketball coach; (2) did not reappoint a unit employee to his assistant basketball coach position as a result of a negative performance evaluation crafted in retaliation for filing this charge; and (3) unilaterally implemented a new evaluation scheme that permitted the non-unit Head Coach to complete the Assistant Coach's evaluation instead of the Athletic Director. The Commission finds there are numerous disputed material facts that require an evidentiary hearing, including disputed facts concerning the Board's alleged retaliatory motive for negatively evaluating the Assistant Coach and his subsequent non-reappointment versus the Board's claimed legitimate, non-retaliatory reasons.

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