

P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

AFSCME LOCAL 3527,

Respondent,

-and-

Docket No. SN-2024-036

SAYREVILLE BOROUGH,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Borough's scope of negotiations petition seeking a determination that three provisions of its expired collective negotiations agreement with the Local are statutorily preempted, and therefore, cannot be retained in a successor agreement. The provisions concerned sick and vacation and leave, which the Commission finds are not statutorily preempted by N.J.S.A. 11A:6-19.2 and 11A:6-3(e).

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. 2025-

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,

-and-

NEW JERSEY STATE POLICEMEN'S BENEVOLENT ASSOCIATION  
Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies the PBA's motion for summary judgment on Mendoza's unfair practice charge. The charge alleges that the PBA violated N.J.S.A. 34:13A-5.4b(1) of the New Jersey Employer-Employee Relations Act by suspending Mendoza from the PBA and not assisting him with a grievance in retaliation for his protected activity of filing an unfair practice charge against the PBA. The Commission finds that the matter is not moot because Mendoza remains permanently banned from PBA leadership positions. The Commission also finds that there are material factual disputes concerning the PBA's internal hearing process as applied to Mendoza and the PBA's determination not to assist with Mendoza's grievance. The matter is therefore returned to the Hearing Examiner for an evidentiary hearing.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FAIRFIELD BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2024-040

FAIRFIELD EDUCATION ASSOCIATION,

Charging Party

SYNOPSIS

The Public Employment Relations Commission reverses a decision of the Director of Unfair Practices, D.U.P. No. 2024-17, 51 NJPER 54 (¶14 2024), which dismissed the Association's charge alleging that a principal engaged in direct dealing when he asked teachers to agree to a work schedule change without first negotiating with the Association and then sent a threatening email to members demanding a commitment to the change. The Commission finds that the dismissal of the charge, in the absence of a more fully-developed record, is premature and remands this matter for the issuance of a complaint.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN CITY SCHOOL DISTRICT,

Respondent,

-and-

Docket No. TI-2024-003

K.L.,

PETITIONER.

SYNOPSIS

The Public Employment Relations Commission grants a teacher's contested transfer petition filed against the Camden City School District. The Commission finds that the District violated N.J.S.A. 34:13A-25 when it transferred the Petitioner between worksites for predominantly disciplinary reasons. The teacher was returned to work after spending a lengthy period on administrative leave pending the outcome of a disciplinary investigation. The Petitioner was then simultaneously disciplined and transferred to another worksite. The Commission orders the return of the Petitioner to her original work location. The Petitioner also seeks monetary damages, but the Commission declines to award make-whole relief or compensatory damages.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PBA LOCAL 26,

Respondent,

-and-

Docket No. SN-2024-035

BOROUGH OF LODI,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Borough's request for a restraint of binding arbitration of Local 26's grievance contesting the calculation of minimum annual paid sick leave days/hours for unit employees who work 12-hour days. The Commission finds that the relevant Civil Service statutes and regulations N.J.S.A. 11A:6-5 and N.J.A.C. 4A:6-1.3 require a minimum of 15 sick days annually but do not specifically define "working days" for purposes of converting 12-hour work days into sick leave. Therefore, the Commission holds that the issue of whether the unit employees are entitled to more annual sick leave hours based on 12-hour work days rather than 8-hour work days is not specifically preempted and is legally arbitrable.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK PUBLIC SCHOOLS  
BOARD OF EDUCATION,

RESPONDENT

-and-

Docket No. CO-2022-185

LOCAL 617, WORKERS UNITED, SEIU,

CHARGING PARTY.

SYNOPSIS

The Public Employment Relations Commission denies the Newark Public Schools Board of Education's (Board) request for special permission to appeal a Hearing Examiner's decision granting, in part, and denying, in part, its motion for summary judgment. That motion sought dismissal of Local 617, Workers' United's unfair practice charge, which alleged that it violated the Act when it disciplined and subsequently discharged an employee for allegedly engaging in protected conduct. The Commission finds that the Board's disagreement with the Hearing Examiner does not constitute an exceptional circumstance warranting Commission review at this stage and directs that the matter proceed in the normal course.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

City of Newark,

RESPONDENT,

-and-

Docket No. CO-2024-069

Newark Police  
Superior Officers' Association

CHARGING PARTY.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part cross motions for summary judgment filed by the Newark Police Superior Officers Association (SOA) and the City of Newark on the SOA's unfair practice charge alleging that the City violated the Act when it unilaterally rescinded a memorandum that prohibited discipline against officers for absences due to COVID-19. The Commission finds that the decision to rescind the memorandum was an exercise of a managerial prerogative to determine the basis for discipline. However, the Commission also finds that to the extent the rescission of the memorandum had an impact on disciplinary sanctions and procedures, those issues are mandatorily negotiable.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CHESTER TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2025-001

CHESTER TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Board's request for a restraint of binding arbitration of the Association's grievance. The grievance asserts that the Board violated the parties' collective negotiation's agreement when it denied tuition reimbursement for the grievant's Master's degree course. The Commission finds the grievance is preempted by N.J.S.A. 18A:6-8.5 and not legally arbitrable.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Respondent,

-and-

Docket Nos. CO-2021-038

CO-2021-062

CO-2021-101

(CONSOLIDATED)

PATERSON POLICE PBA LOCAL 1 AND  
PATERSON POLICE PBA LOCAL 1 SUPERIOR  
OFFICERS ASSOCIATION,

Charging Parties.

SYNOPSIS

The Commission grants motions for summary judgment filed by the charging parties, Paterson Police PBA Local 1 (PBA), and PBA Local 1, Superior Officers Association (SOA), on their unfair practice charges alleging the respondent, City of Paterson, violated the Act in connection with statements made and actions taken in 2020 by the City's then Chief of Police while the parties were engaged in negotiations for successor collective negotiation agreements (CNAs). The Commission finds the undisputed record supports that the Chief's unilateral directives in August to the presidents of the PBA and SOA (CO-2021-038), and to the police staff of the Chief's office (CO-2021-038), altered an established practice affecting the mandatorily negotiable subjects of employee work schedules, release time for representational purposes, and contractual leave time. The Commission further concludes the undisputed record establishes that after a joint collective negotiations session in October, the Chief made statements to rank and file officers (CO-2021-101) that crossed over into direct dealing by the Chief's portrayal that he was the only responsible party for increased overtime opportunities and potentially favorable disciplinary determinations. The Commission finds the Chief's depiction could undermine the PBA's representation efforts and have a potential chilling effect on rank-and-file officers during contract negotiations.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLETOWN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2024-037

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
LOCAL 11

Respondent.

SYNOPSIS

The Commission grants the Middletown Township Board of Education's scope of negotiations petition to restrain binding arbitration of a grievance filed by the International Brotherhood of Teamsters, Local 11, alleging the Board violated the parties' collective negotiations agreement (CNA) when it denied the grievant a promotion to the position of Chief Groundskeeper. In restraining arbitration, the Commission finds: (1) the grievance seeks to enforce the CNA's non-discrimination clause for a personnel action that directly involves the Board's non-negotiable managerial right to fill vacancies and make promotions to meet the governmental policy goal of matching the best qualified employees to particular jobs; and (2) to the extent that Local 11 seeks to pursue a discrimination claim, it must do so in another forum.

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P.E.R.C. NO. 2025-

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SADDLE RIVER BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2022-100

SADDLE RIVER EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission reverses a Hearing Examiner's decision, H.E. No. 2024-13, 51 NJPER 49 (¶13 2024), which granted the Board's motion for summary judgment on an unfair practice charge filed by the Association alleging that eight teachers were reassigned to new teaching positions in retaliation for the teachers' protected activity. After supplementing several of the decision's findings of fact, the Commission finds that the Association's workplace complaints, voiced through the filing of numerous grievances, two votes of no confidence, and the reassigned teachers' participation in a workplace investigation constituted protected activity. The Commission further finds an evidentiary hearing is necessary with regard to the Board's assertion that the reassignments were based on legitimate operational reasons and not hostility towards protected activity.

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