

P.E.R.C. NO. 2025-13

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 Public Employment Relations Commission denies the Communications Workers of America's (CWA) motion for reconsideration and clarification of P.E.R.C. No. 2024-56. CWA requested reconsideration over the Commission's earlier decision finding a violation of the Act when the State "unreasonably delayed" placing workers into the correct negotiations unit. The Commission finds that no exceptional circumstance existed to modify its earlier final decision which allowed only for "justifiable delays." CWA also requested clarification as to why its 5.4a(5) claim, asserting that the State was avoiding its obligations under the CNA, was dismissed without prejudice. The Commission finds that its earlier decision was clear, but added that purposes of that Act would not be effectuated by processing the charge where it had already received relief following collective 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. 2025-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Public Employer,

-and-

Docket No. CU-2020-005
and CO-2021-132

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS, BIOMEDICAL AND HEALTH
SCIENCES OF NEW JERSEY,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Association's request for special permission to appeal the Director of Unfair Practices not issuing a decision on a clarification of unit petition and not issuing a complaint on an unfair practice charge. The Commission finds that the Association's request does not comply with the rule regarding special permission to appeal, N.J.A.C. 19:14-4.6(b), because the Director's alleged failure to issue a decision does not constitute a written ruling or statement of oral ruling subject to a special permission to appeal. The Commission further finds that the Director's decision to reopen the record in the clarification of unit petition, after having previously closed it, falls within the Director's discretion. Lastly, the Commission finds there has not been an unwarranted delay in the issuance of a decision on the clarification of unit petition as the representational status for the majority of disputed employees has been resolved.

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P.E.R.C. NO. 2025-15

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CEDAR GROVE TOWNSHIP BOARD OF EDUCATION

Respondent,

-and-

Docket No. CO-2023-055

CEDAR GROVE EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

On a jointly stipulated record, the Public Employment Relations Commission summarily decides an unfair practice charge filed against the Cedar Grove Township Board of Education by the Cedar Grove Education Association. The charge alleges the Board violated the Act by unilaterally designating employees' qualifying leaves of absence as "FMLA leave" under the Family Medical Leave Act, even if employees want to delay that designation pursuant to a contractual provision, and despite an undisputed practice of allowing FMLA leave to be taken after other types of paid leave. The Commission finds: (1) FMLA regulations relied upon by the Board do not "expressly, specifically and comprehensively" remove an employer's discretion to agree to have paid leave and FMLA leave run consecutively instead of concurrently as the parties have previously agreed to here; (2) by so agreeing, employees are deferring or postponing their right to FMLA leave, which does not equate to an impermissible "waiver" of FMLA rights under FMLA regulations; (3) Department of Labor Opinion Letters, issued in 2019, that the Board relies on lack the force of law and have not been adopted or endorsed by any federal or New Jersey court opinion; and (4) the Board violated the Act when, as stipulated, it unilaterally implemented its position that employees were required to use sick leave and FMLA concurrently, without negotiating with the Association.

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