

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Respondent,

-and-

Docket No. CO-2023-050

PBA LOCAL 11A, SOA,

Charging Party.

SYNOPSIS

On a jointly stipulated record, the Commission finds the Respondent, City of Trenton, violated section 5.4a(1) of the New Jersey Public Employer-Employee Relations Act in connection with an email sent by the City's former Business Administrator (BA) to the President of the Charging Party, PBA Local 11A, Superior Officers Association (SOA). The BA's email stated that a prior email sent by SOA's President from a non-work email account to the Mayor of Trenton, urging an organizational restructuring of the Internal Affairs division of the Trenton Police Department, was "above the chain of command" and was "unacceptable." The Commission finds the SOA President's email was protected activity within the meaning of the Act, as it directly concerned workplace issues involving the SOA, it contained only the SOA's recommendation about reorganization, and it did not seek negotiations or demand that the proposal be implemented. The Commission further finds that given its disciplinary tone, the BA's response tended to interfere with and could have a chilling effect upon the exercise of protected rights, and the City's exclusive and contractually reserved right to manage its operations was not a legitimate and substantial business justification for that response. The Commission finds the City's interest in maintaining the chain of command, to the extent the SOA President's email violated it, does not outweigh the SOA's rights under the Act.

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.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

James MacCarthy,

Charging Party,

-and-

Docket No. CI-2023-027

Eastampton Township Education Association,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the Eastampton Education Association's and James MacCarthy's cross motions for summary judgment on MacCarthy's unfair practice charge alleging the Association breached its duty of fair representation. Specifically, the charge alleges that the Association violated the Act when it (1) did not provide a union representative during a disciplinary investigation to MacCarthy, (2) allegedly filed a sexual harassment complaint against MacCarthy, and (3) prohibited MacCarthy from seeking union elected office because he filed the instant unfair practice charge. The Commission grants the Association's motion and dismisses the charge on the first two allegations, because the Association did not act arbitrarily, discriminatorily or in bad faith when viewing the allegations in the light most favorable to MacCarthy. The Commission grants MacCarthy's motion as to the third allegation, because it is arbitrary for a union to take an adverse action against a member for filing an unfair practice charge with the Commission.

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P.E.R.C. NO. 2025-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2025-005

HUDSON COUNTY SUPERIOR OFFICERS
ASSOCIATION, PBA LOCAL 109A

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the County for a restraint of binding arbitration of the PBA's grievance. The grievance alleges that the County violated the seniority bidding provisions of the parties' 2023 Memorandum of Agreement (MOA) when it transferred the Grievant from a bidded post to a different post. The Commission finds that the grievance predominantly involves the County's managerial prerogative to make transfers based on its assessment of the Grievant's qualifications and the County's significant governmental policy of preventing inmates from being erroneously discharged.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION TOWNSHIP BOARD OF EDUCATION,

PETITIONER OR RESPONDENT,

-and-

Docket No. CO-2023-157

UNION TOWNSHIP EDUCATION ASSOCIATION,

CHARGING PARTY.

SYNOPSIS

The Public Employment Relations Commission grants the Association's motion for summary judgment in its unfair practice charge and refers the matter for a hearing to determine the extent and remedy for damages. The unfair practice charge alleges that the Board violated section 5.4(a)(5) of the Act, when it unilaterally implemented changes in the amounts of Association members' paychecks, from one paycheck with all tax deductions each payroll period, to two paychecks each payroll period, with the second paychecks not having any deductions for federal income taxes. The Commission finds that the Board's unilateral change to the payroll scheme, resulting in federal income taxes not being withheld from stipend compensation, was mandatorily negotiable, and thus, the Board's decision to eliminate this income tax deduction benefit without negotiations and without notice to the affected Association members constituted an unfair labor practice.

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