

P.E.R.C. NO. 2025-24

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 Commission denies the Saddle River Board of Education's motion for reconsideration of a Commission decision, P.E.R.C. No. 2025-12. In that decision the Commission remanded the Saddle River Education Association's unfair practice charge against the Board for a hearing, reversing a Hearing Examiner's summary judgment decision on the Board's motion, H.E. 2024-013. The charge alleged the Board reassigned eight teachers to new teaching positions in retaliation for the teachers' protected activity. The Commission found the Association's workplace complaints concerning the Board's Superintendent (including grievances, votes of no confidence, and the reassigned teachers' participation in a workplace investigation of complaints against the Superintendent) constituted protected activity within the meaning of the Act; and that an evidentiary hearing was necessary to assess the credibility of the Board's defense that the reassignments were based on legitimate operational reasons. The Commission finds the Board, by reiterating arguments previously raised and addressed, does not demonstrate extraordinary circumstances and exceptional importance warranting reconsideration of P.E.R.C. No. 2025-12. The Commission further expressly finds that a claim of retaliation against employees for participating in a workplace investigation (of alleged violations of state or federal laws that protect employees' rights in the workplace) is an unfair practice claim subject to PERC's exclusive unfair practice jurisdiction.

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. 2025-25

STATE OF NEW JERSEY

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

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| Docket Nos. | CU-2012-017 |
| | CU-2016-029 |
| | CU-2016-031 |
| | CU-2019-018 |
| | CU-2019-024 |
| | CU-2020-003 |

COUNCIL OF NEW JERSEY STATE

COLLEGE LOCALS, AFT,

Petitioner,

-and-

COMMUNICATIONS WORKERS OF AMERICA,

AFL-CIO,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission grants the State's request for review of a Director of Representation decision on consolidated clarification of unit petitions filed by the CWA and AFT. As these petitions concern over 1,000 employees of state colleges and universities and whether they should be included in one of the CWA or AFT's N.J.S.A. 34:13A-5.10 statutorily-defined statewide units, the Director made a first-round decision on 29 of the petitioned-for employees to show the parties the legal standards that will be applied for the remaining employees. The Commission grants the request for review because it raises a substantial question of law concerning application of the Act's managerial executive, supervisory, and confidential employee exemptions. The Commission finds that the Director properly applied the standards for managerial executive and supervisory status to the petitioned-for employees. As for confidential employee status, the Commission reverses one of the

Director's determinations, finding that a certain Kean University employee is "confidential" under the Act due to her functional responsibilities related to the collective negotiations process. Finally, the Commission adopts the Director's determinations on the appropriate unit placement of certain employees that both the CWA and AFT sought to include in their units.

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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 modifies the Initial Decision on remand of an Administrative Law Judge (ALJ) that partially dismissed Local 68's unfair practice charge and reduced the Township's disciplinary sanction against an employee for violating its "no-recording" policy from termination to a 45-day suspension. The Commission determines that the Township's policy does not violate the Act because it serves a legitimate business interest in protecting employees' ability to communicate freely with each other, as well as preventing sensitive third party information from being distributed. However, the Commission determines that, under these circumstances, the Township's application of its policy to discipline an employee after she and Local 68 used her workplace recordings as evidence in her departmental disciplinary hearing interfered with her exercise of her protected rights in violation of subsection 5.4a(1) of the Act. The Commission therefore modifies the ALJ's remedy and rescinds the reduced 45-day suspension.

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P.E.R.C. NO. 2025-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DANIEL BURKE,

Charging Party,

-and-

OAL Dkt. No. PRC 01885-24
Docket No. CI-2020-023

JACKSON TOWNSHIP,

Respondent.

SYNOPSIS

The Public Employment Relations Commission adopts an Administrative Law Judge's (ALJ) Initial Decision finding that Jackson Township retaliated against Daniel Burke for engaging in protected activity when it laid him off from his position as Municipal Engineer. The ALJ determined that Burke was instrumental in forming the Jackson Township Municipal Supervisors' Association, and that his protected activity included writing letters to management, processing the paperwork for gaining certification of the union, filing and processing grievances, and serving as lead negotiator during negotiations for the first contract. The ALJ found that the record evidence supported that the Township knew of his protected activity and was hostile towards that activity. The ALJ further concluded that the Township's business justification for the layoff was not supported by a preponderance of the evidence. The Commission modifies the ALJ's initial decision to include a remedy of the Township offering reinstatement to Burke, making him whole for financial loss suffered, along with a notice to employees and a cease and desist order.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ENGLEWOOD,

Respondent,

-and-

Docket No. CO-2025-081

UNITED BROTHERHOOD OF PUBLIC WORKERS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the United Brotherhood of Public Workers (UBPW)'s motion for reconsideration of the Director of Unfair Practice's dismissal of the UBPW's interim relief application. The Commission finds that the Director's dismissal was well supported, and that there are no extraordinary circumstances warranting reconsideration nor is this a case of exceptional importance.

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