

P.E.R.C. NO. 2026-6

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

Dunellen Board of Education

Respondent,

-and-

Docket No. CO-2025-143

Dunellen Education Association

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the Director of Unfair Practice's refusal to issue a complaint on an unfair practice charge filed by the Dunellen Education Association against the Dunellen Board of Education. The charge alleges that the Board unilaterally changed the terms of conditions of employment of teachers by assigning additional non-teaching duties that were unrelated to student safety, control and supervision. The Commission finds that because a CNA provision allows the Board to assign non-teaching duties, this matter is a good faith contractual dispute that should be adjudicated via the parties' grievance procedure.

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

New Jersey Transit
Bus Operations, Inc.

Respondent,

-and-

Docket No. CO-2021-091

Amalgamated Transit Union,
New Jersey State Council,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that NJBTO violated sections 5.4a(1) and (5) of the Act when it unilaterally began removing employees' workers' compensation benefits on a holiday, paying them holiday pay instead, and then reinstating workers' compensation benefits on the day after the holiday. By doing so, NJTBO repudiated the CNA's Holiday Pay provision, which was interpreted by an arbitration award as requiring employees receiving workers' compensation benefits to be paid a full 8 hours of holiday pay in addition to their benefits. The Commission further finds that the workers' compensation statutes, N.J.S.A. 34:15-49 and 34:15-12(a), do not preempt the matter. Lastly, the Commission concludes that that paying employees eight hours of holiday pay in addition to workers' compensation benefits would not create an impermissible "windfall" for a work-related injury.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LAKEWOOD TOWNSHIP
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2025-168

LAKEWOOD TOWNSHIP
EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Commission denies the parties' cross-motions for summary judgment on the Lakewood Township Education Association's unfair practice charge alleging the Board of Education violated the Act when it excluded the Association President, Executive Board, and faculty of the Lakewood Middle School from serving as Weingarten representatives during investigatory interviews resulting from a hostile work environment claim filed by the Middle School principal. The Board asserted that the excluded members were implicated in the principal's claim and thus had a conflict of interest such that their presence during interviews would undermine the investigation. The Commission finds that while the Board has a legitimate interest in protecting the integrity of its investigation, the record is unclear as to whether the Board's blanket exclusion was necessary to protect that interest. The Commission orders an evidentiary hearing to develop material facts regarding whether or to what extent the Board's exclusions were justified.

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P.E.R.C. NO. 2026-9

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY,
ADMINISTRATIVE OFFICE OF THE COURTS,

-and-

Docket No. CI-2024-037

COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 1036,

Respondents,

-and-

DESIRE ROBINSON,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the refusal of the Director of Unfair Practices to issue a complaint on an unfair practice charge filed by Robinson against the Judiciary and CWA. The charge alleges that the CWA violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq., by arbitrarily missing the deadline to file for advisory arbitration of Robinson's disciplinary termination and that the Judiciary repudiated the CNA's just cause provisions by refusing to allow her disciplinary appeal. The Commission finds that, despite the untimely filing, the CWA represented her in good faith during her internal disciplinary hearing, attempted to appeal to advisory arbitration, and sought to remedy its filing mistake. The Commission further finds that even if the CWA had timely appealed and an arbitrator recommended reinstatement, the Judiciary would not have to accept the advisory arbitration decision.

Finally, the Commission finds that the Judiciary's denial of the CWA's appeal to advisory arbitration did not repudiate the contract or violate Robinson's rights under the Act because it was based on a procedural defect pursuant to the CNA.

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