

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2025-014

HEALTH PROFESSIONALS AND
ALLIED EMPLOYEES, AFT, AFL/CIO, LOCAL 5094,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies Rutgers' request for a restraint of binding arbitration of HPAE's grievance contesting the termination of a pharmacist for being unable to perform her job duties after Rutgers ordered a return from remote to on-site work. The Commission finds that, pursuant to N.J.S.A. 34:13A-5.3, disciplinary review procedures are subject to collective negotiations and may include binding arbitration. Therefore, as the grievance challenges the disciplinary termination, and not the reassignment to on-site work, the Commission holds that it is subject to the parties' negotiated grievance procedures, which include binding arbitration with a "just cause" standard for review of terminations. The Commission further finds that, in the event a violation is found, Rutgers retains the managerial prerogative to determine whether to offer any remote work or other placements compatible with the grievant's disability.

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

ELIZABETH BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2025-070

ELIZABETH EDUCATION ASSOCIATION,

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 the Association. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act) by depriving Association bus drivers of overtime opportunities when the Board subcontracted with a private company to fill 6:00 to 7:00 a.m. bus routes that were not part of the Association bus drivers' negotiated schedule. The Commission finds that because the Association bus drivers did not work the disputed routes on an overtime basis during the preceding year, and had negotiated a schedule that did not include the 6:00 to 7:00 a.m. routes, the Board's subcontracting of those routes did not "affect" the employment of Association bus drivers pursuant to N.J.S.A. 34:13A-46 of the Act's subcontracting amendments.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ATLANTIC,

Respondent,

-and-

Docket No. CI-2025-040

AFSCME N.J. Council 63,

Respondent,

-and-

JEREMIAH MCKINNIS,

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 McKinnis against the County and AFSCME. The charge alleges that the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq., by terminating him in retaliation for his protected union activity and violating his due process rights during his pre-disciplinary hearing and departmental disciplinary hearing. The charge alleges that AFSCME violated the Act by not adequately representing him during his disciplinary hearings and declining to appeal his termination following his disciplinary hearing. The Commission finds that the Director properly dismissed the charge as untimely because it was filed beyond the Act's six month statute of limitations. N.J.S.A. 34:13A-5.4c. Furthermore, even accepting McKinnis' asserted period of homelessness as a basis for tolling the statute of limitations, such period did not begin until after the deadline had passed.

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P.E.R.C. NO. 2025-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Appellant,

-and-

Docket No. IA-2025-009

PATERSON FIREFIGHTERS ASSOCIATION,
LOCAL 2,

Respondent.

SYNOPSIS

The Public Employment Relations Commission remands an interest arbitration award setting new terms and conditions of employment between the City of Paterson and Paterson Firefighters Association. The City claims that the arbitrator did not: calculate the net economic cost of the award per year, adequately explain its analysis of the statutory criteria for economic issues, give due weight to the City's receipt of transitional aid, adequately explain his finding of an internal settlement pattern and, did not grant the City's proposal to eliminate the computation of "City Time" when placing an employee on the salary guide. The Commission remands the award to the arbitrator for calculation of the yearly net economic cost once the City provides sufficient information for the arbitrator to do so. Additionally, the arbitrator shall supplement his analysis of the statutory criteria where necessary. The Commission denies the remaining issues raised by the City.

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