

P.E.R.C. NO. 2026-13

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SAYREVILLE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2026-010

NJEA REGIONAL OFFICE 11/12,

Respondent,

-and-

ELENA MAKARETS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms a dismissal letter by the Director of Unfair Practices of an unfair practice charge filed by Makarets against the Sayreville Board of Education (Board) and the NJEA Regional Office 11/12 (NJEA). The charge alleges that since 2022 Makarets has been on the wrong step on the salary guide, violating N.J.S.A. 34:13A-5.4a(1), (2), (3) and (5) and N.J.S.A. 34:13A-5.4b(1) and (2). The Commission finds that the Director properly dismissed the claims because Makarets does not have standing to bring the N.J.S.A. 34:13A-5.4a(2), (5) and N.J.S.A. 34:13A-5.4b(2) claims. Additionally, Makarets did not provide adequate support or explanation of the N.J.S.A. 34:13A-5.4a(1) and (3) and N.J.S.A. 34:13A-5.4b(1) claims. This defect was not cured either when she filed the amendment to her charge or in the documents she filed in support of her appeal. Makarets may continue to pursue her claim internally with the Board and the NJEA or in another forum.

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

RUTGERS, THE STATE UNIVERSITY OF
NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2025-020

AFSCME, NEW JERSEY COUNCIL 63,
LOCAL 888,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, a scope of negotiations petition filed by Rutgers, the State University of New Jersey, which seeks a restraint of binding arbitration of a grievance filed by AFSCME, New Jersey Council 63, Local 888. The grievance alleges Rutgers's disciplinary termination of a Security Officer, following the results of a psychological fitness-for-duty examination ordered by Rutgers, was without just cause. The Commission restrains arbitration to the extent the union challenges Rutgers' decision to order the grievant to undergo a fitness-for-duty examination, finding that decision is not mandatorily negotiable or legally arbitrable. The Commission finds that procedures for implementing an employer's right to determine fitness-for-duty are mandatorily negotiable and legally arbitrable, and discipline that may result from a fitness-for-duty examination is subject to review through arbitration or an applicable alternative statutory appeal process. Accordingly, the Commission permits arbitration of procedural issues raised by Local 888, including its contention that before making the termination decision Rutgers refused the union's request for the report of the psychologist relied upon by Rutgers. The Commission further permits arbitration on the issue of whether Rutgers had just cause to terminate the grievant's employment as a result of the fitness-for-duty examination.

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P.E.R.C. NO. 2026-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SPRINGFIELD,

Petitioner,

-and-

Docket Nos. SN-2025-015
SN-2025-016

PBA LOCAL 76 and PBA Local 76 SOA,

Respondents.

SYNOPSIS

The Public Employment Relations Commission grants the Township of Springfield's request for a restraint of binding arbitration of grievances filed by PBA Locals 76 and 76A. The grievances allege that the Township violated the parties' collective negotiations agreements and binding past practices when it issued a Special Order setting out that under limited circumstances when there was a patrol officer vacancy , an on-duty supervisor would "drop down" and work as a patrol officer instead of calling in an off-duty patrol officer. The grievances also allege that the change in policy unduly restricted the ability to use contractual leave. The Commission finds that the because the Township altered the way it would fill patrol vacancies in response to a staffing shortage, excessive overtime and the related health and safety concerns, its interest in ensuring patrol officers could perform their jobs safety outweighed the officers' interest in performing negotiations unit work. The Commission further finds that the challenges related to the use of contractual leave is only theoretical, and thus is not a severable, arbitrable issue.

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P.E.R.C. NO. 2026-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2025-025

HUDSON COUNTY SUPERIOR OFFICERS
ASSOCIATION, PBA LOCAL 109A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the County's request for a restraint of binding arbitration of the PBA's grievance. The grievance alleges that the County unilaterally introduced mandatory overtime rules, changed the attendance policy, and mandated home confinement during times of refusals of mandatory overtime. The Commission finds that the PBA's grievance principally challenges the County's managerial prerogative to establish sick leave verification processes by means of home confinement and home checks, rather than, challenging a specific application of the County's sick leave verification policy. The Commission concludes that the County's need to prevent sick leave abuse and meet its minimum staffing requirements for mandatory overtime outweighs the PBA's interest in being free of the intrusion of home confinement and home checks.

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