

P.E.R.C. NO. 2006-58

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CUMBERLAND COUNTY COLLEGE,

Petitioner,

-and-

Docket No. SN-2006-042

CUMBERLAND COUNTY COLLEGE  
FACULTY ASSOCIATION/NJEA,

Respondent.

Appearances:

For the Petitioner, Basile & Testa, P.A., attorneys  
(Todd W. Heck, on the brief)

For the Respondent, Julie Giordano, Field  
Representative, New Jersey Education Association

DECISION

On November 16, 2005, Cumberland County College petitioned for a scope of negotiations determination. The College seeks a restraint of advisory arbitration of a grievance filed by the Cumberland County College Faculty Association/NJEA. The grievance concerns the assignment of a faculty member as the Education Opportunity Fund (EOF) club advisor.

The parties have filed briefs and exhibits. These facts appear.

The Association represents faculty members. The parties' collective negotiations agreement is effective from July 1, 2003

through June 30, 2006. The grievance procedure ends in advisory arbitration.

We will restrain advisory arbitration only when the subject of a grievance is preempted by statute or regulation. Englewood Cliffs Bd. of Ed., P.E.R.C. No. 82-21, 7 NJPER 507 n.5 (¶12225 1981). In another decision issued today, we rejected the College's argument that New Jersey Higher Education Restructuring Act, N.J.S.A. 18A:3B-1 et seq., eliminates application of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., to county colleges. Cumberland Cty. College, P.E.R.C. No. 2006-\_\_, \_\_ NJPER \_\_ (¶\_\_ 2006). As in that case, the College has not cited any specific statute or regulation governing this dispute. The grievance may therefore legally be submitted to advisory arbitration.

ORDER

The request of Cumberland County College for a restraint of advisory arbitration is denied.

BY ORDER OF THE COMMISSION

Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins voted in favor of this decision. None opposed. Commissioner Katz was not present.

ISSUED: February 23, 2006

Trenton, New Jersey