

P.E.R.C. NO. 2006-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF UNION CITY,

Respondent,

-and-

Docket No. CO-2004-231

P.B.A. LOCAL 8,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the City of Union City. The Complaint was based on an unfair practice charge filed by P.B.A. Local 8 alleging that the City violated the New Jersey Employer-Employee Relations Act when it unilaterally imposed a cap of 14 or 15 sick leave days a year and disciplined officers who exceeded that cap in 2003 for excessive absenteeism. The charge alleges that the City imposed this cap in retaliation for the PBA's refusal to accept the City's successor contract proposal that sick leave accrual be capped at 15 days a year. The charge also alleges that the City unilaterally eliminated a practice of conducting an investigation and giving officers an opportunity to be heard before reprimanding officers. Finally, the charge alleges that the City rejected the PBA's demand to negotiate over the alleged changes in employment conditions and impact issues arising from any exercise of a managerial prerogative. A hearing examiner granted the City's motion to dismiss. The Commission concludes that the record does not contain any evidence indicating that the City imposed the sick leave cap; the record does not contain any evidence showing that the City changed any pre-discipline or post-discipline procedures; and the City had no obligation to negotiate mid-contract in response to the PBA's demand.

_____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. 2006-78

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EVESHAM MUNICIPAL UTILITIES
AUTHORITY,

Respondent,

-and-

Docket No. SN-2006-054

TEAMSTERS LOCAL UNION NO. 676,

Petitioner.

SYNOPSIS

_____The Public Employment Relations Commission determines the negotiability of a retiree health benefits proposal that Teamsters Local Union No. 676 seeks to include in a successor contract with the Evesham Utilities Authority. The employer argues that negotiations over this issue is preempted by the State Health Benefits Program (SHBP) statute. The Commission concludes that the SHBP specifically grants an employer the discretion to provide retiree health benefits and a union an opportunity to negotiate the apportionment of premium payments between the employer and retiree.

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P.E.R.C. NO. 2006-79

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK UNION OF INDEPENDENT
SPECIAL POLICE, LOCAL 202,

Petitioner,

-and-

Docket No. IA-2006-028

NEWARK HOUSING AUTHORITY,

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission denies a motion filed by the Newark Housing Authority to dismiss a Petition to Initiate Compulsory Interest Arbitration filed by Newark Union of Independent Special Police, Local 202. The Authority sought dismissal of the petition on the grounds that the employees represented by Local 202 are not covered by the interest arbitration statute. The Commission concludes that the authority's officers perform police services within the meaning of N.J.S.A. 34:13A-15 and that under N.J.S.A. 40A:14-146.1 and N.J.S.A. 40A:146.21 officers appointed to provide protection at municipal housing projects have all the powers of police officers. Under the Commission's case law, individuals with such statutory authority are police within the meaning of N.J.S.A. 34:13A-5.3 and are entitled to interest arbitration under 34:13A-15.

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P.E.R.C. NO. 2006-80

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGENFIELD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-052

BERGENFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission grants the request of the Bergenfield Board of Education for a restraint of binding arbitration of a grievance filed by the Bergenfield Education Association. The grievance asserts that the Board lacked just cause to withhold a teacher's salary increments. The Commission concludes that the reasons for this withholding relate to engaging student interest during class and teaching techniques and are predominately related to an evaluation of teaching performance. Any appeal of this withholding must be filed with the Commissioner of Education.

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P.E.R.C. NO. 2006-81

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBURY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-048

WOODBURY EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission grants, in part, the request of the Woodbury Board of Education for a restraint of binding arbitration of a grievance filed by the Woodbury Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it withheld a teachers's salary increments without just case and did not comply with contractual evaluation procedures. The Commission is disturbed by the Board's failure to comply with notice to teacher requirements of N.J.S.A. 18A:29-14. However, the Board has produced an annual performance review that cites teaching performance concerns and the Commission does not have a basis for determining that the performance review should not be given significant weight in the Board's reasons for the withholding. The Commission restrains binding arbitration of the substantive decision to withhold the increments, but denies the request for a restraint concerning procedural claims.

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