

P.E.R.C. NO. 2005-70

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HOBOKEN,

Petitioner,

-and-

Docket No. SN-2005-042

HOBOKEN POLICE SUPERIOR
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Hoboken for a restraint of binding arbitration of a grievance filed by the Hoboken Police Superior Officers Association. The grievance requests that the City stop relying on disciplinary actions more than five years old in justifying current disciplinary charges. The Commission concludes that this grievance is barred by case law prohibiting negotiations over major disciplinary review procedures for police officers. The Commission holds that parties in police jurisdictions cannot negotiate to have an arbitrator review major disciplinary actions, which could include reducing a disciplinary penalty and they also cannot negotiate to reduce the effect of major disciplinary penalties by deeming them removed for purposes of deciding future disciplinary actions.

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. 2005-71

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-036

EDISON FACILITIES, MAINTENANCE
AND MANAGEMENT ASSOCIATION, INC.,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Edison Township Board of Education for a restraint of binding arbitration of a grievance filed by the Edison Facilities, Maintenance and Management Association, Inc. The grievance alleges that the Board violated the parties' collective negotiations agreement by failing to promote an employee to a facility manager position at a middle school and by not including the Association's president on the interview committee. The Commission concludes that public employers have a non-negotiable right to fill vacancies and make promotions to meet the governmental policy goal of matching the best qualified employees to particular jobs. Therefore, the decision to appoint the candidate with the highest ranking in skill and ability is not subject to binding arbitration. The Commission also holds that the composition of the interview committee is not subject to binding arbitration.

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P.E.R.C. NO. 2005-72

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONMOUTH UNIVERSITY,

Respondent,

-and-

Docket Nos. CO-2005-075

CU-2005-011

WEST LONG BRANCH PBA LOCAL NO. 141,

Charging Party/Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses an unfair practice charge and a clarification of unit petition filed by West Long Branch PBA Local No. 141. The charge alleges that the University violated the New Jersey Employer-Employee Relations Act when it unilaterally removed the position of police captain from its collective bargaining unit. The petition asks that the position be restored. The University responded that it is a private employer not subject to the Act or the Commission's jurisdiction. The Commission concludes that Monmouth University does not come within the statutory definition of a public employer and the Commission has no jurisdiction over these disputes.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WAYNE TOWNSHIP,

Respondent,

-and-

Docket No. CI-2003-036

PBA LOCAL 136,

Respondent,

-and-

BARRY WIESER,

Charging Party.

SYNOPSIS

_____The Public Employment Relations Commission grants the Township of Wayne's motion for summary judgment, denies PBA Local 136's motion for summary judgment, and remands the case to the Hearing Examiner for further proceedings. Barry Wieser filed an unfair practice charge against the Township alleging that it violated the New Jersey Employer-Employee Relations Act when it failed to provide him with a copy of the collective negotiations agreement between the Township and the PBA and when it refused to cease deducting representation fees from his pay. Wieser, who is a member of the Fraternal Order of Police, also filed a charge against the PBA, alleging that the PBA violated the Act when, between January 1983 and May 2003, it continued to collect representation fees from him despite having denied him membership in the PBA in 1970 and when it discriminatorily denied him a copy of the collective negotiations agreement. The Commission grants the Township's summary judgment motion and dismisses all the allegations against the Township. The Commission denies the PBA's motion for summary judgment, finding that if the charging party proves its allegations that the PBA treated him illegally because of his FOP membership, a cease and desist order and a posting may be appropriate remedies. The Commission denies Wieser's cross-motion for summary judgments since the allegations were not supported by certifications or affidavits.

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P.E.R.C. NO. 2005-74

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OLD BRIDGE TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-051

OLD BRIDGE TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Old Bridge Township Board of Education for a restraint of binding arbitration of a grievance filed by the Old Bridge Township Education Association. The grievance contests the denial of a teacher's transfer request. The Commission concludes that the Board has a managerial prerogative to decide whether to grant or deny a teacher's request for a transfer. The Associations' contention that the Board has exercised this prerogative arbitrarily and in possible violation of the Law Against Discrimination must be presented in another forum.

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P.E.R.C. NO. 2005-75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OLD BRIDGE TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-040

OLD BRIDGE TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds legally arbitrable a grievance filed by the Old Bridge Education Association against the Old Bridge Township Board of Education for a restraint of binding arbitration of a grievance filed by the Old Bridge Township Education Association. The grievance challenged the use of subcontracted custodians rather than regular custodians for scheduled events at the East Campus of the Old Bridge High School. The Commission holds that the employer has not given any reasons for having to allocate these overtime opportunities to subcontracted employees rather than its own employees.

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P.E.R.C. NO. 2005-76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF IRVINGTON,

Petitioner,

-and-

Docket No. SN-2005-026

IRVINGTON POLICE SUPERIOR
OFFICERS ASSOCIATION;
IRVINGTON P.B.A. LOCAL 29 and
IRVINGTON WORKERS' ASSOCIATION,

Respondents.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Irvington for a restraint of binding arbitration of grievances filed by the Irvington Police Superior Officers Association, Irvington P.B.A. Local 29, and the Irvington Workers' Association. The grievances challenge a change in pay periods for the 2004 calendar year. The Commission holds that the timing of paychecks is mandatorily negotiable and therefore legally arbitrable. The Commission concludes that the Township changed the pay dates and that an arbitrator may decide whether the parties' contracts authorized the employer to make that change.

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