

P.E.R.C. NO. 2005-78

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PBA LOCAL 187,

Respondent,

-and-

Docket No. CI-2002-64

JAMES CIPRIANO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against PBA Local 187. The Complaint was based on an unfair practice charge filed by James Cipriano alleging that the PBA violated the New Jersey Employer-Employee Relations Act when it failed to process and pursue his grievance over alleged violations of departmental seniority. The Commission grants the PBA's motion for summary judgment finding that the PBA's interpretation of the contract was not so clearly incorrect as to fall outside the range of reasonableness, the Charging Party did not make his statutory arguments to the PBA or the employer in his grievance, and the Charging Party does not suggest that the PBA acted for discriminatory or bad faith motives.

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. 2005-79

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PISCATAWAY,

Respondent,

Docket Nos. CO-2003-329

PISCATAWAY PBA LOCAL NO. 93,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies Piscataway PBA Local No. 93's motion for reconsideration of P.E.R.C. No. 2005-55. In that decision, the Commission held that the Township of Piscataway committed an unfair practice by unilaterally implementing two procedures in a new promotional policy. The Commission ordered the employer to rescind the two procedures and to negotiate over them, but rejected the PBA's request that all promotions made pursuant to the unilaterally adopted policy be rescinded. The Commission concludes that the PBA has not provided any extraordinary circumstances to grant reconsideration. Even if the Commission were to consider the statements made in a certification attached to the motion, the Commission concludes that the PBA has not shown that the results of the promotional process would have been any different had its position on these two issues been adopted.

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P.E.R.C. NO. 2005-80

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-064

MIDDLESEX EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Middlesex Board of Education for a restraint of binding arbitration of a grievance filed by the Middlesex Education Association. The grievance contests the withholding of a teaching staff member's salary increment. The Commission concludes that this withholding is based predominately on an evaluation of teaching performance and may only be challenged before the Commissioner of Education. The alleged deficiencies stem from the teaching staff member's interaction with students in her classroom, the media center.

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P.E.R.C. NO. 2005-81

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-050

WASHINGTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Washington Township Board of Education for a restraint of binding arbitration of a grievance filed by the Washington Township Education Association. The grievance contests the withholding of a teaching staff member's salary increment. The Commission concludes that this withholding was based on the teacher's alleged failure to communicate with parents concerning their children's academic performance, coupled with the other alleged deficiencies. The Commission holds that this withholding was predominately based on an evaluation of teaching performance. The Commission declines to restrain binding arbitration over the Association's claims concerning contractually mandated notice and evaluation procedures.

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P.E.R.C. NO. 2005-82

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT BUS
OPERATIONS, INC.,

Petitioner,

-and-

Docket No. SN-2005-030

AMALGAMATED TRANSIT UNION,
NEW JERSEY STATE COUNCIL.

Respondent.

DECISION

The Public Employment Relations Commission denies the request of New Jersey Transit Bus Operations, Inc. for a restraint of binding arbitration of grievances filed by the Amalgamated Transit Union, New Jersey State Council. One grievance contends that two garage clerks should be paid in accordance with the senior garage clerk salary schedule. Another is a "class action" grievance on the same issue. NJT also seeks a restraint or stay of arbitration of two other grievances pending resolution of this scope petition and a related unfair practice charges. The Commission holds that grievances claiming that given certain clerks current duties and employment conditions, they are entitled under the parties' agreement to be placed at a higher salary classification would be legally arbitrable in the private sector and enforcement of the ATU's claims would not substantially impair NJT's ability to carry out its statutory mission. Absent any negotiability arguments about the other two grievances (garage clerk job description and the \$10 per week bonus for garage clerks), the Commission declines to restrain arbitration of those grievances as well.

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P.E.R.C. NO. 2005-83

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2005-034

FOP LODGE 12,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Newark for a restraint of binding arbitration of a grievance filed by FOP Lodge 12. The grievance contests a directive requiring all police units to activate their overhead lights from dusk to dawn. The Commission concludes that public employers have broad discretion to manage police departments and a strong governmental policy interest in deciding how best to deliver public safety services to protect their citizens. The Commission holds that any impact on police officer safety is speculative and subordinate to the decision about how to deliver police services.

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P.E.R.C. NO. 2005-84

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2005-035

FOP LODGE 12,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Newark for a restraint of binding arbitration of a grievance filed by FOP Lodge 12. The grievance contests a directive requiring all police officers assigned to walking posts and traffic control to wear reflective vests. The Commission concludes that this grievance primarily involves the City's governmental policy decision to modify the uniform of certain officers, in part for the operational reasons of improving traffic control and increasing officer visibility and in part because the City believes the vests will decrease the likelihood that officers will be injured on duty and will reduce its workers' compensation costs.

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P.E.R.C. NO. 2005-85

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HARDING,

Petitioner,

-and-

Docket No. SN-2005-061

P.B.A. LOCAL NO. 340,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that a retirement cost of living provision in an expired collective negotiations agreement between the Township of Harding and P.B.A. Local No. 340 is not mandatorily negotiable. The Commission concludes that the benefit in this provision is linked to future increases in the cost of living, not previously earned, but deferred, compensation. It is payable to retirees, supplements State-established pension benefits and is not otherwise authorized by statute.

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P.E.R.C. NO. 2005-86

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

UNION CITY PBA LOCAL NO. 8,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request of Union City PBA Local No. 8 for special permission to appeal three rulings of the Hearing Examiner during a hearing to resolve the PBA's unfair practice allegations against the City of Union City. The Commission concludes that the PBA has failed to establish extraordinary circumstances that warrant interlocutory review at this time.

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