

P.E.R.C. NO. 2007-26

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2006-089

JERSEY CITY POLICE SUPERIOR  
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Jersey City Police Superior Officers Association for reconsideration of P.E.R.C. No. 2007-7. In that decision, the Commission granted, in part, the request of the City of Jersey City for a restraint of binding arbitration of grievances filed by the PSOA. The grievances concern assignment and out-of-title pay issues arising from the reassignment of lieutenants, captains and sergeants. The Commission granted a restraint on several claims, including that sergeants at the desk are entitled to out-of-title lieutenants' pay. The Association seeks reconsideration of that holding. It claims that there is a written agreement to pay sergeants additional pay if they serve as either Tour Commanders or Desk Officers. The Commission grants reconsideration and holds that the parties could have legally agreed that sergeants performing Tour Command Desk Officer duties would be paid at the lieutenants' rate even though those duties have been determined to be sergeants' duties. The Commission modifies its order and denies a restraint of arbitration over this claim.

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. 2007-27

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY PROSECUTOR,

Respondent,

-and-

Docket No. CO-2005-261

CAMDEN COUNTY ASSISTANT  
PROSECUTORS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the Camden County Assistant Prosecutors Association on an unfair practice charge it filed against the Camden County Prosecutor. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act when it repudiated the parties' grievance procedure by failing to implement a grievance determination concerning a contractual salary provision and by repudiating that provision. The Commission also denies the Prosecutor's cross-motion. The Commission holds that the Association has not shown that the Prosecutor repudiated the grievance procedure and that, at this juncture, it cannot discern what the contract means, what the past practice has been, or whether the employer has changed its position on what it is required to do under the contractual salary provision.

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. 2007-28

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Respondent,

-and-

Docket No. CO-2006-197

MAPLEWOOD TOWNSHIP PBA LOCAL NO. 44,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the appeal of the Maplewood Township PBA Local No. 44 of D.U.P. No. 2007-2. In that decision, the Director of Unfair Practices dismissed an unfair practice charge as untimely. The Commission concludes that if the facts are as alleged by the PBA, it had every reason to believe that there was no dispute and no reason to file an unfair practice charge earlier. The Commission remands the matter to the Director for the issuance of a Complaint.

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. 2007-29

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLINGBORO BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-057

WILLINGBORO EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Willingboro Board of Education for a restraint of binding arbitration of a grievance filed by the Willingboro Education Association. The grievance contests the withholding of a teacher's salary increment for the 2005-2006 school year. The Commission concludes that the majority of reasons for this withholding involve allegedly inappropriate interactions with students in class and allegedly unjustifiable refusals to meet with parents about the academic performance of their children. These reasons predominately relate to teaching performance and any review of this withholding must be before the Commissioner of Education. The Commission holds that the alleged procedural violations may be arbitrated.

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. 2007-30

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FREEHOLD REGIONAL HIGH SCHOOL  
DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-082

FREEHOLD REGIONAL HIGH SCHOOL  
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Freehold Regional High School District Board of Education for a restraint of binding arbitration of a grievance filed by the Freehold Regional High School Education Association. The grievance seeks to challenge a Corrective Action Plan ("CAP") issued to a guidance counselor and the manner in which it was implemented as disciplinary. The Commission concludes that the CAP predominately constitutes an evaluation rather than a reprimand and restrains arbitration over any challenge to the accuracy of the contents or the issuance of the CAP. The Commission finds legally arbitrable the Association's claim that the Board violated the parties' contract by not notifying the employee of parental complaints and affording her an opportunity to respond. That claim is procedural and independent of the merits of the substantive decision to impose a CAP.

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. 2007-31

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SEA BRIGHT,

Petitioner,

-and-

Docket No. SN-2007-009

P.B.A. LOCAL NO. 48,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Borough of Sea Bright for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 48. The grievance requested the outcome of a promotion recommendation made by the police chief and information about who made the decision not to promote the grievant to corporal and why. The Commission restrains arbitration to the extent, if any, the grievance challenges the decision not to promote. The Commission denies a restraint of arbitration to the extent the grievance seeks a further explanation about who made the decision not to promote and why. The Commission holds that a request for an explanation as to what specific factors the employer relied on in deciding not to promote an employee is an arbitrable procedural issue. Also, whether the contract requires the Borough to provide such an explanation is for an arbitrator to decide.

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. 2007-32

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF OLD BRIDGE,

Petitioner,

-and-

Docket No. SN-2007-013

P.B.A. LOCAL 127,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Old Bridge for a restraint of binding arbitration of a grievance filed by P.B.A. Local 127. The grievance alleges that a restriction against allowing more than one officer per shift to use emergency vacation leave violates the parties' agreement. The Commission holds that a limit on granting emergency vacation leave to one officer per shift, where approving two or more requests would not compromise minimum staffing levels, is at least permissively negotiable and may be submitted to binding arbitration.

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. 2007-33

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE,

Appellant,

-and-

Docket No. IA-2005-083

SOMERSET COUNTY SHERIFF'S  
FOP LODGE #39,

Respondent.

DECISION

The Public Employment Relations Commission affirms an interest arbitrator's award issued to settle successor contract negotiations between the Somerset County Sheriff and a unit of Sheriff's Officers represented by Somerset County Sheriff's Officers FOP Lodge #39. The arbitrator issued a conventional award absent the parties' agreement to use another terminal procedure. The employer has appealed the arbitrator's salary ruling asserting that he gave undue controlling weight to evidence of the County's internal settlement patterns. The employer also asserts that the arbitrator did not properly calculate the total net economic changes for each year of the agreement. The Commission has considered all of the employer's arguments and concludes that the employer has not presented a basis for disturbing the arbitrator's judgment, discretion and labor relations expertise. The Commission also holds that the arbitrator satisfied his obligations under N.J.S.A. 34:13A-16d(2) to determine that the total net annual economic changes for each year of the agreement are reasonable.

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.