

P.E.R.C. NO. 2007-62

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Respondent,

-and-

Docket No. CO-2005-138

PATERSON POLICE PBA LOCAL 1,

Charging Party.

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CITY OF PATERSON,

Respondent,

-and-

Docket No. CO-2005-139

PATERSON POLICE PBA LOCAL 1  
SUPERIOR OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the City of Paterson. The Complaint was based on unfair practice charges filed by Paterson Police PBA Local 1 and Paterson Police PBA Local 1 Superior Officers Association alleging that the City violated the New Jersey Employer-Employee Relations Act when it installed overt security cameras inside and outside its public safety complex without notice to or negotiations with the unions. The Commission concludes that the installation of overt video cameras in this public safety building for the purpose of protecting people and property is not a mandatory subject of negotiations.

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. 2007-63

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT CORPORATION,

Petitioner,

-and-

Docket No. SN-2007-018

FRATERNAL ORDER OF POLICE,  
LODGE #37 (SUPERIORS),

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of New Jersey Transit Corporation for a finding that a grievance filed by the Fraternal Order of Police Lodge #37 (Superiors) is outside the scope of negotiations. The grievance was sustained by an arbitrator who concluded that NJT had violated a contractual commitment to convene a board of doctors before it declared that an injured sergeant was permanently unfit to resume his duties. The Commission holds that the dispute over convening a board of doctors to assess the officer's medical condition is within the scope of negotiations. The Commission expresses no opinion on the arbitrator's ruling.

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P.E.R.C. NO. 2007-64

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF UNION,

Petitioner,

-and-

Docket No. SN-2007-031

SUPERIOR OFFICERS ASSOCIATION  
OF P.B.A. LOCAL 69,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Union for a restraint of binding arbitration of a grievance filed by P.B.A. Local 69. The grievance contests an order that supervisors attend COMPSTAT meetings on their scheduled days off. The Commission holds that the Township has a non-negotiable managerial prerogative to implement the COMPSTAT system and to require that superior officers from all its divisions, including the four patrol platoons, be represented at weekly COMPSTAT meetings. The Township does not seek a restraint of arbitration over the SOA's overtime compensation claim.

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P.E.R.C. NO. 2007-65

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-2007-032

FREEHOLD REGIONAL HIGH SCHOOL  
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Freehold Regional High School District Board of Education for a restraint of binding arbitration of a challenge to the decision to withhold the increment of a guidance counselor represented by the Freehold Regional High School Education Association. The Commission restrains arbitration because the decision to withhold was predominately based upon an evaluation of the counselor's performance in meeting her counseling responsibilities.

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P.E.R.C. NO. 2007-66

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2007-038

SOMERSET COUNTY CORRECTION  
OFFICERS, P.B.A. LOCAL NO. 177,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Somerset County Sheriff's Office for a restraint of binding arbitration of a grievance filed by the Somerset County Correction Officers, P.B.A. Local No. 177. The grievance asserts that the Sheriff's Office violated the parties' collective negotiations agreement when it refused to consider a sergeant for a permanent assignment as a "kitchen officer." The Commission concludes that the Sheriff had a non-negotiable prerogative to match employee qualifications with job functions.

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P.E.R.C. NO. 2007-67

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2007-044

JERSEY CITY POLICE SUPERIOR  
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

\_\_\_\_\_The Public Employment Relations Commission grants, in part, the request of the City of Jersey City for a restraint of binding arbitration of a grievance filed by the Jersey City Superior Officers Association. The grievance alleges that sergeants and lieutenants have respectively been required to work out-of-title as lieutenants and captains and asks that the police chief respond to the PSOA's inquiries and grievances concerning such assignments and that promotions be made so as to eliminate the need for out-of-title work. The Commission restrains binding arbitration to the extent the grievance demands that officers be promoted. The request for a restraint is otherwise denied.

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P.E.R.C. NO. 2007-68

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF POMPTON LAKES,

Petitioner,

-and-

Docket No. SN-2007-050

POMPTON LAKES POLICE BENEVOLENT  
ASSOCIATION, LOCAL NO. 161,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds mandatorily negotiable a proposal made by Pompton Lakes Police Benevolent Association, Local No. 161 for inclusion in a collective negotiations agreement with the Borough of Pompton Lakes. The proposal seeks to modify contract language addressing the current 12-hour work schedule to eliminate the unilateral power of the Mayor and Council to return to an 8-hour schedule. The Commission holds that the proposal does not prohibit the Borough from making its arguments to the interest arbitrator that the present language should be retained, nor does it prevent the Borough from arguing that a future work schedule change is justified by non-negotiable governmental policy reasons.

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P.E.R.C. NO. 2007-69

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COUNTY SPECIAL SERVICES  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-052

BERGEN COUNTY SPECIAL SERVICES  
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Bergen County Special Services Board of Education for a restraint of binding arbitration of a grievance filed by the Bergen County Special Services Education Association. The grievance asserts that the Board violated the parties' contract when it did not pay a teaching assistant a stipend for transporting students off campus for community-based instruction. The Commission holds that whether the employees assigned to these transportation duties are eligible to be paid a stipend for these trips is a negotiable compensation question.

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P.E.R.C. NO. 2007-70

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SPOTSWOOD,

Petitioner,

-and-

Docket No. SN-2007-053

P.B.A. LOCAL 225,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that a proposal made by P.B.A. Local 225 for inclusion in a collective negotiations agreement with the Borough of Spotswood is not mandatorily negotiable. The proposal would limit the number of prisoners transported per patrol car. The Commission concludes that although the number of prisoners in a patrol car and the number of patrol officers required to transport one or more prisoners have an impact on employee safety, the dominant issue in both situations is the non-negotiable policy decision of a public employer to determine staffing levels.

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P.E.R.C. NO. 2007-71

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2007-045

P.B.A. LOCAL 11,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City of Trenton's motion for reconsideration of P.E.R.C. No. 2007-61, NJPER (¶ 2007). In that decision, the Commission declined to restrain binding arbitration of a grievance filed by P.B.A. Local 11 challenging a patrol officer's transfer from a day shift to a night shift. The City claims that it did not receive the brief filed by P.B.A. Local 11. The PBA claims in a letter to the City that it served the brief and accompanying affidavit by first class mail, but does not oppose the motion. Under these circumstances, the Commission grants reconsideration and allows the City the opportunity to file a reply brief.

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