

P.E.R.C. NO. 2009-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2009-013

NEWARK POLICE SUPERIOR OFFICERS' ASSOCIATION,

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission denies the City of Newark's request for a restraint of binding arbitration of a grievance filed by the Newark Superior Officers' Association. The grievance contests the City's use of a new Employee Accident Form that is required to be completed for all new Workers' Compensation claims. The City argued that it changed the form based upon recommendations from counsel and its third party administrator. The SOA responded that the questions on the form are intrusive and irrelevant to a workers' compensation determination. The Commission finds that the Workers' Compensation Statute does not require the new questions to be asked and the City has not shown how using the old form would substantially limit its governmental policy making powers.

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. 2009-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PLAINSBORO,

Petitioner,

-and-

Docket No. SN-2009-014

PLAINSBORO P.B.A. LOCAL 319,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the Township of Plainsboro's request for a restraint of binding arbitration of a grievance filed by Plainsboro PBA Local 319. The grievance contests the bringing of disciplinary charges and the removal of e-mails from the PBA bulletin board. The Commission restrains arbitration to the extent the PBA seeks to challenge the Township's right to bring disciplinary charges. The request is denied to the extent the PBA seeks to challenge the removal of postings from the PBA bulletin board.

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P.E.R.C. NO. 2009-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BARNEGAT,

Petitioner,

-and-

Docket No. SN-2009-015

BARNEGAT TOWNSHIP PBA, LOCAL 296
and BARNEGAT SUPERIOR OFFICERS ASSOCIATION,

Respondents.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the Township of Barnegat's request for a restraint of binding arbitration of a grievance filed by Barnegat Township PBA, Local 296 and Barnegat Superior Officers Association. The grievance alleges that the Township violated the parties' collective negotiations agreement and police department rules and regulations when it declined to elevate a Detective Second Grade to Detective First Grade and compensate him accordingly. The Commission restrains arbitration over the demand that the detective be elevated to Detective First Grade. The Commission denies the request over the claim that the Township changed personnel procedures pertaining to advancement to Detective First Grade.

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P.E.R.C. NO. 2009-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMBURG BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-016

HAMBURG EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Hamburg Board of Education for a restraint of binding arbitration of a grievance filed by the Hamburg Education Association. The grievance contests the withholding of a part-time teaching staff member's step and adjustment increments. The reason for the withholding was based on the staff member's chaperoning of two students to an out-of district event on her day off and without district approval. Because the withholding is not predominantly related to the evaluation of teaching performance, the Commission denies the Board's request for a restraint of arbitration.

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P.E.R.C. NO. 2009-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF OCEAN CITY,
Respondent,

-and-

Docket No. CI-1999-076

EDWIN YUST,
Charging Party.

OCEAN CITY BEACH PATROL
ADMINISTRATIVE ASSOCIATION,
Respondent,

-and-

Docket No. CI-1999-077

EDWIN YUST,
Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the City of Ocean City's motion for summary judgment on consolidated unfair practice charges filed by Edwin Yust. The amended charge alleges that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when the Director of Public Safety refused to grant Yust a hearing concerning his grievance challenging the elimination of Yust's Assistant Captain position; the Director colluded with members of the Association's negotiating team in retaliation for Yust's alleged refusal to follow the dictates of City officials; and the City retaliated against Yust because of his activity as a representative of his union. The City argues that certain allegations in the charge are untimely; the elimination of Yust's position was a managerial right and not grievable and Yust's activities on the Pension Commission were not protected under the Act. The Commission holds that there are material facts in dispute as to the timeliness issues; the City can not eliminate a position in retaliation for protected activity as alleged by Yust; and Yust was covered by the Act as a member of the Pension Commission.

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