

P.E.R.C. NO. 2011-83

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE PBA and
PBA LOCAL 199,

Respondent,

-and-

Docket No. CI-2010-050

JAMES EDWARD RINALDO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the decision of the Director of Unfair Practices refusing to issue a complaint based on an unfair practice charge filed by James Edward Rinaldo against the New Jersey State PBA and PBA Local 199. D.U.P. No. 2011-4. The charge alleges that the respondents violated 5.4b(1), (2) and (5) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. when Rinaldo was expelled from membership in the organizations and in the Union County Correction Officers PBA, Local 199A and when the State PBA removed him from the position of president of Local 199A. The Commission finds that it does not have jurisdiction over alleged violations of the State PBA's constitution and by-laws; there is no evidence to support the allegations of a breach of the duty of fair representation; the Commission lacks jurisdiction over State constitutional claims; and the alleged 5.4b(2) and (5) allegations are not supported.

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. 2011-84

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RAMSEY BOARD OF EDUCATION,

Respondent,

-and-

RAMSEY TEACHERS ASSOCIATION,

Docket No. RO-2011-014

Petitioner,

-and-

RAMSEY OFFICE PERSONNEL ASSOCIATION,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies the Ramsey Board of Education's request for review of D.R. 2011-8. In that decision, the Deputy Director of Representation ordered an election among clerical title employees represented by the Ramsey Office Personnel Association to determine members' interest in being added to a unit of certificated employees represented by the Ramsey Teachers Association. The Commission holds that the ordering of an election was in accordance with well-established law giving teachers and support staff employees the opportunity to choose unified representation in a single unit and that the 30-year negotiations history for the clerical unit is not a compelling circumstance to justify denying separate units.

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. 2011-85

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

THE BOROUGH OF SPOTSWOOD,

Respondent,

-and-

Docket No. IA-2011-048

POLICE BENEVOLENT ASSOCIATION,
LOCAL 225,

Appellant.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award. The Police Benevolent Association, Local 225 appealed the award asserting that the arbitrator did not adequately apply the statutory factors; failed to separately determine whether the total net economic change for each year of the agreement was reasonable; the award is not based upon substantial credible evidence in the record; and the award violates N.J.S.A. 2A:24-9(d). The Commission holds that the arbitrator adequately applied the statutory factors and determined the total net annual economic change and was supported by substantial credible evidence in the record.

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. 2011-86

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2010-102

JNESO DISTRICT COUNCIL 1,
IUOE/AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, a petition for scope of negotiations determination filed by the City of Newark seeking a restraint of binding arbitration of a grievance filed by JNESO District Council 1, IUOE, AFL-CIO. The grievance asserts that the City made changes to Tasks and Standards for Head Clinic Nurses without negotiations. The Commission restrains arbitration to the extent the grievance challenges the changed Tasks and Standards and permits arbitration over negotiable severable issues regarding pay rates, training, safety and hours of work.

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. 2011-87

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FORT LEE,

Appellant/Respondent,

-and-

Docket No. IA-2007-087

PBA LOCAL NO. 245,

Respondent/Movant.

SYNOPSIS

The Public Employment Relations Commission grants a motion to dismiss an appeal of additional rulings made by an interest arbitrator to complete an award originally issued on December 18, 2010. The Commission holds that it lacks jurisdiction to decide the issues the Borough appeals as they have already been addressed by the Commission or determined by the Appellate Division.

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. 2011-88

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF CARTERET,

Petitioner,

-and-

Docket No. SN-2010-049

CARTERET PBA LOCAL 47,
SUPERIOR OFFICERS' ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Town of Carteret for a restraint of binding arbitration of a grievance filed by the Carteret PBA Local 47, Superior Officers' Association. The grievance challenges the Borough's adoption of a Restricted Duty policy addressing assignments of injured employees to modified or light duty positions. The Commission holds that the portions of the policy that excludes officers who were not injured on the job and would require officers to perform work unrelated to police duties and/or be assigned to departments other than the police department are mandatorily negotiable.

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. 2011-89

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2010-087

UNION OF RUTGERS ADMINISTRATORS,
AMERICAN FEDERATION OF TEACHERS,
AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of Rutgers, The State University of New Jersey, for a restraint of binding arbitration of a grievance filed by the Union of Rutgers Administrators, American Federation of Teachers, AFL-CIO. The grievance asserts that a member of the negotiations unit was laid off for economic reasons and that her work was transferred to temporary employees not represented by the union. The Commission restrains arbitration to the extent the grievance challenges the decision of the University to use an automated system for Uniform Crime Report reporting and to the extent the grievance asserts that the assignment is unit work and permits arbitration of the remaining aspects of the grievance.

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. 2011-90

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF OCEAN,

Petitioner,

-and-

Docket No. SN-2010-104

TEAMSTERS LOCAL 701,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Ocean for a restraint of binding arbitration of a grievance filed by Teamsters Local 701. The grievance alleges the Township violated the parties' collective negotiations agreement when it temporarily assigned non-unit sanitation workers to assist Road and Buildings and Grounds employees with duties customarily performed by Local 701 employees. The Commission holds that on balance, the interests of the employer outweigh the interests of the employees in negotiating over these temporary assignments.

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. 2011-91

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2011-015

PBA LOCAL 250,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a request for reconsideration of P.E.R.C. No. 2011-74. In that decision, the Commission held that a proposal to layoff strictly by seniority submitted by the PBA during successor contract negotiations was not mandatorily negotiable as written when other factors such as special skills may be relevant. The PBA argues that the Commission erroneously assumed that special qualifications exist among PBA members and that investigators and detectives are interchangeable. The Commission rejects the PBA's argument that detectives and investigators are interchangeable for purposes of seniority and layoff because by law they hold distinct titles which may not be changed through 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. 2011-92

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX and
ESSEX COUNTY SHERIFF,

Appellants,

-and-

Docket No. IA-2008-098

ESSEX COUNTY SHERIFF'S
OFFICERS, PBA LOCAL 183,

Respondent.

SYNOPSIS

The Public Employment Relations Commission remands an interest arbitration award to the arbitrator to analyze the employer's entire health benefits proposal for all years of the agreement. The arbitrator must issue his supplemental decision by July 15, 2001. The parties have seven days from receipt of the supplemental award to file any appeal.

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.