

P.E.R.C. NO. 2016-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COUNTY BOARD OF SOCIAL SERVICES,

Respondent,

-and-

Docket No. CO-2010-183

CWA LOCAL 1089 & LAUREN BIGGAR,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Bergen County Board of Social Services' motion for summary judgment in an unfair practice case filed by CWA Local 1089 and Lauren Biggar. Neither the union nor Ms. Biggar opposed the motion.

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. 2016-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ATLANTIC CITY,

Respondent,

-and-

Docket No. CO-2011-478

ATLANTIC CITY POLICE BENEVOLENT
ASSOCIATION, LOCAL 24,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the City of Atlantic City's motion for summary judgment, and denies the Atlantic City Police Benevolent Association, Local 24's cross-motion for summary judgment. A Complaint had issued on the PBA's allegations that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1), (3), and (5), when it unilaterally, and in retaliation for protected activity, ordered officers to return from medical leaves prematurely and without their firearms. Finding that the decision of whether officers should carry firearms is not mandatorily negotiable, the Commission grants the City's motion for summary judgment as to the 5.4a(5) allegation for failure to negotiate over that issue. Finding that there are insufficient facts to determine the 5.4a(3) retaliation charge, the Commission denies both parties' motions for summary judgment on that issue and transfers them back to the Hearing Examiner.

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P.E.R.C. NO. 2016-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ENGLEWOOD,

Petitioner,

-and-

Docket No. SN-2016-013

POLICEMEN'S BENEVOLENT
ASSOCIATION LOCAL 216,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City of Englewood's request for a restraint of binding arbitration of a grievance filed by the Policemen's Benevolent Association Local 216. The grievance contests the City's failure to build or provide an "equivalent" replacement when the pre-existing pistol range facility was closed. Finding that the City's selection of an appropriate pistol range facility falls within its managerial prerogative to make determinations regarding training-related issues and that requiring the construction of a pistol range facility would infringe on the City's managerial prerogative to determine capital expenditures and major budgetary expenses, while noting that permitting the PBA or an arbitrator to substitute their preference or judgment regarding what constitutes an "equivalent" pistol range facility would significantly interfere with these managerial prerogatives, the Commission restrains arbitration.

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P.E.R.C. NO. 2016-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LITTLE FALLS,

Petitioner,

-and-

Docket No. SN-2015-069

TEAMSTERS LOCAL 97,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the Township of Little Falls' request for a restraint of binding arbitration of a grievance filed by Teamsters Local 97. The grievance contests the Township's refusal to pay employees for unused, accumulated sick leave. The Commission holds that N.J.S.A. 40A:9-10.4 preempts arbitrability of an accumulated sick leave payment clause to the extent the clause applies to employees who commenced service with the Township on or after the effective date of the law.

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P.E.R.C. NO. 2016-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GREATER EGG HARBOR REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-001

GREATER EGG HARBOR REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the Greater Egg Harbor Regional Board of Education's request for a restraint of binding arbitration of a grievance filed by the Greater Egg Harbor Regional Education Association. The grievance contests the Board's denial of employee leave requests for April 2 and April 6, 2015. Finding that revision of the school calendar is a managerial prerogative, the Commission restrains arbitration to the extent the grievance challenges the Board's decision to change April 2 and April 6, 2015 to regular school days. The Commission denies restraint to the extent that the grievance challenges the Board's denial of employee leave requests for April 2 and April 6, 2015.

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P.E.R.C. NO. 2016-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF MILLTOWN,

Petitioner,

-and-

Docket No. SN-2016-014

OPEIU LOCAL 32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Milltown for a restraint of binding arbitration of a grievance filed by OPEIU Local 32. The grievance challenges the assignment of weekend "standby" duties to a supervisor during an eight-week period while unit members refused to enter "confined spaces" until unsafe conditions were remedied. The Commission, in P.E.R.C. No. 2015-33, 41 NJPER 247 (¶81 2014), initially denied restraint of arbitration without prejudice in this case in order for the arbitrator to make the threshold determination of whether weekend standby work only entailed entry into confined spaces or whether the assignment also encompassed duties in other work areas. Finding that the arbitrator determined that the weekend standby duties were not performed only in confined spaces, the Commission holds that the issue of unit members losing extra compensation opportunities due to being skipped in the weekend standby rotation is mandatorily negotiable and arbitrable.

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P.E.R.C. NO. 2016-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEST MILFORD,

Petitioner,

-and-

Docket No. SN-2009-079

WEST MILFORD MUNICIPAL EMPLOYEES GUILD,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township of West Milford's request for a restraint of binding arbitration of a grievance filed by the West Milford Municipal Employees Guild. The grievance contests the Township's temporary assignment of a patrol officer to the communications center on Mischief Night and Halloween. Finding that there were no dispatcher vacancies on those dates and there were no overtime opportunities to be allocated to a unit member or any other employee, the Commission holds that the dispute predominately involves the Township's non-negotiable staffing determination that an on-duty police officer may be assigned to assist civilian dispatcher with service calls.

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