

P.E.R.C. NO. 2019-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Respondent,

-and-

Docket No. CI-2018-020

PUBLIC EMPLOYEES SUPERVISORS
UNION,

Respondent,

-and-

ALEXIS T. MILLER,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Director of Unfair Practices refusing to issue a complaint on an unfair practice charge filed by Miller against the County and the PESU. The charge alleges that PESU violated N.J.S.A. 34:13A-5.4b(3) by failing to file grievances and/or unfair practice charges against the County on Miller's behalf to contest disciplines and evaluations she received during her working test period, and conspiring with the County to have her demoted out of the PESU unit. The charge also alleges that the County violated subsections 5.4a(1) and (5) by conspiring with the PESU to have her demoted outside of the unit. The Commission finds that Miller as an individual employee does not have standing to prosecute a 5.4b(3) claim, but agrees with the Director's conclusion that even under a 5.4b(1) claim, her allegations fail to demonstrate that PESU's conduct toward her was arbitrary, discriminatory, or in bad faith. The Commission further finds that Miller lacks standing to assert a 5.4a(5) violation against the County and that her allegations fail to demonstrate that the County was engaged in a conspiracy with the PESU or that its conduct toward her implicates a 5.4a(1) violation.

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. 2019-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2018-049

FOP LODGE 39,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Sheriff's Office's request for a restraint of binding arbitration of a grievance filed by the FOP contesting vacation request denials to the extent the grievance challenges the Sheriff's determination of minimum staffing or its authority to deny vacation requests based on minimum staffing levels. The Commission denies the Sheriff's Office's request for a restraint of binding arbitration to the extent the grievance asserts the denials were unreasonably denied because granting them would not have conflicted with minimum staffing levels.

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P.E.R.C. NO. 2019-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF ROCKAWAY,

Petitioner,

-and-

Docket No. SN-2018-053

ROCKAWAY TOWNSHIP FOP LODGE 31,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township's request for a restraint of binding arbitration of a grievance filed by the FOP contesting the rescission of the practice of allowing shift swaps for up to three months at a time. The Commission finds that shift rotations and shift swaps are generally negotiable work schedule issues unless an employer demonstrates that shift exchanges would substantially limit governmental policy by causing operational problems such as preventing the employer from having qualified employees perform an assignment. The Commission holds that the County failed to provide evidence of a particularized governmental policy objective which would prevent the dispute from being legally arbitrable.

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P.E.R.C. NO. 2019-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER COUNTY SHERIFF'S DEPARTMENT,

Petitioner,

-and-

Docket No. SN-2019-006

PBA LOCAL 122,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County's request for a restraint of binding arbitration of a grievance filed by the PBA contesting the rescission of a unit member's previously granted vacation leave request. Finding that the scheduling of vacation leave is mandatorily negotiable so long as the employer can meet its staffing requirements, and that the County did not assert or demonstrate that any significant governmental policy objectives would be compromised by calling in another officer to fill in for the grievant on an overtime basis in order to meet its minimum staffing levels, the Commission declines to restrain arbitration.

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P.E.R.C. NO. 2019-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COUNTY and
BERGEN COUNTY SHERIFF'S OFFICE,

Respondent,

-and-

Docket No. CO-2019-036

BERGEN COUNTY PBA, LOCAL NO. 49,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the County and Sheriff's Office's motion for reconsideration of a Commission Designee's decision granting interim relief with regard to the PBA's unfair practice charge alleging that the Sheriff's Office unlawfully eliminated a day tour worked by PBA members, transferred those duties to Sheriff's Officers, and eliminated seniority-based shift and tour selections. Finding that the Commission Designee's opinion fully reviewed the facts of and discussed the day tour assignment dispute, including the Civil Service Commission's ruling that County Police work should not be assigned to Sheriff's Officers and vice-versa, the Commission rejects the Sheriff's Office request for reconsideration on that issue. Noting that the Commission Designee found that the Sheriff's Office had a duty to negotiate before changing the crediting of military time toward senior pay, and that the Sheriff's Office did not assert to the Designee that the issue was a contract dispute that must be resolved through negotiated grievance procedures, the Commission rejects the Sheriff's Office's request for reconsideration on that issue.

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