

P.E.R.C. NO. 2019-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SUSSEX COUNTY,

Petitioner,

-and-

Docket No. SN-2019-020

CWA LOCAL 1032,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the County's request for a restraint of binding arbitration of the CWA's grievance contesting the County's requirement that employees either report to work or use their personal leave time during two days of inclement weather. The Commission holds that the County has a managerial prerogative to decide whether to open its facilities despite inclement weather, and that the CWA's alleged impact issue (being required to use leave time when deciding not to report to work during inclement weather) is not severable from the County's prerogative to keep its libraries open because it would significantly encroach upon its ability to provide those County services.

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. 2019-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2019-024

ELIZABETH SUPERIOR OFFICERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City's request for a restraint of binding arbitration of the SOA's grievance contesting the City's ordering a fitness for duty examination for an officer, reassigning him, and declaring him ineligible from performing extra-duty uniformed police work for at least a year. Finding that a public employer has the right to determine if public safety personnel are fit to perform their duties, that the reassignment of police officers may not be challenged through binding grievance arbitration, and that the City has a strong managerial interest in regulating which officers can perform uniformed extra-duty work, the Commission restrains arbitration.

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P.E.R.C. NO. 2019-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTHERN VALLEY REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2019-038

NORTHERN VALLEY EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Board's request for a restraint of binding arbitration of a grievance filed by the Association contesting the withholding of a teacher's salary increment. Finding that the reasons for the withholding concern an alleged violation of work rules pertaining to the supervision or safety of students, and therefore do not predominately relate to an evaluation of teaching performance, the Commission declines to restrain arbitration.

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P.E.R.C. NO. 2019-55

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SUSSEX COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2019-041

PBA LOCAL 378A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County's request for a restraint of binding arbitration of the PBA's grievance contesting the transfer of an officer from her administrative post to a building post without permitting her to choose her shift or days off by seniority. Finding that seniority can be a factor in shift assignments where all qualifications are equal and managerial prerogatives are not otherwise compromised, and that the County did not demonstrate a need for special skills, qualifications, or training or supervisory objectives for deviating from an alleged seniority shift and days off selection process when it reassigned the grievant to a midnight shift, the Commission declines to restrain arbitration.

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