

P.E.R.C. NO. 2014-71

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(JUVENILE JUSTICE),

Respondents,

Docket No. CI-2012-016

-and-

JUDY THORPE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Deputy Director of Unfair Practices, D.U.P. No. 2012-8, 40 NJPER 8 (¶4 2012), dismissing an unfair practice charge filed by Judy Thorpe against the State of New Jersey (Juvenile Justice Commission). The charge alleges the State violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4 et seq., when it engaged in "abuse of process and spoliation of evidence" by prohibiting Thorpe from retrieving property after she was terminated in 2008 which included documents pertinent to a prior unfair practice case. The Commission sustains the Deputy Director's finding that Thorpe's charge was filed beyond the 90-day limitations period in the Act. The Commission further affirms the Deputy Director's finding that Thorpe was not a public employee as defined by the Act when she filed her charge in 2011.

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. 2014-72

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MANCHESTER TOWNSHIP,

Public Employer,

-and-

Docket No. CU-2013-032

OFFICE AND PROFESSIONAL EMPLOYEE
INTERNATIONAL UNION LOCAL 32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies Manchester Township's request for review of the Director of Representation's dismissal of a clarification of unit petition. D.R. 2014-11, 40 NJPER 304 (§116 2013). The Township sought to exclude the title executive secretary to the chief of police from a broad-based white collar unit as confidential. The Commission denies review finding the Township has not met the standard for granting review and affirms the Director's findings that evidence was not presented to suggest the executive secretary to the chief of police performs duties that can be classified as confidential.

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P.E.R.C. NO. 2014-73

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF FAIRFIELD,

Petitioner,

-and-

Docket No. SN-2013-065

WEST ESSEX PBA LOCAL 81,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Fairfield for a restraint of binding arbitration of a grievance filed by West Essex PBA Local 81. The grievance asserts that the Township violated the parties' collective negotiations agreement when the Deputy Chief issued a memorandum requiring sergeants be assigned to each shift and restricting the ability of sergeants to request, receive approval for, and utilize paid leave. The Commission finds that the Township has a managerial prerogative to determine sergeants will work on a shift and replace absent sergeants. The Commission holds that the portion of the memorandum relating to a leave bank and vacation scheduling are mandatorily negotiable. The Commission restrains arbitration of the PBA's challenge to the requirements that a sergeant be scheduled on every shift and superior officers first replace sergeants. The Commission denies to restrain arbitration as to the challenge to the new leave bank and vacation procedure.

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P.E.R.C. NO. 2014-74

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LOWER,

Petitioner,

-and-

Docket No. SN-2013-076

PBA LOCAL 59,

Respondent.

SYNOPSIS

The Public Employment relations Commission grants the request of the Township of Lower. The grievance contests the decision of the Chief of Police to require an officer returning to duty after an 11-year disability retirement to attend the Police Academy for training. The Commission holds that the Township has a managerial prerogative to determine what training and fitness for duty tests to administer to a returning officer and permitting an arbitrator to review the Township's decision would substantially limit the Township's policymaking power to ensure officers are fit for duty.

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P.E.R.C. NO. 2014-75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PARSIPPANY-TROY HILLS
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-077

PARSIPPANY-TROY HILLS
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Parsippany-Troy Hills Board of Education. The Board seeks a determination that a health benefits waiver reimbursement clause in a Memorandum of Agreement with the Parsippany-Troy Hills Education Association is not mandatorily negotiable. The Commission dismisses the petition finding that a dispute has not arisen during collective negotiations for a successor agreement and a grievance has not been filed concerning the disputed clause.

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P.E.R.C. NO. 2014-76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF SOMERSET,

Petitioner,

-and-

Docket No. SN-2014-001

SOMERSET COUNTY DRIVERS
AND AIDES ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the County of Somerset for a restraint of binding arbitration of a grievance filed by the Somerset County Drivers and Aides Association. The grievance asserts the County violated the parties' collective negotiations agreement when it deprived unit members of overtime because they were not considered "essential employees" for two days following Hurricane Sandy. The Commission holds the determination as to which employees are deemed "essential" during a state of emergency is a nonnegotiable managerial prerogative.

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P.E.R.C. NO. 2014-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PINELANDS REGIONAL BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-007

PINELANDS REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment relations Commission denies the request of the Pinelands Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Pinelands Regional Education Association. The grievance contests the salary guide placement of a newly-hired teacher who was also given the stipened position of high school football coach. The Commission holds the issue of initial salary guide placement is mandatorily negotiable.

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