

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY,

Respondent,

-and-

Docket No. CO-2012-310

PROBATION ASSOCIATION OF NEW JERSEY  
(PROFESSIONAL SUPERVISORS UNION),

Charging Party.

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NEW JERSEY STATE JUDICIARY,

Charging Party,

-and-

Docket No. CE-2012-012

PROBATION ASSOCIATION OF NEW JERSEY,  
(PROFESSIONAL SUPERVISORS UNION),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the New Jersey State Judiciary's motion for summary judgment in an unfair practice case filed by the Probation Association of New Jersey (Professional Supervisors Union), and dismisses the Judiciary's unfair practice charge against PANJ alleging violation of the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4b(3). PANJ alleges that the Judiciary violated the Act, specifically N.J.S.A. 34:13A-5.4a(1), (3), and (5), when it removed certain employees from team leader positions and refused to process most grievances of the removals. In granting summary judgment on the a(5) and derivative a(1) charge, the Commission finds that a Superior Court, Appellate Division decision interpreting the contract clause on the removals as non-grievable, as well as a Superior Court, Chancery Division decision restraining one of the requests for arbitration, do not support PANJ's claim of contract repudiation or of bad faith in failing to process the grievances. The Commission denies summary judgment on the a(3) and derivative a(1) charge, finding that material facts are in dispute regarding PANJ's allegations of retaliation for protected conduct.

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. 2014-85

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY  
DEPARTMENT OF TRANSPORTATION,

Respondent,

-and-

Docket No. CI-2007-065

JANE LYONS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms a Hearing Examiner's decision granting a motion to dismiss filed by the State of New Jersey Department of Transportation in an unfair practice case filed by Jane Lyons against the DOT. The Commission holds that the Hearing Examiner's findings of fact and conclusions of law regarding Lyons' charge being untimely under N.J.S.A. 34:13A-5.4(c) are supported by sufficient, credible evidence in the record.

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P.E.R.C. NO. 2014-86

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP BOARD OF  
EDUCATION,

Respondent/Public Employer,

-and-

Docket No. CI-2008-022

CAROL PARENTE ZIZNEWSKI,

Charging Party,

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EDISON TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent/Employee Representative,

-and-

Docket No. CI-2008-023

CAROL PARENTE ZIZNEWSKI,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the refusal of the Director of Unfair Practices to issue Complaints based on unfair practice charges filed by Carol Parente Ziznewski against the Edison Township Board of Education and the Edison Township Education Association. The Commission holds that, even if the charges are deemed timely, the allegations, if true, would not violate the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

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P.E.R.C. NO. 2014-87

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF SALEM,

Respondent,

-and-

Docket No. CU-2013-030

SALEM COUNTY SURROGATE,

Respondent,

-and-

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1085,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Communications Workers of America, Local 1085's request for review of the Deputy Director of Representation's dismissal of its clarification of unit petition. The CWA's petition sought the addition of two titles to the blue and white collar unit of County of Salem employees that it already represented. The Deputy Director found that the titles do not share a community of interest with the other titles represented by the CWA because they do not share a common employer. The Commission finds no compelling reason warranting that the Commission grant its request for review of the Deputy Director's determination.

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P.E.R.C. NO. 2014-88

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF SOMERSET,

Public Employer,

-and-

Docket No. RO-2013-043

SOMERSET COUNTY DRIVERS  
AND AIDES ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the County of Somerset's request for review of the Director of Representation's certification by card check of the addition of certain titles employed by the County of Somerset to the existing unit represented by the Somerset County Drivers and Aides Association. The Director determined that the petitioned-for titles shared a community of interest with the Association unit members and that a hearing was not necessary. Finding that there is no absolute right to a hearing and that the Commission has a consistent policy of resolving representation questions after administrative investigations unless substantial and material facts are in dispute, the Commission holds that even accepting all facts as asserted by the County, it would conclude that the petitioned-for employees share a community of interest with the existing unit.

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P.E.R.C. NO. 2014-89

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY  
(DEPARTMENT OF CORRECTIONS),

Petitioner,

-and-

Docket No. SN-2014-005

IFPTE LOCAL 195, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey (Department of Corrections) for a restraint of binding arbitration of a grievance filed by IFPTE Local 195, AFL-CIO. The grievance asserts the State violated the parties' collective negotiations agreement when it permitted uniformed custody personnel to perform communication operators' job duties. The Commission finds that this case is about a staffing determination and not the unit work rule because the job descriptions and record do not indicate that the operators have historically exclusively performed their duties. The Commission holds that the State has a managerial prerogative to determine staffing levels and decide whether it needed to call in operators on overtime.

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P.E.R.C. NO. 2014-90

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN,

Petitioner,

-and-

Docket No. SN-2014-009

PARK POLICE,  
FOP LODGE NO. 76,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Camden for a restraint of binding arbitration of a grievance filed by the Park Police, FOP Lodge No. 76. The grievance asserts that the County violated the parties' collective negotiations agreement by not providing severance pay or medical benefits to unit members who retired. The Commission holds that the issue is mandatorily negotiable because the interpretation by an arbitrator of how the CNA's severance pay provision applies to retiring officers would not substantially limit any governmental powers.

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P.E.R.C. NO. 2014-91

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONMOUTH COUNTY PROSECUTOR,

Petitioner,

-and-

Docket No. SN-2014-013

POLICEMEN'S BENEVOLENT ASSOCIATION,  
LOCAL #256,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the request of the Monmouth County Prosecutor for a restraint of binding arbitration of a grievance filed by the Policemen's Benevolent Association, Local #256. The grievance asserts that "performance notices" issued to a County Investigator constituted discipline without just cause, and that the Investigator was denied the right to have a PBA representative present at an interview conducted by superiors prior to the issuance of the notices. The Commission holds that the performance notices were not designed to penalize, but specified proper protocols and are therefore not reprimands and cannot be challenged as unjust minor discipline in binding arbitration. The Commission also holds that the PBA may arbitrate its claim that the Investigator had a right to a PBA representative during the interview, because it is a procedural claim that, if sustained, would not substantially limit any of the Prosecutor's policy goals.

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P.E.R.C. NO. 2014-92

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2014-023

FOP LODGE 39,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Somerset County Sheriff's Office for a restraint of binding arbitration of a grievance filed by FOP Lodge 39. The grievance asserts the County violated the parties' collective negotiations agreement when it did not utilize the overtime seniority list when filling overtime posts for a hospital detail. The Commission holds that the County showed that the particular inmate being transferred was high risk, and therefore it had a non-negotiable managerial prerogative to deviate from the parties' negotiated overtime allocation system and use particular officers with special skills in order to protect the public interest.

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P.E.R.C. NO. 2014-93

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-2014-029

PARSIPPANY-TROY HILLS EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Parsippany-Troy Hills Board of Education for a restraint of binding arbitration of a grievance filed by the Parsippany-Troy Hills Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it denied horizontal salary guide movement for teachers who completed in-service credit. The Commission holds that the mandatory negotiability of the salary guide movement is not preempted by N.J.S.A. 18A:6-8.5, which bars the use of previously earned in-service credits, because the law grants an exception for obligations contained in collective negotiations agreements in effect when the law was enacted.

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P.E.R.C. NO. 2014-94

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2014-055

ELIZABETH POLICE SUPERIOR  
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Elizabeth for a restraint of binding arbitration of a grievance filed by the Elizabeth Police Superior Officers Association. The grievance contests a directive prohibiting police captains from working extra duty assignments known as "pay jobs." The Commission finds that the police-type services at issue implicate the City's concern for its integrity and reputation, and that the City has shown abuses related to a lack of unity of rank. The Commission holds that to permit an arbitrator to second-guess the City's determination that limiting pay jobs to ranks below captain may prevent future abuse would substantially limit the City's policymaking power.

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P.E.R.C. NO. 2014-95

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN,

Respondent,

-and-

Docket No. IA-2014-018

IAFF LOCAL 788,

Appellant.

SYNOPSIS

The Public Employment Relations Commission remands, on a limited basis, an interest arbitration award between the City of Camden and IAFF Local 788. The IAFF appealed the award, asserting miscalculations regarding the costing out of longevity and salary increment increases. The Commission finds that the arbitrator's longevity calculations and rationale for 2013 and 2014 are based on substantial credible evidence in the record, and that the arbitrator properly did not offset savings from retirements. As for the IAFF's assertion regarding the calculation of the senior step increment in 2016, the Commission remands the award on the limited basis to explain how she calculated 2016 longevity and to make the projection based on the employees' anniversary dates if she had not done so already, and to comment on whether any miscalculation would cause her to reconsider the economic aspects of the award.

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