

P.E.R.C. NO. 2004-50

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PASSAIC,

Respondent,

-and-

Docket No. CO-2003-193

PBA LOCAL 14,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request of PBA Local 14 for reconsideration of I.R. No. 2004-7. In that case, a Commission designee found that the PBA did not meet its burden to establish that it has a substantial likelihood of success on the merits of its unfair practice claims that the City unilaterally changed mandatorily negotiable shift bidding procedures. The Commission holds that it is not its role to second-guess the designee's determination through a motion for reconsideration. If interim relief is denied, any appeal is to the Superior Court by way of motion for leave to appeal. R. 2:2-4.

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. 2004-51

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY  
(OCEAN COUNTY VICINAGE),

Petitioner,

-and-

Docket No. SN-2004-22

NEW JERSEY AFL-CIO JUDICIARY  
COUNCIL OF AFFILIATED UNIONS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the New Jersey State Judiciary (Ocean County Vicinage) for a restraint of binding arbitration of a grievance filed by the New Jersey AFL-CIO Judiciary Council of Affiliated Unions. The grievance alleges that the employer violated the parties' collective negotiations agreement when it assigned an employee in a Judiciary Clerk 4 title to perform clerical duties of employees in lower titles. The Commission concludes that an arbitrator may consider the grievance and determine whether the non-courtroom duties are outside the employee's job description and whether the employer breached the contract by assigning those duties. Should the arbitrator sustain the grievance, the employer may refile its petition for consideration of whether it had a managerial prerogative to cross-train employees by assigning a Judiciary Clerk 4 to perform clerical duties and a Judiciary Clerk 3 to courtroom duties.

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P.E.R.C. NO. 2004-52

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2004-24

P.B.A. LOCAL NO. 11  
(SUPERIOR OFFICERS ASSOCIATION),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Trenton for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 11 (Superior Officers Association). The grievance contests the transfer of a police captain. The Commission holds that the discipline amendment authorizes agreements to arbitrate minor disciplinary disputes, but that authorization does not extend to reassignments or transfers of police officers. Police officers who believe that they have been unjustly reassigned or transferred as a form of discipline must file a Superior Court action in lieu of prerogative writ.

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P.E.R.C. NO. 2004-53

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2004-25

P.B.A. LOCAL NO. 11  
(SUPERIOR OFFICERS ASSOCIATION),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Trenton for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 11 (Superior Officers Association). The grievance contests the transfer of a police lieutenant. The Commission holds that the discipline amendment authorizes agreements to arbitrate minor disciplinary disputes, but that authorization does not extend to reassignments or transfers of police officers. Police officers who believe that they have been unjustly reassigned or transferred as a form of discipline must file a Superior Court action in lieu of prerogative writ.

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P.E.R.C. NO. 2004-54

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2004-26

P.B.A. LOCAL NO. 11  
(SUPERIOR OFFICERS ASSOCIATION),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Trenton for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 11 (Superior Officers Association). The grievance contests the transfer of a police captain. The Commission holds that the discipline amendment authorizes agreements to arbitrate minor disciplinary disputes, but that authorization does not extend to reassignments or transfers of police officers. Police officers who believe that they have been unjustly reassigned or transferred as a form of discipline must file a Superior Court action in lieu of prerogative writ.

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P.E.R.C. NO. 2004-55

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SCOTCH PLAINS-FANWOOD  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-28

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 102,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Scotch Plains-Fanwood Board of Education for a restraint of binding arbitration of a grievance filed by the International Brotherhood of Teamsters, Local 102. The grievance asserts that the employer violated the parties' collective negotiations agreement when it denied a middle school night custodian a day shift position and instead promoted a less senior employee from another school into that position. The Commission holds, under all the circumstances of this case, that Local 102 may present to the arbitrator its argument that the contract was violated by not giving the more senior custodian a preference in considering the application and the Board may present its contractual position that it did not act arbitrarily or capriciously in appointing the less senior custodian. The Commission holds that the contract cannot be construed to give a senior employee and absolute preference for a day shift position, but it can be construed consistent with its case law to give a senior employee preference absent a demonstrated need to select a different employee.

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P.E.R.C. NO. 2004-56

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JACKSON TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-17

TEAMSTERS LOCAL 97 OF  
NEW JERSEY, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Jackson Township Board for restraint of binding arbitration of a grievance filed by Teamsters Local 97 of New Jersey, AFL-CIO. The grievance seeks premium pay for particular duties that are allegedly not part of a maintenance employee's regular duties and that had previously been paid at time and one-half. The Commission holds that an employee's interest in seeking to enforce an alleged agreement for premium pay for specific tasks outweighs the employer's interest in not arbitrating that compensation claim. The issue for the arbitrator is whether the contract or past practice entitles employees to be paid premium pay for performing certain tasks during normal working hours.

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P.E.R.C. NO. 2004-57

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OLD BRIDGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2003-58

OLD BRIDGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Old Bridge Board of Education for a restraint of binding arbitration of a grievance filed by the Old Bridge Education Association. The Association asserts that the Board withheld a teacher's increment for the 2002-2003 school year without just cause. The Commission concludes that this increment withholding involves allegations of allegedly inappropriate in-class comments or conduct and is predominately related to the evaluation of teaching performance. Any appeal must be filed with the Commissioner of Education.

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