

P.E.R.C. NO. 2004-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY CORRECTIONS OFFICERS,
PBA LOCAL 199,

Appellant,

-and-

Docket No. IA-2001-46

COUNTY OF UNION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms, with a modification, an arbitrator's award issued to settle successor contract negotiations between the Union County Corrections Officers, PBA Local 199 and the County of Union. The PBA appealed from a third interest arbitration award, contending that the arbitrator did not apply the principles of conventional arbitration; placed too much weight on an alleged pattern of settlement between the County and its other negotiations units; did not adequately consider the PBA's stipend and non-salary proposals; and did not calculate the total net annual economic changes for each year of the agreement. The PBA asked that the award be vacated and remanded to another arbitrator, or in the alternative, that the award be modified to reflect that the County withdrew its proposals concerning the number of officers per day permitted to be on vacation, religious or personal leave. The Commission affirms the award, but grants the PBA's modification request.

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. 2004-59

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY,

Respondent,

-and-

Docket No. CO-2004-105

BURLINGTON COUNTY CORRECTIONS
PBA LOCAL NO. 249,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the County of Burlington's motion for reconsideration of I.R. No. 2004-8. In that decision, a Commission designee restrained the employer from implementing a policy requiring employees to be weapons-qualified in order to bid on open, posted positions. The Commission concludes that this is not a case of exceptional importance warranting its intrusion into the regular interim relief process.

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P.E.R.C. NO. 2004-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOTEL, RESTAURANT & CAFETERIA
EMPLOYEES UNION LOCAL 3,

Respondent,

-and-

Docket No. CI-2002-32

DIANA KATHY DASENT,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants an appeal of D.U.P. No. 2003-10 and orders the Director of Unfair Practices to issue a Complaint. In that decision, the Director refused to issue a Complaint based on a charge filed by Diana Kathy Dasent against Hotel, Restaurant & Cafeteria Employees Union Local 3. The charge alleges that Local 3 violated the New Jersey Employer-Employee Relations Act when it failed to appeal her termination to the Merit System Board or advise her of her right to appeal on her own. The Commission concludes, given the Complaint issuance standards and the allegations, that it cannot be certain whether the duty of fair representation was breached. The Commission is not deciding at this juncture whether the allegations are true, but remands the matter for the issuance of a Complaint and the development of a record after the Complaint issues. The timeliness of the charge may be contested and determined later based on the record developed after issuance of a Complaint.

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P.E.R.C. NO. 2004-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WALDWICK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-31

WALDWICK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of a provision in the expired collective negotiations agreement between the Waldwick Board of Education and the Waldwick Education Association. The provision requires the Board to grant paid sick leave to employees who are absent for an extended period due to catastrophic illness. The Commission concludes that N.J.S.A. 18A:30-6 mandates that a school board make its extended sick leave determinations on a case-by-case basis rather than by a negotiated rule and therefore the present catastrophic illness provision is not mandatorily negotiable.

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P.E.R.C. NO. 2004-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-32

WASHINGTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Washington Township Board of Education for a restraint of binding arbitration of a grievance filed by the Washington Township Education Association. The grievance contests a mid-year formative evaluation of a student assistance counselor. The Commission concludes that a school board has a managerial prerogative to observe and evaluate employees. The Commission holds that this mid-year formative evaluation constitutes an evaluation rather than a reprimand and restrains arbitration of any challenge to the accuracy of the ratings or contents of the evaluation. The Commission does not consider the negotiability of the Association's procedural claims or what relief, if any, would be appropriate if an arbitrator finds that the Board violated a contractual obligation concerning those claims.

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P.E.R.C. NO. 2004-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WYCKOFF,

Petitioner,

-and-

Docket No. SN-2004-34

P.B.A. LOCAL 261,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses an untimely scope of negotiations petition filed by the Township of Wyckoff seeking a negotiability determination concerning a work schedule proposal made by P.B.A. Local 261 for inclusion in a successor collective negotiations agreement. The Commission concludes that the Township has not shown good cause or unusual circumstances to relax the timelines set by N.J.A.C. 19:17-5.5(c).

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Respondent,

-and-

Docket No. SN-2003-56

RUTGERS COUNCIL OF AAUP CHAPTERS,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of portions of a revised patent policy. The Council of AAUP Chapters seeks a determination that portions of the revised policy adopted and implemented by Rutgers, The State University, are mandatorily negotiable. The Commission finds mandatorily negotiable: Section F(1) pertaining to distribution of royalty income to inventors; Section B pertaining to the timing of the disclosure of inventions; Section B, as it pertains to ownership access to, and review of laboratory notebooks by faculty and Rutgers, consistent with its opinion; Section C pertaining to reversion rights to inventors and notice to inventors; Section F(2) pertaining to questions concerning distribution of licensing income; Section I pertaining to timeliness of decisions; Section H pertaining to dispute resolution mechanisms, as they apply to the mandatorily negotiable sections of the policy; and the amendment and effective date provisions to the extent they apply to mandatorily negotiable sections of the policy. The Commission finds not mandatorily negotiable: Section F(1) pertaining to distribution of royalty income to departments and research units and Sections F(1) and G pertaining to no fee licenses and equity partnerships; and Section B, pertaining to review of outside consulting agreements concerning intellectual property.

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