

P.E.R.C. NO. 2004-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-2003-51

CAMDEN COUNTY SHERIFF'S OFFICERS
P.B.A. LOCAL 277 AND CAMDEN COUNTY
SHERIFF'S SUPERIOR OFFICERS, P.B.A.
LOCAL 277 (SOA),

Respondents.

SYNOPSIS

The Public Employment Relations Commission denies the Camden County Sheriff's motion for reconsideration of P.E.R.C. No. 2004-46. In that decisions, the Commission found mandatorily negotiable four contract proposals made by the Camden County Sheriff's Officers, P.B.A. Local 277 and Camden County Sheriff's Superior Officers, P.B.A. Local 277 (SOA) during interest arbitration proceedings. In its motion, the County reargues that the unions' counsel fees proposal and the PBA's job bidding proposal are not mandatorily negotiable. The Commission finds no extraordinary circumstances warranting reconsideration.

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. 2004-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PEQUANNOCK PBA LOCAL NO. 172,

Appellant,

-and-

Docket No. IA-2002-033

TOWNSHIP OF PEQUANNOCK,

Respondent.

SYNOPSIS

The Commission denies the request of Pequannock PBA Local No. 72 to file an appeal nunc pro tunc from a February 20, 2003 interest arbitration award involving the Township of Pequannock's police officers. If leave to appeal is granted, the PBA asks that the case be remanded to the arbitrator to resolve the parties' dispute over a senior officer differential provision that he awarded. In the alternative, the PBA asks that a new interest arbitrator be appointed to resolve the parties' impasse on this point. The Commission concludes that the PBA has not explained why it did not move to file a late appeal until more than one year after the issuance of the award and over five months after the dispute over the senior officer differential emerged. The Commission also declines to refer the matter to the Director of Arbitration for the appointment of a new arbitrator.

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P.E.R.C. NO. 2004-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BERNARDSVILLE,

Petitioner,

-and-

Docket No. SN-2004-57

P.B.A. LOCAL NO. 365,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Borough of Bernardsville. The Borough seeks a negotiability determination concerning a police chief's directive which requires officers represented by P.B.A. Local No. 365 to report for duty before any assigned training and to return to their assigned duties if the training ends before the end of the officer's regular shift. The PBA filed an unfair practice charge challenging the directive. In the absence of a demand for arbitration, or a dispute which has arisen during the course of successor contract negotiations, the Commission declines to exercise its scope of negotiations jurisdiction. The parties may address the scope of negotiations issue in the unfair practice proceeding.

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P.E.R.C. NO. 2004-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-44

WASHINGTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies 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 pending a decision on a related matter by the New Jersey Division on Civil Rights. The grievance alleges that the termination of a custodian was without just cause. The Commission holds that mid-year contract terminations may be submitted to binding arbitration. The Commission also concludes that a related matter pending before the Division on Civil Rights does not make this grievance non-arbitrable.

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P.E.R.C. NO. 2004-69

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Petitioner,

-and-

Docket No. SN-2004-40

TEAMSTERS INDUSTRIAL AND ALLIED
WORKERS UNION, AFL-CIO, LOCAL 97,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the New Jersey Turnpike Authority for a restraint of binding arbitration of a grievance filed by Teamsters Industrial and Allied Workers Union, AFL-CIO, Local 97. The grievance contests the promotion of a less senior employee to a senior secretary position. The Commission concludes that the Authority has a managerial prerogative to determine which employee is best qualified for a permanent promotion and restrains binding arbitration to the extent Local 97 asserts that the senior employee should have been granted the promotion. The Commission denies a restraint of arbitration to the extent Local 97 asserts that the senior employee should have been granted a trial period.

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P.E.R.C. NO. 2004-70

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MIDDLETOWN,

Petitioner,

-and-

Docket No. SN-2004-30

P.B.A. LOCAL 124,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Middletown for a restraint of binding arbitration over challenges to its decision to assign patrol officers to a swing shift based on an officers' productivity rather than seniority. The Commission concludes that public employers have a non-negotiable prerogative to match the best qualified employees to particular jobs. The parties' contract contains mandatorily negotiable language requiring that shift assignments must be based on seniority only "upon all other things being equal." The Commission concludes that, on this record, the Township's governmental policymaking powers would not be substantially limited by permitting an arbitrator to determine whether the shift denials violated the parties' negotiated seniority provision.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY COLLEGE,

Respondent,

-and-

Docket No. SN-2004-19

BURLINGTON COUNTY COLLEGE
FACULTY ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of portions of two clauses in an expired collective negotiations agreement between the Burlington County College Faculty Association and Burlington County College. The portions declare that the position of lecturer is not eligible for tenure. The Commission finds that the policy goal of maintaining a balance between tenured and non-tenured faculty does not authorize the College to designate, or the parties to agree, that a position is not eligible for statutory tenure if its duties are determined to fall within the ambit of N.J.S.A. 18A:60-8. The educational and management goals of creating a balance of tenured and non-tenured faculty must take place within the statutory scheme for tenure acquisition. That framework contemplates that disputes over whether an individual is tenure-eligible will be decided not by a negotiated agreement, but by a college's board of trustees applying N.J.S.A. 18A:60-8. The Commission also holds that N.J.S.A. 18A:60-12f and 12g do not authorize the College to designate positions as non-tenure track where the duties performed by the incumbents would make them tenure-eligible under N.J.S.A. 18A:60-8. The Commission concludes that the disputed sentences are not mandatorily negotiable.

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P.E.R.C. NO. 2004-73

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COUNTY VOCATIONAL AND
TECHNICAL SCHOOLS DISTRICT
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-33

BERGEN COUNTY VOCATIONAL TECHNICAL
SCHOOLS EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Bergen County Vocational and Technical Schools District Board of Education for a restraint of binding arbitration of a grievance filed by the Bergen County Vocational Technical Schools Education Association. The grievance contests the withholding of a culinary arts teacher's salary increment. The alleged actions which resulted in the teacher's increment withholding occurred during a stipended extracurricular assignment chaperoning a cruise to the Bahamas. The Commission concludes that this withholding does not involve any aspect of teaching or classroom conduct and is not based on an evaluation of teaching performance.

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P.E.R.C. NO. 2004-72

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PISCATAWAY,

Petitioner,

-and-

Docket No. SN-2004-12

PISCATAWAY TOWNSHIP PBA
LOCAL 93,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of certain provisions of a promotional testing process affecting police officers employed by the Township of Piscataway and represented by the Piscataway Township PBA Local 93. The Commission concludes that the order in which the Township will administer the components of the promotional process, and the whether to have the results of the written examination withheld until all other aspects of the process are completed are mandatorily negotiable.

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