

P.E.R.C. NO. 2004-75

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2004-37

P.B.A. LOCAL 327,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of a proposal made by P.B.A. Local 327 during negotiations for a successor collective negotiations agreement with the Morris County Prosecutor's Office. The Commission concludes that the PBA's proposal to increase the paid work hours of investigators from 37 1/2 to 40 hours per week is mandatorily negotiable.

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. 2004-76

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEST MILFORD,

Petitioner,

-and-

Docket No. SN-2004-41

P.B.A. LOCAL 162 and  
WEST MILFORD SUPERIOR  
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of proposals submitted by P.B.A. Local 162 and West Milford Superior Officers Association for inclusion in successor collective negotiations agreements with the Township of West Milford. The Commission holds that a proposal concerning the definition of a grievance does not specifically require binding arbitration of major discipline and is mandatorily negotiable. The Commission holds that a proposal under Departmental Investigations dealing with officers' constitutional rights is not mandatorily negotiable because it does not intimately and directly affect employee work and welfare and deals with criminal, not departmental, investigations. The Commission holds that a proposal under Departmental Investigations concerning a 45-day cap on the time limit for bringing any charges against an officer is not mandatorily negotiable to the extent it would prohibit the filing of complaints by private individuals after 45 days. The Commission holds that a proposal concerning ammunition for weapons practice is, on this record, mandatorily negotiable because employees have an interest in having the employer supply and pay for ammunition necessary to maintain required weapons training and certification.

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P.E.R.C. NO. 2004-77

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-2004-43

STATE LAW ENFORCEMENT CONFERENCE,  
P.B.A. LOCAL 105,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State of New Jersey (Department of Corrections) for a restraint of binding arbitration of a grievance filed by the State Law Enforcement Conference, P.B.A. Local 105. The grievance asserts that the employer violated the parties' collective negotiations agreement when it denied the vacation day requests of six corrections officers even though granting the requests would not have contravened the employer's minimum staffing requirements. The Commission concludes that the employer has not specified or shown a basis for concluding that upholding the grievance would jeopardize its minimum staffing requirements and the grievance may therefore be submitted to binding arbitration.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF UNION CITY,

Petitioner,

-and-

Docket No. SN-2004-47

UNION CITY P.B.A. LOCAL NO. 8,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of certain contract articles and proposals presented during successor contract negotiations between the City of Union City and the Union City P.B.A. Local No. 8. The Commission holds that the City does not have a managerial prerogative to retain an article dealing with physical examinations in a successor agreement. To the extent the article addresses a managerial prerogative, it is not mandatorily negotiable and must be deleted at either party's request. To the extent the provision addresses mandatorily negotiable procedural protections, retention of those protections in a successor agreement is a matter for the parties to resolve through negotiations. The Commission holds that a sick leave clause does not, on its face, contravene the one-year limit in N.J.S.A. 40A:14-137 and may be retained in a successor agreement. The Commission holds that a portion of a health benefits provision that requires the union's consent to a change in carrier is not mandatorily negotiable. The Commission holds that a provision that provides for the appeal of disciplinary determinations to binding arbitration is not mandatorily negotiable to the extent it requires binding arbitration of major discipline. The Commission holds that portions of an article dealing with non-police duties are mandatorily negotiable. The Commission also holds that a portion of an article that requires employees to perform minor vehicle maintenance is mandatorily negotiable where, as here, there are public works employees available at all times to perform these tasks.

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P.E.R.C. NO. 2004-79

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF NORTHVALE,

Petitioner,

-and-

Docket No. SN-2004-50

NORTHVALE P.B.A. LOCAL 233,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal made by the Northvale P.B.A. Local 233 during negotiations for a successor collective negotiations agreement with the Borough of Northvale. The Commission concludes that a proposal concerning the definition of a grievance is mandatorily negotiable. The Commission holds that the PBA's proposal does not specifically require binding arbitration of grievances involving non-negotiable, managerial prerogatives and that should the PBA seek to arbitrate such grievances, the employer may petition for a restraint of arbitration.

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P.E.R.C. NO. 2004-80

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SURF CITY,

Appellant,

-and-

Docket No. IA-2001-59

PBA LOCAL 175,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Surf City's motion to file a late appeal of an interest arbitration award involving police officers represented by PBA Local 175. The Commission concludes that the Legislature did not intend that the time limits in N.J.S.A. 34:13A-16f(5)(a) be relaxed except in the most unusual circumstances. The Commission concludes that the Borough has not presented any exceptional and extraordinary circumstances to warrant relaxing the deadline for filing an appeal.

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P.E.R.C. NO. 2004-81

STATE OF NEW JERSEY  
BEFORE THE MERIT SYSTEM BOARD  
AND  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

STATE OF NEW JERSEY,  
DEPARTMENT OF COMMUNITY AFFAIRS,

JOINT DECISION AND ORDER

Respondent,

DOP Docket Nos.  
2001-3359 & 2002-622

-and-

MAXIMO A. NINAL, JR.

OAL Docket Nos.  
CSV 913-01 & CSV 9344-01

Appellant.

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STATE OF NEW JERSEY  
(DEPARTMENT OF COMMUNITY AFFAIRS),

Respondent,

-and-

PERC Docket No. CI-H-2002-15

MAXIMO A. NINAL, JR.,

Charging Party.

SYNOPSIS

In a joint order, the Public Employment Relations Commission and the Department of Personnel adopt an Administrative Law Judge's recommendation and make enforceable the terms and conditions of a settlement agreement entered into between Maximo A. Ninal, Jr. and the State of New Jersey (Department of Community Affairs). Ninal's appeal filed with the Merit System Board and his unfair practice charge filed with the Commission had been consolidated for hearing before an ALJ. At the hearing, the parties entered into a settlement agreement which was subsequently reduced to writing. Ninal refused to sign the written agreement and sought to have the hearings continued. The ALJ found that the parties entered into the settlement agreement voluntarily and freely with the advice of counsel and without any fraud.

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