

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Petitioner,
-and-

Docket No. SN-2004-067

PATERSON P.B.A. LOCAL 1,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals made by Paterson P.B.A. Local 1 for inclusion in a successor collective negotiations agreement with the City of Paterson. The Commission finds mandatorily negotiable sections of an article on union leave and office space and telephone use for union business. The Commission also finds mandatorily negotiable and not in conflict with Attorney General Guidelines sections of an article on departmental investigations of employee misconduct, including: providing employees under investigation with the names of complainants and all witnesses, participation in line-ups, release of confidential information that might be pertinent to an officer's defense, and an officer's right to request union representation at an investigatory interview. The Commission also finds mandatorily negotiable a maternity leave clause and an article on wages and benefits for assignments to certain divisions.

The Commission finds not mandatorily negotiable a portion of an article to the extent it requires that the Union president be placed in a non-uniformed division; a portion of an article allowing on-duty officers to conduct union solicitations of business establishments; a portion of an article requiring that no employee shall be required to submit to a blood test, breath analyzer, or any other similar examination or procedure; an article entitled Swap Rule, as worded, because it does not expressly require prior approval; a portion of a clause as worded on providing sick leave notes during an employee's absence, and a clause providing that any hospitalized officer shall have a uniformed police officer assigned until a private room is provided.

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.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Petitioner,

-and-

PATERSON P.B.A. LOCAL 1,
SUPERIOR OFFICERS ASSOCIATION,

Docket No. SN-2004-068

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals made by Paterson P.B.A. Local 1, Superior Officers Association for inclusion in a successor collective negotiations agreement with the City of Paterson. The Commission finds mandatorily negotiable sections of an article on union leave and office space and telephone use for union business. The Commission also finds mandatorily negotiable and not in conflict with Attorney General Guidelines sections of an article on departmental investigations of employee misconduct, including: providing employees under investigation with the names of complainants and all witnesses, participation in line-ups, release of confidential information that might be pertinent to an officer's defense, and an officer's right to request union representation at an investigatory interview. The Commission also finds mandatorily negotiable a maternity leave clause and an article on wages and benefits for assignments to certain divisions.

The Commission finds not mandatorily negotiable a portion of an article to the extent it requires that the Union president be placed in a non-uniformed division; a portion of an article requiring that no employee shall be required to submit to a blood test, breath analyzer, or any other similar examination or procedure; an article entitled Swap Rule, as worded, because it does not expressly require prior approval; a portion of a clause as worded on providing sick leave notes during an employee's absence, and a clause providing that any hospitalized officer shall have a uniformed police officer assigned until a private room is provided.

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P.E.R.C. NO. 2005-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF DENVILLE,

Petitioner,

-and-

Docket No. SN-2004-064

P.B.A. LOCAL 142,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of P.B.A. Local 142 for reconsideration of P.E.R.C. No. 2005-23. In that decision, the Commission, applying the negotiability balancing test to the unusual facts of the case, held that the Township of Denville's decision to enter into a contract permitting the Township of Rockaway and a school district to provide a portion of the security services for a Rockaway Township meeting that was to take place in Denville, and not to provide more than seven of its own police officers was a governmental policy decision not subject to mandatory negotiations. The Commission finds no extraordinary circumstances to warrant reconsideration.

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P.E.R.C. NO. 2005-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN,

Petitioner,

-and-

Docket No. SN-2004-065

PARK POLICE OFFICERS
FOP LODGE 76,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the County of Camden for a restraint of binding arbitration of a grievance filed by Park Police Officers FOP Lodge 76. The grievance alleges that the police chief violated the parties' collective negotiations agreement when he issued a directive limiting the use of accumulated leave time to one officer per shift and then applied that directive to deny a request for a vacation day. The Commission grants a restraint to the extent the grievance, if sustained, would automatically entitle two officers per shift to take leaves regardless of the County's ability to meet its minimum staffing level for a shift through other methods such as offering overtime compensation to a replacement employee. The request for a restraint is otherwise denied.

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P.E.R.C. NO. 2005-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BLOOMFIELD,

Petitioner,

-and-

Docket No. SN-2005-006

BLOOMFIELD CROSSING GUARDS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Bloomfield for a restraint of binding arbitration sought by the Bloomfield Crossing Guards Association. The Association contests the assignment of Township-related work to school crossing guards during summer recess. The Commission concludes that employees have an interest in not being required to perform duties outside their job description and that no significant interference with governmental policy arises from the Association's contesting the assignment of duties not incidental to a crossing guard's regular duties.

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P.E.R.C. NO. 2005-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF GUTTENBERG,

Petitioner,

-and-

Docket No. SN-2005-007

P.B.A. LOCAL 88,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Town of Guttenberg for a restraint of binding arbitration of a grievance filed by P.B.A. Local 88. The PBA challenges the application of the employer's sick leave absence counseling policy. The Commission concludes that a public employer has a prerogative to verify that sick leave is not being abused. However, the Commission concludes that arbitration of the grievance challenging the issuance of letters in the nature of reprimands that discuss an officer's absenteeism would not substantially limit the employer's policy goal of monitoring and verifying employee use of sick leave.

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P.E.R.C. NO. 2005-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF GLOUCESTER CITY,

Petitioner,

-and-

Docket No. SN-2005-008

FMBA LOCAL NO. 51,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of two issues raised by FMBA Local No. 51 during negotiations for a successor collective negotiations agreement between the City of Gloucester City and the FMBA. During negotiations the FMBA sought an increase in the number of firefighters assigned to each shift and the City responded that with the elimination of the 24/72 work schedule it could increase staffing levels. The FMBA does not dispute that the City has a managerial prerogative to set overall staffing levels. The Commission concludes that it appears that the City's negotiations proposal is in response to the FMBA's demand to increase staffing levels and not an assertion that the current schedule so impedes governmental policy that changes to the schedule cannot be addressed through negotiations and interest arbitration. The Commission holds that the proposal to retain the 24/72 hour work schedule is mandatorily negotiable.

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P.E.R.C. NO. 2005-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2005-017

FOP LODGE 12,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the City of Newark for a restraint of binding arbitration of a grievance filed by FOP Lodge 12. The grievance contests the requirement that police officers complete various forms that are allegedly not authorized by the department and that were allegedly not sent to the FOP as required by the contract. The Commission concludes that a contractual restriction on the employer's right to assign these duties would substantially limit governmental policy and grants a restraint of arbitration to the extent the grievance challenges the requirement that police officers complete certain forms. The Commission denies a restraint to the extent the grievance challenges the City's alleged obligation to provide copies of the forms to the FOP.

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P.E.R.C. NO. 2005-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TEANECK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-013

TEANECK TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Teaneck Board of Education. The Board seeks a mid-contract determination that a workers' compensation provision in its collective negotiations agreement with the Teaneck Township Education Association is illegal and unenforceable. The Commission will not exercise its scope of negotiations jurisdiction in the absence of a dispute that has arisen during negotiations for a successor agreement or during the processing of a demand for arbitration. The Commission concludes that no special circumstances warrant issuing a mid-contract advisory scope opinion.

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