

P.E.R.C. NO. 2005-46

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY,

Respondent,

-and-

Docket No. CO-1989-301

UTILITY WORKERS UNION OF AMERICA,
AFL-CIO, LOCAL 534,

Charging Party.

SYNOPSIS

The Commission denies George Warholak's motion to reopen an unfair practice charge matter to consider newly discovered evidence. The unfair practice charge was filed by the Utility Workers Union of America, AFL-CIO, Local 534 against the Northwest Bergen County Utilities Authority and was dismissed in October 1992. P.E.R.C. No. 93-29, 18 NJPER 493 (¶23226 1992). The charge involved allegations that Warholak was demoted because he engaged in activity protected by the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The Commission finds no basis to reopen the case and notes that Warholak was not the charging party.

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. 2005-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Respondent,

-and-

Docket No. CO-1994-158

THOMAS FIGUEIRA,

Charging Party-Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies the request of Thomas Figueira for special permission to appeal a hearing examiner's decision denying a motion to reconsider his decision not to compel discovery of certain documents. The Commission finds the request untimely under N.J.A.C. 19:14-4.6(b). The Commission also finds that the motion involves issues of discovery and evidentiary relevance that were ruled upon by the Hearing Examiner and over which the Commission will not intrude mid-hearing absent extraordinary circumstances not present here.

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P.E.R.C. NO. 2005-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WARREN HILLS REGIONAL
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2003-002

WARREN HILLS REGIONAL HIGH
SCHOOL EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Warren Hills Regional Board of Education for a stay of the Commission's order in P.E.R.C. No. 2005-26, 30 NJPER 439 (¶145 2005). In that decision, the Commission found that the Board violated the New Jersey Employer-Employee Relations Act by subcontracting regular bus routes and terminating full-time and regular part-time bus drivers and a mechanic in retaliation for the bus drivers' electing to have the Warren Hills Regional High School Education Association represent them. The Commission ordered the Board to offer reinstatement, make the employees whole, and negotiate with the Association over their terms and conditions of employment. The Commission discerns no error in its analysis or a likelihood of success on the merits of the Board's appeal. Considering all the arguments and balancing the equities, the Commission denies the Board's request for a stay.

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P.E.R.C. NO. 2005-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK STATE-OPERATED
SCHOOL DISTRICT,

Respondent,

-and-

Docket No. CO-2003-234

SEIU LOCAL 617,

Charging Party.

SYNOPSIS

_____The Public Employment Relations Commission dismisses a Complaint against the Newark State-Operated School District. The Complaint was based on an unfair practice charge filed by SEIU Local 617 alleging that the District violated the New Jersey Employer-Employee Relations Act when it denied a Local 617 business agent access to its central office to represent unit members in disciplinary and grievance hearings. The Commission concludes that the District had a substantial and legitimate security concern to deny access to the central office and that the District made reasonable accommodations to ensure that employees are properly represented in grievance and discipline hearings.

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P.E.R.C. NO. 2005-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOLMDEL TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-025

HOLMDEL TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Holmdel Township Board of Education for a restraint of binding arbitration sought by the Holmdel Township Education Association. The Association alleges that the Board violated the parties' collective negotiations agreement when it did not renew a custodian's employment contract. The Commission holds that parties may agree to arbitrate allegedly unjust non-renewals, and that it does not have jurisdiction to determine whether these parties agreed to arbitrate a non-renewal in a particular case.

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P.E.R.C. NO. 2005-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF STAFFORD,

Petitioner,

-and-

Docket No. SN-2005-029

P.B.A. LOCAL 297,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of proposals made by P.B.A. Local 297 during collective negotiations for a successor agreement with the Township of Stafford. The Commission finds that proposals to change the eligibility date for prior service credit, to change the departmental operator numbers of officers affected, and to change the starting salary guide step from 3 to 4, are mandatorily negotiable subjects. The Commission concludes that the PBA cannot negotiate over terms and conditions of employment of non-unit employees including special police, but finds the PBA's proposal concerning the hiring of special police officers to be mandatorily negotiable. The Commission concludes that the proposal can be applied to preserve the terms and conditions of employment of regular police officers, but not to be applied to determine terms and conditions of employment of special police officers. The Commission finds an article that provides that the on-call policy shall comply with the Fair Labor Standards Act is mandatorily negotiable as it requires compliance with the FLSA, and is not preempted by it.

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P.E.R.C. NO. 2005-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX and
ESSEX COUNTY SHERIFF,

Appellants,

-and-

Docket No. IA-2003-037

ESSEX COUNTY SHERIFF'S
OFFICERS, PBA LOCAL 183,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award issued to resolve contract negotiations between the County of Essex and Essex County Sheriff and Essex County Sheriff's Officers, PBA Local 2183. The County of Essex and the Essex County Sheriff appealed the award asserting that their wage proposal should have been awarded and that the arbitrator did not analyze or give due weight to the statutory criteria or issue an award supported by substantial credible evidence. The Appellants also challenge the arbitrator's denial of its reopener proposal and object to certain of the arbitrator's procedural rulings, including his denial of a motion to dismiss the PBA's interest arbitration petition at the close of the PBA's case. They ask that the award be vacated and the case be remanded to another arbitrator. Finally, the Appellants maintain that the Police and Fire Public Interest Arbitration Reform Act (Reform Act), N.J.S.A. 34:13A-14 et seq., is unconstitutional because it is assertedly special legislation; an undue delegation of legislative power; and violates the Equal Protection Clauses of the New Jersey and United States Constitutions. The Commission does not address the constitutional claims since it does not have jurisdiction to rule on the constitutionality of a statute it is charged with implementing. The Commission affirms the arbitrator's ruling on the motion to dismiss. The Commission holds that the arbitrator duly considered the Appellant's financial arguments; reached a reasonable determination of the issues; and fashioned an overall award supported by substantial credible evidence.

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