

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 Thomas Figueira's request for special permission to appeal a Hearing Examiner's decision granting Rutgers, The State University's motion to quash a subpoena directed to Professor and former University President Francis Lawrence. The Commission holds that it will not intrude on the evidentiary rulings of a Hearing Examiner mid-hearing absent extraordinary circumstances.

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

STATE OF NEW JERSEY and
NEW JERSEY STATE CORRECTIONS
OFFICERS ASSOCIATION/FOP
LODGE 200,

Respondents,

-and-

Docket No. CO-2005-092

STATE CORRECTIONS OFFICERS PBA
LOCAL 105 and NEW JERSEY STATE
PBA and INDIVIDUALS,

Charging Parties.

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. CI-2005-014

JOSEPH MARTIN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants in part summary judgment motions filed by State Corrections Officers PBA Local 105, the New Jersey State PBA, and 28 named Individuals. The Commission orders the State of New Jersey and the New Jersey State Corrections Officers/FOP Lodge 200 to cease and desist from collecting and distributing representation fees in lieu of dues on behalf of the FOP without first complying with all statutory and regulatory requirements for the collection of such fees. The Commission also orders the State and the FOP to refund to Joseph Martin and other named charging parties the representation fees in lieu of dues collected on July 29, 2004. The Commission denies the motion for summary judgment without prejudice to the parties refiling their motions within 21 days with supporting certifications and documents concerning August 12 representation fees. The Commission denies the respondents' cross-motions for summary judgment.

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P.E.R.C. NO. 2006-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER CITY,

Petitioner,

-and-

Docket No. SN-2005-047

UNITED STEELWORKERS OF
AMERICA, LOCAL 8228,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of Gloucester City for a restraint of binding arbitration of a grievance filed by the United Steelworkers of America, Local 8228. The grievance contests the permanent appointment of an employee with less seniority than Stephen Cianchetti as a Senior Sewer Repairer/Senior Water Repairer. The Commission concludes that this grievance is preempted by the civil service "rule of three." Any appeal of a promotional decision must be made to the Merit System Board.

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P.E.R.C. NO. 2006-4

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF VINELAND,

Petitioner,

-and-

Docket No. SN-2005-080

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 210,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Vineland for a restraint of binding arbitration of a grievance filed by the International Brotherhood of Electrical Workers, Local 210. The grievance alleges that certain employees have had their work week changed in violation of the parties' agreement. The Commission concludes that the employees' interest in negotiating over the length of the workday and a paid lunch break outweigh the employer's interest in determining these issues unilaterally. The Commission also holds that this dispute is not preempted by the Fair Labor Standards Act.

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P.E.R.C. NO. 2006-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

READINGTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-081

READINGTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Readington Township Board of Education for a restraint of binding arbitration of a grievance filed by the Readington Township Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement when it withheld the increment of a teaching staff member. The Commission concludes that this withholding was based on an evaluation of teaching performance and must be reviewed by the Commissioner of Education. The Commission further concludes that whether or not the Board violated alleged contractual obligations to use progressive discipline goes to the merits of whether the withholding should be sustained and is outside the Commission's forum selection function.

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P.E.R.C. NO. 2006-6

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY,

Petitioner,

-and-

Docket No. SN-2005-082

JNESO DISTRICT COUNCIL 1,
IUOE/AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals made by JNESO District Council 1 IUOE/AFL-CIO for inclusion in a successor collective negotiations agreement with the County of Atlantic. The proposals concern nurses who are working out of title. The Commission concludes that JNESO may negotiate over its proposal that nurses be assigned out-of-title dual assignments only two times per month, but that an employer must be able to ensure adequate coverage in the event of an emergency. The Commission finds that greater restrictions on the right to assign out-of-title supervisory duties are not mandatorily negotiable.

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P.E.R.C. NO. 2006-7

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER COUNTY COLLEGE,

Petitioner,

-and-

Docket No. SN-2005-072

GLOUCESTER COUNTY COLLEGE
FACULTY ASSOCIATION/NJEA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Gloucester County College for a restraint of binding arbitration of a grievance being processed by the Gloucester County College Faculty Association/NJEA. The grievance contends that faculty members were deprived of due compensation when the College cancelled certain on-line courses. The Commission concludes that the College has an indisputable right to cancel courses. The College's financial interest in not paying full or partial payment for cancelled courses does not outweigh the faculty's interest in enforcing an alleged agreement that they receive at least some compensation for courses assigned and subsequently cancelled.

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P.E.R.C. NO. 2006-8

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JACKSON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2005-068

TEAMSTERS INDUSTRIAL AND
ALLIED WORKERS UNION LOCAL 97
OF NEW JERSEY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Jackson Township Board of Education for a restraint of binding arbitration of a grievance filed by Teamsters Industrial and Allied Workers Union Local 97 of New Jersey. The grievance alleges that the Board violated the parties' agreement when it reassigned a security officer from a 10-month day shift position at the high school to a 12-month position on the midnight shift. The Commission concludes that the Board responded to a budget defeat by abolishing the 10-month daytime position at the high school. The Commission therefore holds that arbitration of this grievance seeking to have the Board reestablish the former position would significantly interfere with its governmental policy decision to eliminate daytime security functions at the high school.

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