

P.E.R.C. NO. 2006-40

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PBA LOCAL 136,

Respondent,

-and-

Docket No. CI-2003-036

BARRY WIESER,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants PBA Local 136's motion for reconsideration of P.E.R.C. No. 2005-22. In that decision, the Commission denied the PBA's motion for summary judgment seeking dismissal of an unfair practice charge filed by Barry Wieser. The Commission found that the motion was not supported by any affidavits or certifications and that the argument that the allegations in the charge were facially insufficient to support a claim was in essence an untimely appeal of the decision of the Director of Unfair Practices to issue a Complaint. The charging party did not respond to the motion for reconsideration. The Commission grants summary judgment on the representation fee issue and dismisses the Complaint.

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. 2006-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LITTLE FALLS,

Respondent,

-and-

Docket No. CO-2006-098

LITTLE FALLS POLICE BENEVOLENT  
ASSOCIATION, LOCAL 346,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Township of Little Falls' motion for reconsideration of I.R. No. 2006-9. In that decision, a Commission designee granted a request for interim relief filed by the Little Falls Police Benevolent Association, Local 346 and restrained the Township from implementing a new work schedule. The designee found that the timing of the Mayor's decision to change the schedule shortly after grievances were filed was suspicious and raised an inference of hostility, particularly since the decision was made over the police chief's strenuous opposition. The Commission denies reconsideration concluding that this case does not warrant intrusion into the regular interim relief process. The effect of the designee's decision is to preserve the status quo, i.e., a work schedule that has been in place for over 20 years, until the completion of the unfair practice proceedings. The Township has not asserted any harm to it or the public interest in temporarily maintaining the status quo.

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P.E.R.C. NO. 2006-42

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF WEST NEW YORK,

Petitioner,

-and-

Docket No. SN-2005-071

WEST NEW YORK POLICE  
SUPERVISORS ASSOCIATION,

Respondent.

SYNOPSIS

\_\_\_\_\_The Public Employment Relations Commission dismisses a petition for scope of negotiations determination filed by the Town of West New York. The Town seeks a determination that it has a managerial prerogative to eliminate weekend on-call for captains represented by the West New York Police Supervisors Association. The Town wants to assign captains, if necessary, to weekend tours. The Commission concludes that there is no basis to entertain this petition. The expired contract does not address weekend call-in and the Association has not submitted a proposal on this issue. The Commission holds that its authority under N.J.S.A. 34:13A-5.4(d) does not extend to issuing advisory opinions in scope of negotiations matters in the absence of an actual, as opposed to potential, controversy.

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P.E.R.C. NO. 2006-43

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF ROSELLE PARK,

Petitioner,

-and-

Docket No. SN-2005-089

ROSELLE PARK POLICE SUPERVISORS  
GROUP, P.B.A. LOCAL #27,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Roselle Park for a restraint of binding arbitration of a grievance filed by the Roselle Park Police Supervisors Group, P.B.A. Local #27. The grievance alleges that a sergeant's shift reassignment and the implementation of a six-month shift rotation for all sergeants violates the parties' collective negotiations agreement. The Commission concludes that enforcement of an agreement providing for annual non-rotating shifts selections would substantially limit governmental policymaking given the chief's description of the problems experienced under that system.

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P.E.R.C. NO. 2006-44

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2006-008

NEWARK FIREFIGHTERS UNION,

Respondent.

Appearances:

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of existing contract articles and proposals made by the Newark Firefighters Union for inclusion in a successor collective negotiations agreement with the City of Newark. The Commission concludes that a modified proposal seeking a notice period of 90 days before certain reassignments is mandatorily negotiable in that it appears to apply to permanent or long-term assignments and would not prevent the City from reassigning firefighters to fill positions that had unexpectedly become vacant. The Commission concludes that the employees' interests outweigh those of the employer and finds that a proposal concerning the issuance of radios to firefighters on duty is mandatorily negotiable. The Commission concludes that the retention of a contract article addressing the weather conditions for conducting outside drills is not mandatorily negotiable because it unduly restricts the City's right to assign certain outside activities in adverse weather conditions, but a proposal concerning the broadcasting of the heat index and wind chill factor twice a day is mandatorily negotiable.

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P.E.R.C. NO. 2006-45

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT BUS  
OPERATIONS, INC,

Petitioner,

-and-

Docket No. SN-2006-010

AMALGAMATED TRANSIT UNION,  
DIVISION NOS. 819, 820, 821,  
822, 823, 824, 825 AND 880,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of successor contract proposals made by the Amalgamated Transit Union, Division Nos. 819, 820, 821, 822, 823, 824, 825 and 880 for inclusion in a successor collective negotiations agreement with New Jersey Transit Bus Operations Inc. The Commission concludes that a proposal concerning pension benefits for current as well as future retirees is not mandatorily negotiable. The Commission concludes that a subcontracting proposal is not mandatorily negotiable absent language that specifically exempts situations that would preclude New Jersey Transit from fulfilling its statutory mission. The Commission determines that a proposal concerning filling vacancies presents the mandatorily negotiable issue of the grievance procedures for appealing denials. The Commission concludes that a proposal to limit the hiring of part-time operators to 10% of the full-time workforce at each location is mandatorily negotiable, but that NJTBO can challenge the enforcement of such a provision if it can demonstrate under a particular set of facts that compliance would prevent it from delivering its services.

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P.E.R.C. NO. 2006-46

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF SALEM,

Petitioner,

-and-

Docket No. SN-2005-028

SALEM POLICE OFFICERS'  
ASSOCIATION, FOP LODGE #6,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Salem for a restraint of binding arbitration of a grievance filed by the Salem Police Officers' Association, FOP Lodge #6. The grievance contests the elimination of extra-duty assignments at a State motor vehicle facility. The Commission concludes that how these on-duty police officers will be deployed is a governmental policy decision reserved to management.

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P.E.R.C. NO. 2006-47

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN COUNTY LIBRARY,

Petitioner,

-and-

Docket No. SN-2006-029

OCEAN COUNTY LIBRARY EMPLOYEES  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission concludes that the subject of a grievance filed by the Ocean County Library Employees Association is legally arbitrable. The Ocean County Library sought a determination that the grievance that contested the Library's decision not to appoint a part-time employee to an open full-time position was not mandatorily negotiable and not subject to binding arbitration. The Commission concludes this case does not involve the governmental policy concerns present in a typical hiring or promotion decision, but involves a dispute over the mandatorily negotiable subject of work hours.

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