

P.E.R.C. NO. 2006-49

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,

Docket No. CO-2006-084

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

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission grants a motion for summary judgment filed by State Corrections Officers PBA Local 105, the New Jersey State PBA and Individuals. The New Jersey State Corrections Officers Association/FOP Lodge 200 replaced PBA Local 105 as the majority representative of certain law employment officers employed by the State of New Jersey. The charging parties filed an unfair practice charge alleging that the FOP did not distribute a required annual notice to nonmembers and that therefore the FOP was not entitled to receive representation fees in lieu of dues. In granting summary judgment, the Commission finds no material facts in dispute because the FOP acknowledges that it did not distribute the required annual notice for the year beginning July 1, 2005 until after October 18, 2005. The Commission orders the FOP to return representation fees for the period July 1 to October 1, 2005 to the named charging parties and to cease and desist from collecting and distributing representation fees in lieu of dues without first distributing the required annual notice to nonmembers.

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. 2006-50

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Respondent,

-and-

Docket No. CO-2005-138

PATERSON POLICE PBA, LOCAL 1,

Charging Party.

---

CITY OF PATERSON,

Respondent,

-and-

Docket No. CO-2005-139

PATERSON POLICE PBA, LOCAL 1  
SUPERIOR OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the Paterson Police PBA Local 1 and Paterson Police PBA Local 1 Superior Officers Association and a cross-motion for summary judgment filed by the City of Paterson. The unions filed unfair practice charges alleging that the City violated the New Jersey Employer-Employee Relations Act when it installed surveillance cameras in work areas in the police station. The Commission holds that this is a case of first impression and that there are material facts in dispute. The Commission concludes that neither party is entitled to relief as a matter of law and the cases should proceed to a plenary hearing to develop a full record.

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. 2006-51

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND DENTISTRY  
OF NEW JERSEY,  
Respondent,

-and-

Docket No. CO-2005-220

UNIVERSITY OF MEDICINE AND  
DENTISTRY OF NEW JERSEY  
COUNCIL OF AMERICAN ASSOCIATION  
OF UNIVERSITY PROFESSORS CHAPTERS,

Charging Party.

---

UNIVERSITY OF MEDICINE AND DENTISTRY  
OF NEW JERSEY,  
Charging Party,

-and-

Docket No. CE-2006-003

UNIVERSITY OF MEDICINE AND  
DENTISTRY OF NEW JERSEY  
COUNCIL OF AMERICAN ASSOCIATION  
OF UNIVERSITY PROFESSORS CHAPTERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies summary judgment motions filed by the University of Medicine and Dentistry of New Jersey Council of American Association of University Professors Chapters and the University of Medicine and Dentistry of New Jersey. Both the AAUP and UMDNJ filed unfair practice charges alleging violations of the New Jersey Employer-Employee Relations Act. The AAUP alleges that UMDNJ violated the Act when it unilaterally eliminated or reduced the clinical component of salary of a negotiations unit member. UMDNJ alleges that the AAUP violated the Act when it repudiated the parties' agreement and filed the charge. The Commission concludes that there are material facts in dispute and denies both summary judgment motions.

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. 2006-52

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ASBURY PARK BOARD OF  
EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-017

ASBURY PARK EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Asbury Park Board of Education for a restraint of binding arbitration sought by the Asbury Park Education Association. The demand for arbitration alleges that the Board violated the parties' collective negotiations agreement when it improperly reduced Ophelia Scott's salary from 12 to 10 months and because of an improper RIF notice. The Commission restrains arbitration over her removal from a 12-month Curiosity Coach position and the claim to continuing compensation for that position. The Board does not address the portion of the arbitration demand contesting the "improper RIF notice" and therefore the Commission does not address the issue.

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. 2006-53

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF LONGPORT,

Petitioner,

-and-

Docket No. SN-2006-027

P.B.A. LOCAL 363,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds the subject of a grievance arbitration award between the Borough of Longport and P.B.A. Local 383 to be legally arbitrable. The PBA filed a grievance alleging that the Borough had unilaterally adopted rules and regulations and personnel policies and procedures without negotiations. An arbitrator found that although the employer had a right to issue a policies manual, it did not have a right to abrogate the right of the PBA to negotiate terms and conditions of employment.

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. 2006-54

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT CORPORATION,  
  
Petitioner,

-and-

Docket No. SN-2006-034

P.B.A. LOCAL 304,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of New Jersey Transit Corporation for a restraint of binding arbitration of a grievance filed by P.B.A. Local 304. The grievance asserts that NJ Transit violated the parties' collective negotiations agreement when it removed unit members from the Field Training Officer Program without explanation. The Commission concludes that while reassignments and transfers are generally neither negotiable nor arbitrable, grievances seeking adherence to procedures attendant to such personnel moves can be arbitrated. The Commission grants a restraint over the claim that NJ Transit violated the contract by removing officers from the Field Training Program, but denies a restraint over the claim that it was contractually required to explain why officers were removed as Field Training Officers.

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. 2006-55

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PARSIPPANY-TROY HILLS,

Respondent,

-and-

Docket Nos. CO-2005-160

CO-2006-034

P.B.A. LOCAL 131,

Charging Party.

---

TOWNSHIP OF PARSIPPANY-TROY HILLS,

Respondent,

-and-

Docket No. CO-2005-161

P.B.A. LOCAL 131A (SUPERIOR OFFICERS),

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the Township of Parsippany-Troy Hills. P.B.A. Locals 131 and 131A (Superior Officers) filed unfair practice charges and amended charges alleging that the Township violated the New Jersey Employer-Employee Relations Act when it unilaterally issued a new employee handbook that allegedly altered and impacted on negotiable terms and conditions of employment and when it refused to negotiate over new policies and procedures that may change or impact negotiable terms and conditions of employment. The PBA also filed a charge alleging that the Township violated the Act when a superior officer polled unit members about their position on a pending grievance arbitration. In denying summary judgment, the Commission holds that the question of whether the Township violated the Act by issuing a policy manual that allegedly changed terms and conditions of employment cannot be decided at this juncture. The Commission also holds that whether the superior officer was acting as a representative or agent of the Township is a fact-sensitive question best answered after an evidentiary hearing.

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.