

P.E.R.C. NO. 2006-56

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 denies the New Jersey State Corrections Officers Association/FOP Lodge 200's motion for reconsideration of P.E.R.C. No. 2006-49. In that decision, the Commission ordered the FOP to refund to the named charging parties the representation fees in lieu of dues collected between July 1 and October 18, 2005. The FOP alleges that over half of the named charging parties did not pay representation fees and are not entitled to a refund. The Commission holds that there is no reason to reconsider its order. If a charging party did not pay a fee to the FOP, then that person is not entitled to a refund.

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. 2006-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CUMBERLAND COUNTY COLLEGE,

Petitioner,

-and-

Docket No. SN-2006-041

CUMBERLAND COUNTY COLLEGE
FACULTY ASSOCIATION/NJEA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Cumberland County College for a restraint of advisory arbitration of a grievance filed by the Cumberland County College Faculty Association/NJEA. The Commission will ordinarily dismiss a petition seeking a restraint of advisory arbitration unless the petition alleges that the subject of the grievance is preempted, since it would be illegal for the parties to implement an advisory award violating a statute or regulation. The College alleges that the New Jersey Higher Education Restructuring Act preempts arbitration of this dispute. The Commission finds that the higher education statute did not address or eliminate application of the New Jersey Employer-Employee Relations Act to county colleges, nor does any portion of the statute set promotional procedures that differ from the procedures the Association claims were violated.

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P.E.R.C. NO. 2006-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CUMBERLAND COUNTY COLLEGE,

Petitioner,

-and-

Docket No. SN-2006-042

CUMBERLAND COUNTY COLLEGE
FACULTY ASSOCIATION/NJEA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Cumberland County College for a restraint of advisory arbitration of a grievance filed by the Cumberland County College Faculty Association/NJEA. The Commission will ordinarily dismiss a petition seeking a restraint of advisory arbitration unless the petition alleges that the subject of the grievance is preempted, since it would be illegal for the parties to implement an advisory award violating a statute or regulation. The College alleges that the New Jersey Higher Education Restructuring Act preempts arbitration of this dispute. The Commission finds that the higher education statute did not address or eliminate application of the New Jersey Employer-Employee Relations Act to county colleges.

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P.E.R.C. NO. 2006-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MERCER,

Petitioner,

-and-

Docket No. SN-2006-039

P.B.A. LOCAL 167,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Mercer for a restraint of binding arbitration of a grievance filed by P.B.A. Local 167. The grievance contests the closing of several posts on two days in the Mercer County Corrections Center. The Commission holds that grievances alleging that the employer violated contractual commitments to provide a safe workplace are legally arbitrable even though staffing levels are non-negotiable. Any award could not order an increase in staffing since the determination of staffing levels is a managerial prerogative. Challenges to any remedy should be raised in post-arbitration proceedings.

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P.E.R.C. NO. 2006-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2006-031

NEWARK FIRE OFFICERS UNION,
IAFF LOCAL 1860,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by the Newark Fire Officers Union, IAFF Local 1860. The grievance challenges a prohibition on any tour exchange or overtime assignment that results in a firefighters being on duty for more than 38 consecutive hours. The Commission holds that the given the history of permitting shift swaps up to 48 hours, the absence of any particularized evidence of health or safety problems, and the usual ability of firefighters to rest during part of a 24 hour shift, it cannot find that enforcement of an alleged agreement to continue shift swaps to a maximum of 48 hours would substantially limit any governmental policy interest.

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P.E.R.C. NO. 2006-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2005-087

NEWARK FIRE OFFICERS UNION,
IAFF LOCAL 1860,

Respondent.

SYNOPSIS

The Public Employment Relations Commission considers the negotiability of language incorporating the terms of a settlement agreement into a successor contract between the City of Newark and Newark Fire Officers Union, IAFF Local 1860. The agreement requires the City to fill vacancies, including those resulting from temporary absences, with a fire officer of at least equal rank. The Commission holds that the agreement is mandatorily negotiable to the extent it requires that, absent an emergency, the City of Newark fill temporary vacancies with an officer of at least equal rank.

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P.E.R.C. NO. 2006-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BRIDGEWATER,

Respondent,

-and-

Docket No. CO-2005-035

BRIDGEWATER TOWNSHIP PBA LOCAL 174,

Charging Party.

TOWNSHIP OF BRIDGEWATER,

Respondent,

-and-

Docket No. CO-2005-036

BRIDGEWATER TOWNSHIP SOA, AFFILIATED
WITH BRIDGEWATER TOWNSHIP PBA LOCAL 174,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the Township of Bridgewater and grants cross-motions for summary judgment filed by Bridgewater Township PBA Local 174 and the Bridgewater Township SOA, affiliated with Bridgewater Township PBA Local 174. The PBA and SOA filed unfair practice charges against the Township alleging that it violated the New Jersey Employer-Employee Relations Act when it adopted an ordinance discontinuing a terminal leave benefit. The Commission holds that the Township is bound to maintain the practice established by its former mayor until it discharges its negotiations obligation under our Act. The Commission orders the Township to restore the prior practice and to cease and desist from changing terms and conditions of employment. The Commission emphasizes that it is not holding that the unions have a contractual right to have the terminal leave benefit maintained, but is simply holding that if the Township wished to make a change, it had to first negotiate with the unions in good faith.

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P.E.R.C. NO. 2006-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BERNARDSVILLE,

Respondent,

-and-

Docket No. CO-2004-253

BERNARDSVILLE PBA LOCAL NO. 365,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a request for special permission to appeal a Hearing Examiner's ruling in its unfair practice case against the Borough of Bernardsville. The Commission holds that it will not intrude mid-hearing to consider whether the Hearing Examiner abused her discretion to regulate the course of the hearing by requiring the PBA to wait until the next day of hearing to examine the police chief.

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