

P.E.R.C. NO. 2007-34

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ENGLEWOOD,

Respondent,

-and-

Docket No. CO-2004-074

ENGLEWOOD PBA LOCAL 216 (SOA),

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment made by Englewood PBA Local 216 (SOA) on an amended unfair practice charge it filed against the City of Englewood. The charge, as amended, alleges that the City violated the New Jersey Employer-Employee Relations Act when it refused to pay three lieutenants in accordance with the terms stated by the chief of police in his response at step one of the grievance procedure. The charge alleges that the three lieutenants served in acting captain capacities for over one year and should have been paid at step one of the captain's rate for their first year in those positions and then at step two for their second year in those positions. The Commission denies summary judgment concluding that it cannot find, on this record, that the City repudiated the grievance procedure by interpreting the grievance responses in accordance with an arbitration award referenced by the chief in one of his grievance responses.

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. 2007-35

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BROOKDALE COMMUNITY COLLEGE,

Petitioner,

-and-

Docket No. SN-2006-020

F.O.P. LODGE 79,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of an article in an expired collective negotiations agreement between Brookdale Community College and F.O.P. Lodge 79. The article addresses calling in outside help. The Commission finds that the allocation of overtime is mandatorily negotiable. However, the article, as written, is not mandatorily negotiable because it provides that police officers will be given priority for all overtime work over other employees of the department, regardless of the nature of the work and could be used to prevent the employer from seeking assistance from other police forces when necessary. The Commission concludes that the FOP's proposed modification to the article providing for the assignment of work to off-duty employees within a specific job classification is mandatorily negotiable.

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P.E.R.C. NO. 2007-36

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Petitioner,

-and-

Docket No. SN-2006-075

AFSCME, COUNCIL 52, LOCAL 888,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of Rutgers, The State University for a restraint of binding arbitration of a grievance filed by AFSCME, Council 52, Local 888. The grievance alleges that Rutgers violated the parties' collective negotiations agreement by not promoting the most senior employee to the position of Senior Painter/Maintenance Mechanic. The Commission concludes that the employer based its decision on the qualifications of the employee to perform the duties and an arbitrator does not second-guess that determination.

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P.E.R.C. NO. 2007-37

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Petitioner,

-and-

Docket No. SN-2006-076

AFSCME, COUNCIL 52, LOCAL 888,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of Rutgers, The State University for a restraint of binding arbitration of a grievance filed by AFSCME, Council 52, Local 888. The grievance alleges that Rutgers violated the parties' contract by appointing an employee as acting foreperson for more than 30 working days, by not permanently promoting that employee or removing him from the acting position after that period expired, and by not appointing and compensating another employee. The Commission holds that the grievance may be arbitrated to the extent it claims that the employer must remove the employee from the acting position, but it may not be arbitrated to the extent it seeks a permanent promotion or compensation for another employee not given the position.

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P.E.R.C. NO. 2007-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BLACK HORSE PIKE REGIONAL SCHOOL  
DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-006

BLACK HORSE PIKE EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract clauses in an expired collective negotiations agreement between the Black Horse Pike Regional School District Board of Education and the Black Horse Pike Education Association. The clauses address selecting summer school teachers, assigning teachers to other programs, and capping the number of pupils assigned to teachers. The Commission concludes that a school board can unilaterally determine the criteria for selecting teachers and select the teachers it believes most qualified. A provision concerning other program assignments relates to extracurricular assignments and is mandatorily negotiable, but it cannot be applied to summer school assignments or other teaching assignments. A provision that caps the overall number of students a teacher may be assigned interferes with the Board's freedom to determine class size and is not mandatorily negotiable.

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P.E.R.C. NO. 2007-39

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WATCHUNG HILLS REGIONAL  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket Nos. SN-2007-011  
SN-2007-012

WATCHUNG HILLS REGIONAL  
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Watchung Hills Regional Board of Education for restraints of binding arbitration of two grievances filed by the Watchung Hills Regional Education Association. The first grievance seeks extra compensation for guidance counselors assigned to classroom teaching duties. The second grievance seeks extra compensation for guidance counselors assigned additional students. The Commission holds that compensation is mandatorily negotiable. Whether the parties' contract requires additional compensation for increased workload and whether, in fact, these guidance counselors had their workload increased beyond contractual limits are issues of contract interpretation reserved for an arbitrator.

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