

P.E.R.C. NO. 2007-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MORRIS,

Respondent,

-and-

Docket No. CO-2006-119

MORRIS COUNCIL NO. 6A, NJCSA,
IFPTE, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by Morris Council No. 6A, NJCSA, IFPTE, AFL-CIO. Council No. 6A filed an unfair practice charge alleging that the County of Morris violated the New Jersey Employer-Employee Relations Act when it did not automatically deduct representation fees from nonmembers' paychecks as soon as they joined Council No. 6A's negotiations unit. The Commission holds that the County need not deduct fees until Council No. 6A has notified it that a nonmember joining the negotiations unit has received an adequate explanation of the basis for the fee and a period of at least 30 days to request review of the amount of the fee.

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. 2007-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DEPARTMENT
OF MILITARY AND VETERANS AFFAIRS),

Respondent,

-and-

Docket No. CO-1998-051

COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 1040, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a Motion for Summary Judgment filed by the State of New Jersey (Department of Military and Veterans Affairs). The State seeks dismissal of an amended unfair practice charge filed by the Communications Workers of America, Local 1040, AFL-CIO. That charge alleged that the State violated the New Jersey Employer-Employee Relations Act when it discharged a doctor for filing grievances and an unfair practice charge. A United States District Court dismissed a lawsuit filed by the doctor alleging that she was fired in violation of her free speech rights under the United States and New Jersey Constitutions, federal Labor-Management Relations Act, the New Jersey Law Against Discrimination, the New Jersey Conscientious Employee Protection Act, and the common law right against wrongful termination. The State asserts that dismissal of that lawsuit compels dismissal of the unfair practice charge. The Commission disagrees since CWA was not a part of the federal lawsuit and the allegations in the amended unfair practice charge were not litigated before the court. The allegations in the charge may proceed to hearing.

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P.E.R.C. NO. 2007-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MANALAPAN-ENGLISHTOWN
REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-016

MANALAPAN-ENGLISHTOWN
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Manalapan-Englishtown Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Manalapan-Englishtown Education Association. The grievance contests the salary guide placement of a teaching staff member who returned to work following a disability leave. The Commission holds that an employee's placement on a negotiated salary guide is normally mandatorily negotiable. The Commission states that the parties' conflicting arguments about whether the contract provides credit for prior teaching experience can be made to the arbitrator.

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P.E.R.C. NO. 2007-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Respondent,

-and-

Docket No. CO-2006-172

JERSEY CITY PSOA,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants a motion for summary judgment filed by the City of Jersey City on an unfair practice charge filed by the Jersey City PSOA. The charge alleges that the City violated the New Jersey Employer-Employee Relations Act when it unilaterally changed the work assignments of police sergeants and lieutenants and refused to engage in impact negotiations. The Commission grants summary judgment given that it has already held in a prior decision that the City had a managerial prerogative to make the changes and the absence of any proffered facts to support the PSOA's assertion that the reorganization was for economic reasons. See P.E.R.C. No. 2007-7, 32 NJPER 278 (¶115 2006); recon. granted P.E.R.C. No. 2007-26, 32 NJPER 356 (¶149 2006).

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P.E.R.C. NO. 2007-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF OCEAN,

Respondent,

-and-

Docket No. CO-2006-060

OCEAN TOWNSHIP PBA LOCAL 57,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants an appeal filed by Ocean Township PBA Local 57 of the Director of Unfair Practices' refusal to issue a Complaint on an unfair practice charge it filed against the Township of Ocean. The charge alleges that Township violated the New Jersey Employer-Employee Relations Act when it unilaterally eliminated a steady midnight shift schedule. The Director found that the Township had a managerial prerogative to eliminate the steady midnight shift and he also found an allegation that the change was in retaliation for protected activity to be untimely. The Commission holds that the amendment relates back to the original charge and is therefore timely. The Commission also holds that the amended charge alleges facts that challenge the Township's assertion that it acted pursuant to a managerial prerogative; a factual dispute that must be resolved at hearing. Also, the Commission holds that it cannot be determined at this early stage of the administrative process whether the parties' contract authorized the elimination of the shift. The Commission remands the charge to the Director for issuance of a Complaint.

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P.E.R.C. NO. 2007-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF PALMYRA,

Respondent,

-and-

Docket No. CO-2006-301

PALMYRA POLICE ASSOCIATION
FOP LODGE 2,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the Borough of Palmyra. The Borough seeks dismissal of an unfair practice charge filed against the Borough by the Palmyra Police Association, FOP Lodge 2 alleging that the Borough violated the New Jersey Employer-Employee Relations Act when it refused to sign a collective negotiations agreement. The Commission holds that a public employer's representative may commit an employer to sign a negotiated agreement and a public employer may be deemed to have bound itself to a memorandum of agreement unless it has reserved a right to ratify the agreement by formal vote. The Borough asserts that it had reserved such a right, but there are substantial material facts in dispute concerning whether it did so.

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