

P.E.R.C. NO. 2007-51

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BEACH HAVEN,

Petitioner,

-and-

Docket No. SN-2007-028

TEAMSTERS LOCAL 35 OF NEW JERSEY,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Beach Haven for a restraint of binding arbitration of a grievance filed by Teamsters Local 35 of New Jersey, International Brotherhood of Teamsters, AFL-CIO. The grievance challenges a three-day suspension imposed on a zoning officer. The Commission finds that employers in Department of Personnel jurisdictions can negotiate agreements calling for binding arbitration of minor disciplinary disputes, including suspensions of five days or less. Whether the employer did so is a question of contract interpretation outside the Commission's limited jurisdiction.

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. 2007-52

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EVESHAM TOWNSHIP FIRE  
DISTRICT 1,

Petitioner,

-and-

Docket No. SN-2007-027

I.A.F.F. LOCAL 3091,  
AFL-CIO-CLC,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Evesham Township Fire District 1 for a restraint of binding arbitration of a grievance filed by I.A.F.F. Local 3091, AFL-CIO-CLC. The Commission holds that Local 3091 may legally arbitrate its claim that the district violated the parties' collective negotiations agreement by assigning three firefighter/EMT/inspectors to be on-call for weekend and night work without first having negotiated over the compensation for such mandatory assignments or a system for allocating such assignments among qualified employees.

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P.E.R.C. NO. 2007-53

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT CORPORATION,

Respondent,

-and-

Docket No. CO-2006-192

NEW JERSEY TRANSIT PBA LOCAL NO. 304,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies New Jersey Transit PBA Local No. 304's appeal of D.U.P. No. 2007-5. In that decision, the Director of Unfair Practices refused to issue a complaint on an unfair practice charge that the PBA filed against New Jersey Transit Corporation. The charge alleges that the employer repudiated the parties' grievance procedure by announcing that it was denying a grievance that had allegedly been granted because the employer had failed to respond at steps 2 and 3. The PBA argues that the charge presents a continuing violation because the conduct the grievance challenges continues. The Commission concludes that the alleged repudiation was a single act that took place more than six months before the filing of the charge and that it has no jurisdiction to issue a complaint on this alleged repudiation.

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P.E.R.C. NO. 2007-54

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 denies the request of the Jersey City PSOA for reconsideration of P.E.R.C. No. 2007-43. That decision granted summary judgment and dismissed an unfair practice charge filed by the PSOA alleging that the City of Jersey 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 finds that no extraordinary circumstances warrant reconsidering that decision. N.J.A.C. 19:14-8.4.

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P.E.R.C. NO. 2007-55

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONTCLAIR BOARD OF EDUCATION,

Respondent/Public Employer,

-and-

MONTCLAIR EDUCATION ASSOCIATION,

Docket No. CI-2006-036

Respondent/Employee Organization,

-and-

TAB COX,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies an appeal of D.U.P. No. 2007-9 filed by Tab Cox. In that case, the Director of Unfair Practices refused to issue a Complaint based on the unfair practice charge filed by Cox against the Montclair Board of Education and the Montclair Education Association. The Commission agrees with the Director that the unfair practice charge is untimely because the allegations in the charge occurred more than six months before its filing. N.J.S.A. 34:13A-5.4(c).

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