

P.E.R.C. NO. 2008-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DISTRICT 1199J, NUHHCE,
AFSCME, AFL-CIO,

Respondent,
-and-

Docket No. CI-2006-046

PATRICK DESMOND, et al.,

Charging Parties.

COUNTY OF HUDSON,

Respondent,
-and-

Docket No. CI-2006-047

PATRICK DESMOND, et al.,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission denies the charging parties' request for special permission to appeal D.U.P. No. 2007-4 and dismisses a Complaint against the County of Hudson and District 1199J, NUHHCE, AFSCME, AFL-CIO. This case arose in the wake of a representation petition filed by United Workers of America, Local 322. District 1199J won representation in a runoff election. The charging parties filed unfair practice charges against the County of Hudson and District 1199J alleging that a County Freeholder campaigned in support of District 1199J in the election and that the County disadvantaged Local 322 by providing transportation to the polling site for employees of the County Jail. The Commission holds that the charging parties do not have standing to litigate the allegations in the unfair practice charges. The Commission finds that the charging parties cannot stand in Local 322's shoes to seek a new election or a finding that the County and District 1199J violated Local 322's rights. The Commission dismisses the Complaint.

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. 2008-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FMBA LOCAL 68,

Respondent,
-and-

Docket No. CI-2007-070

STEPHEN E. PETERSON,

Charging Party.

CITY OF LONG BRANCH,

Respondent,
-and-

Docket No. CI-2007-071

STEPHEN E. PETERSON,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices' refusal to issue Complaints based on unfair practice charges filed by Stephen E. Peterson against FMBA Local 68 and the City of Long Branch. The Director found that all allegations in the unfair practice charges except one were outside the six-month statute of limitations for unfair practice charges. The only possible timely allegation involved Peterson's April 17, 2007 termination for which the charging party was given ten days to amend his charges. Instead, Peterson filed an appeal of the Director's decision. The Commission holds that the unfair practice charges do not specify any actions within the six-month period before the charges were filed that might constitute an unfair practice; there were no circumstances that would warrant tolling the statute of limitations; and the charging party was given an opportunity to amend his charges to specify timely allegations of unfair practices surrounding his termination, but did not do so.

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P.E.R.C. NO. 2008-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket Nos. CO-2007-070
CO-2007-071
CO-2007-105

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Newark Police Superior Officers' Association's motion for summary judgment on an unfair practice charge it filed against the City of Newark. The charge alleges that the City violated the New Jersey Employer-Employee Relations Act when it repudiated an agreement resolving a vacation grievance. The Commission denies the City's cross-motion on this unfair practice charge. The Commission holds that the City cannot unilaterally rescind a grievance settlement reached by its police director under the negotiated grievance procedure. Such rescission repudiates the grievance procedure and violates section 5.4a(5) of the Act. The Commission denies cross-motions for summary judgment on two unfair practice charges filed by the SOA alleging that the City repudiated side agreements reached concerning the terms and conditions of employment of a new scuba and helicopter squad. The Commission finds that neither party has presented evidence of their negotiations history as it relates to side agreements and other settlements and that a more complete record is required.

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P.E.R.C. NO. 2008-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY LIBRARY COMMISSION,

Respondent,

-and-

Docket No. RO-2007-55

AFSCME, AFL-CIO, DISTRICT COUNCIL 71,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Camden County Library Commission's request for review of D.R. No. 2008-4. In that decision, the Director of Representation found insufficient facts to support the employer's assertion that a representation petition filed by AFSCME, AFL-CIO, District Council 71 should be dismissed because the petitioned-for employees are managerial executives or confidential employees. The Director certified Council 71 to represent a negotiations unit consisting of the Chief Librarian, Supervising Librarians, and the Supervising Librarian Technical Services. The Commission concludes that the Library Commission has not shown that there are any material facts in dispute to warrant a hearing or that the Director of Representation erred in any findings of fact. The Commission also finds that the Library Commission has not shown that a substantial question of law is raised concerning the interpretation or administration of the Act or rules.

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P.E.R.C. NO. 2008-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Petitioner,

-and-

Docket No. SN-2007-076

IFPTE, LOCAL 200,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the New Jersey Turnpike Authority for a restraint of binding arbitration of grievances filed by IFPTE, Local 200. The grievances contest the denial of temporary disability benefits to a group of employees and challenge the employer's new temporary disability procedures. The Commission holds that the grievances are preempted by the Temporary Disability Law and its implementing regulations. The Commission also holds that the new requirements to fill out forms are reasonable.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(DIVISION OF STATE POLICE),

Petitioner,

-and-

STATE TROOPERS NON-COMMISSIONED
OFFICERS ASSOCIATION,

Docket Nos. SN-2008-011
SN-2008-012
SN-2008-013
SN-2008-014
SN-2008-015

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission grants the request of the State of New Jersey (Division of State Police) for a restraint of binding arbitration of grievances filed by the State Troopers Non-Commissioned Officers Association. The grievances contest various decisions to assign, transfer, or promote officers other than the grievants to vacant positions and seek retroactive assignments, transfers, or promotions for the grievants. The Commission holds that the substantive decision to transfer or assign a police officer or trooper is a non-negotiable policy decision. The Commission further holds that the substantive decision to promote one employee rather than another based on the subjective and/or objective criteria the employer has unilaterally chosen to use and apply is non-negotiable. No specific procedural claims were raised.

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P.E.R.C. NO. 2008-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SOUTH RIVER,

Petitioner,

-and-

Docket No. SN-2008-023

SOUTH RIVER P.B.A. LOCAL 62,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part the request of the Borough of South River for a restraint of binding arbitration of a grievance filed by South River P.B.A. Local 62. The grievance asserts that compensatory days (XTO) can no longer be included with a vacation block or workweek. The Borough asserts that the dispute involves its directive that employees use separate forms for requesting vacation leaves and compensatory time off. The employer has not asked for a restraint on the assertion that it has altered the practice of allowing employees to use XTO days and vacation days together. The Commission restrains arbitration to the extent the grievance challenges the obligation to fill out separate forms for requesting the use of compensatory and vacation leave allowances.

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