

P.E.R.C. NO. 2008-39

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY  
(ATLANTIC/CAPE MAY VICINAGE),

Petitioner,

-and-

Docket No. SN-2008-001

PROBATION ASSOCIATION OF NEW JERSEY  
(CASE-RELATED PROFESSIONAL UNIT),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the New Jersey State Judiciary (Atlantic/Cape May Vicinage) for a restraint of binding arbitration of grievances filed by the Probation Association of New Jersey (Case-Related Professional Unit). The grievances concern a security policy prohibiting access to court houses in the Vicinage after 5:00 p.m. and on Saturdays. The Commission restrains arbitration to the extent the grievances challenge the Judiciary's decision to restrict court house access after hours. The Commission permits arbitration of the severable employee health, safety, and compensation issues.

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. 2008-40

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY PROSECUTOR,

Petitioner,

-and-

Docket No. SN-2008-022

MAINLAND P.B.A. LOCAL NO. 77,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Atlantic County Prosecutor for a restraint of binding arbitration of a grievance filed by the Mainland P.B.A. Local No. 77. The grievance alleges that the employer violated the parties' collective negotiations agreement when it issued a second evaluation to a police officer allegedly in violation of department policies and procedures. The Commission declines to restrain arbitration over the alleged procedural violation, but grants a restraint of arbitration to the extent the grievance seeks to require the Prosecutor to give the grievant a satisfactory rating for attitude and professionalism.

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. 2008-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF BAYONNE,

Petitioner,

-and-

Docket No. SN-2007-073

P.B.A. LOCAL 7,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City's request for a restraint of binding arbitration sought by P.B.A. Local 7. The PBA contests a change in co-payments for NJPLUS and HMOs administered pursuant to the State Health Benefits Program. The Commission grants the request for a restraint because an arbitrator cannot order a roll-back of SHBP co-pay levels.

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. 2008-42

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF MILLVILLE,

Petitioner,

-and-

Docket No. SN-2008-024

MILLVILLE P.B.A. LOCAL 213,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the City of Millville for a restraint of binding arbitration of a grievance filed by Millville P.B.A. Local 213. The grievance seeks back pay and other benefits for a reinstated police officer who had been on suspension without pay. The Commission holds that the dispute over the terms of a settlement agreement and the dispute over whether the City waived its right to a grievance hearing because it did not do so within 30 days of the issuance of the preliminary notice of disciplinary action are legally arbitrable. The Commission restrains arbitration over the claim for back pay under N.J.S.A. 40A:14-149.2 holding that only the Merit System Board can determine the merits of a major disciplinary action involving this employee and consequently any claim for back pay depending upon an adjudication and exoneration must be made to the MSB.

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. 2008-43

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON (POLICE  
DEPARTMENT LAYOFFS),  
Respondent,

OAL Docket No.  
CSV 9166-97

-and-  
PBA LOCALS 51 & 51A,  
Petitioners.

---

COUNTY OF HUDSON,  
Respondent,

PERC Docket Nos.  
CO-1997-058 and  
CO-1997-059

-and-  
PBA LOCALS 51 & 51A,  
Charging Parties.

OAL Docket No.  
PRC-9928-03

SYNOPSIS

The Public Employment Relations Commission dismisses unfair practice charges filed by PBA Locals 51 and 51A against the County of Hudson. The charges allege that the County violated the New Jersey Employer-Employee Relations Act when it abolished its police department in retaliation for the PBA's obtaining an automatic salary increment system through an interest arbitration award and then unilaterally transferred negotiations unit work to non-unit personnel employed by the Hudson County Sheriff. The charges were consolidated with a layoff appeal before the Merit System Board (MSB) and transferred for hearing before an Administrative Law Judge (ALJ). The ALJ recommended dismissal of the unfair practice charges. The Commission accepts the ALJ's conclusion that hostility or anti-union animus was not a substantial or motivating factor in the abolishment decision. The Commission concludes, on balance, that the County's governmental policy determinations about its police department's existence outweighs the employees' interests in negotiating over their employment conditions and the County was not required to negotiate before the Sheriff assumed responsibility for providing some of the patrol division services previously performed by the County police department.

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.