

P.E.R.C. NO. 2008-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL
FIRE AND RESCUE,

Respondent,

-and-

Docket No. CO-2008-242

NORTH HUDSON FIRE OFFICERS'
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of I.R. No. 2008-7 filed by the North Hudson Fire Officers' Association. In that decision, the Commission designee denied a request for interim relief submitted by the Association in conjunction with the unfair practice charge it filed against the North Hudson Regional Fire and Rescue. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act when it denied light or modified duty to a fire captain contrary to an existing policy and when it unilaterally changed the policy. The designee found a dispute over material facts based on the certifications filed in support of and opposition to the application for interim relief. The Commission finds no basis to overturn that finding.

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. 2008-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Petitioner,

-and-

Docket No. SN-2007-055

RUTGERS COUNCIL OF AAUP CHAPTERS,
AAUP-AFT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Rutgers, The State University for a restraint of binding arbitration of a grievance filed by Rutgers Council of AAUP Chapters, AAUP-AFT. The grievance alleges that the University violated a contractual confidentiality provision when its Reviewing Officer routinely sent grievances and related documents claiming violations of reappointment, promotion or tenure procedures to other administrators even though the Officer had determined that the grievances were not properly filed and the grievants still had an opportunity to withdraw them before any consideration on the merits. The Commission concludes that Rutgers could have legally bound itself to limit the distribution of grievance materials at this preliminary stage of the grievance procedure. However, the Commission holds that the University may refile its petition if the arbitrator finds a contractual violation and issues an award that the University believes would significantly interfere with its ability to address alleged discrimination or harassment or correct any systemic problems jeopardizing the integrity of the evaluation process.

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P.E.R.C. NO. 2008-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF PASSAIC (PREAKNESS
HEALTHCARE CENTER),

Petitioner,

-and-

Docket No. SN-2008-010

AFSCME, COUNCIL 52, LOCAL 2273,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Passaic (Preakness Healthcare Center) for a restraint of binding arbitration of a grievance filed by AFSCME, Council 52, Local 2273. AFSCME seeks to arbitrate the issue of notice of layoffs at the Preakness Healthcare Center. The Commission holds that a public employer has a managerial prerogative to decide whether or not to lay off public employees, but procedural issues such as notice of layoff are mandatorily negotiable. The Commission finds this grievance legally arbitrable since it does not challenge the layoff decision, but whether the notice of the layoff complied with the collective negotiations agreement.

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P.E.R.C. NO. 2008-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONMOUTH COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2008-052

MONMOUTH COUNTY SHERIFF'S
OFFICERS, P.B.A. LOCAL 314,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Monmouth County Sheriff's Office for a restraint of binding arbitration of a grievance filed by Monmouth County Sheriff's Officers, P.B.A. Local 314. The grievance contests comments made on an evaluation. The Commission concludes that the negative comments in the evaluation are all evaluative and may not be challenged in binding arbitration. However, any disciplinary action resulting from the evaluation may be challenged in an appropriate forum.

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P.E.R.C. NO. 2008-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2008-062

ATLANTIC COUNTY PROSECUTOR'S SUPERIOR
OFFICERS, P.B.A. LOCAL #77,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Atlantic County Prosecutor's Office for a restraint of binding arbitration of a grievance filed by the Atlantic County Prosecutor's Superior Officers, P.B.A. Local #77. The grievance alleges that the Prosecutor's Office violated the parties' collective negotiations agreement by failing to pay overtime to a captain and three lieutenants when they worked beyond their normal 40-hour work week. The Commission denies the request for a restraint because overtime is a legally arbitrable subject.

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