

P.E.R.C. NO. 2009-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK HOUSING AUTHORITY,

Public Employer,

-and-

Docket No. CO-2007-378

NEWARK UNION OF INDEPENDENT SPECIAL
POLICE, LOCAL 202,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Newark Housing Authority did not violate the New Jersey Employer-Employee Relations Act when it laid off special police represented by the Newark Union of Independent Special Police, Local 202. A Complaint was issued on an unfair practice charge filed by Local 202 against the Authority alleging that the Authority violated the Act when it announced that it was terminating all Local 202 unit members allegedly in retaliation for exercising rights guaranteed by the Act and to chill negotiations and interest arbitration. The charge also alleges that the Authority violated the Act by not providing Local 202 with a copy of an agreement for police services it reached with the City. The Commission finds that the hostility to protected activity was a motivating factor in the decision of the Authority to lay off all special police, but that they would have been laid off even absent protected activity as part of a large reduction in force. The Commission therefore dismisses that portion of the Complaint. The Commission finds that the Authority violated the Act when it failed to provide a copy of an agreement for police services. The Commission orders the Authority to negotiate in good faith, provide a copy of the agreement, and post a notice of the violation.

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. 2009-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF ROCKAWAY,

Petitioner,

-and-

Docket No. SN-2007-054

FRATERNAL ORDER OF POLICE,
LODGE NO. 31,

Respondent.

SYNOPSIS

The Public Employment Relations Commission, pursuant to an Order on Motion for Temporary Remand from the Appellate Division, considers the request of the Township of Rockaway to supplement the record to include the collective negotiations agreements of its other negotiations units. The Township also asks the Commission to consider the possible effects an arbitration award may have in regards to these agreements and that arbitration be restrained. The Fraternal Order of Police, Lodge 31 opposes these requests. The Commission grants the request to supplement the record and considers the collective negotiations agreements. However, the Commission reaffirms its initial decision declining to restrain binding arbitration.

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P.E.R.C. NO. 2009-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEEHAWKEN,

Petitioner,

-and-

Docket No. SN-2008-078

WEEHAWKEN POLICE BENEVOLENT
ASSOCIATION, LOCAL NO. 15,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township of Weehawken's request for a restraint of binding arbitration of a grievance filed by Weehawken Police Benevolent Association, Local No. 15. The grievance asserts that a change in vacation procedures violates a past practice and the parties' collective negotiations agreement. The Commission holds that the grievance is at least permissively negotiable and therefore legally arbitrable.

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P.E.R.C. NO. 2009-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LUMBERTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-002

LUMBERTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a contract clause in an expired collective negotiations agreement between the Lumberton Township Board of Education and the Lumberton Township Education Association. The Board asserts that the clause, which concerns retiree prescription and dental insurance coverage, is preempted and may not be included in a successor agreement. The Commission finds the contract clause is not mandatorily negotiable to the extent it applies to an employee who elects State-paid coverage. The Commission finds the clause to be mandatorily negotiable to the extent it applies to a retiree who does not elect State-paid coverage under the State Health Benefits Plan/School Employees Health Benefits Program.

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P.E.R.C. NO. 2009-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BARNEGAT,

Petitioner,

-and-

Docket No. SN-2009-003

TEAMSTERS LOCAL NO. 35,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Barnegat for a restraint of binding arbitration of a grievance filed by Teamsters Local No. 35. The grievance alleges that the Township violated seniority provisions of the parties' collective negotiations agreement when, after it abolished the chief mechanic title, it refused to allow the holder of that position to exercise his seniority rights and "bump" into a lower title. The Commission holds that absent preemptive statutes or regulations, parties may negotiate provisions relating seniority to determinations of which satisfactory employees will be laid off, recalled, bumped or re-employed. The Commission holds that an arbitrator can determine whether this employee is entitled to the lower title.

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