

P.E.R.C. NO. 2009-29

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST MORRIS REGIONAL HIGH  
SCHOOL BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. CU-2005-015

WEST MORRIS REGIONAL ADMINISTRATIVE  
ASSISTANTS ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission finds that the position of payroll/benefits coordinator employed by the West Morris Regional High School Board of Education is confidential within the meaning of the New Jersey Employer-Employee Relations Act. The Commission rejects the exceptions to the Hearing Officer's report and recommended decision filed by the West Morris Regional Administrative Assistants Association. The payroll/benefits coordinator is confidential because she has functional responsibilities and knowledge in connection with issues involved in collective negotiations of a negotiations unit affiliated with the Administrative Assistants Association.

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. 2009-30

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF WALDWICK,

Petitioner,

-and-

Docket No. SN-2008-083

P.B.A. LOCAL NO. 217,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Waldwick for a restraint of binding arbitration of a grievance filed by PBA Local No. 217. The grievance contests alleged changes in sick leave verification procedures. The Commission holds that the Borough has a managerial prerogative to require the grievant to be examined by a Borough-selected physician to substantiate his illness when conflicting information regarding whether grievant would be returning to work was previously submitted.

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P.E.R.C. NO. 2009-31

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2008-081

P.B.A. LOCAL NO. 11,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the City of Trenton's request for a restraint of binding arbitration of a grievance filed by PBA Local No. 11. The grievance alleges the City violated the parties' collective negotiations agreement by not providing police officers with four days off following four consecutive days on duty. The Commission restrains arbitration to the extent the grievance challenges the City's right to require overtime without declaring an emergency, even if overtime would interfere with the contractual work schedule. The request for a restraint of binding arbitration is denied to the extent the grievance claims that overtime should first be offered to qualified volunteers.

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P.E.R.C. NO. 2009-32

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,  
(OFFICE OF THE PUBLIC DEFENDER)

Respondent,

-and-

Docket Nos. CO-2006-155  
CO-2007-152

COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the motion for summary judgment filed by the State of New Jersey (Office of the Public Defender) in the consolidated unfair practice proceeding initiated by the Communications Workers of America. The charges allege the State violated the New Jersey Employer-Employee Relations Act when it refused to process grievances filed by a CWA shop steward; refused her request for union representation at a meeting; and disciplined her in retaliation for protected activity. The State argued that the first charge was untimely because the preliminary notice of disciplinary action for the suspension was served outside the six-month statute of limitations period and the charge failed to state a prima facie case for a Weingarten violation. The Commission finds that the date of the final notice of disciplinary action that was served within six months of the charge is the date of the discipline for statute of limitations purposes. The Commission declines to consider the summary judgment motion on the Weingarten allegations because it was really an appeal of the issuance of a Complaint that must be made by special permission to appeal within five days of service of the Complaint pursuant to N.J.A.C. 19:14-2.3(c).

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P.E.R.C. NO. 2009-33

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2008-068

PASSAIC COUNTY ASSISTANT PROSECUTORS'  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Passaic County Prosecutor's request for a restraint of binding arbitration of a grievance filed by the Passaic County Assistant Prosecutor's Association. The grievance contests the order of recent layoffs of assistant prosecutors. The Prosecutor argued that the Association's claim that the order of layoffs should be by seniority is preempted by N.J.S.A. 2A:158-15, which states that assistant prosecutors hold their appointments at the pleasure of the prosecutor. Applying the relevant case law that interprets "at the pleasure" statutory language, the Commission finds the statute does not preempt the Prosecutor's discretion to agree through collective negotiations to use seniority to decide the order of layoffs.

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P.E.R.C. NO. 2009-34

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2008-072

POLICEMEN'S BENEVOLENT ASSOCIATION,  
LOCAL 265,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Passaic County Prosecutor's request for a restraint of binding arbitration of a grievance filed by the Policemen's Benevolent Association, Local 265. The grievance contests the order of recent layoffs of prosecutor's investigators. The Prosecutor argued that the Association's claim that the order of layoffs should be by seniority is preempted by N.J.S.A. 2A:157-10, which contains the authority of the Prosecutor to appoint investigators. The Commission finds that the statute does not address layoff procedures and is therefore not preemptive as to whether the Prosecutor could agree through collective negotiations to use seniority to decide the order of layoffs.

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