

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CWA LOCAL 1084,
Respondent,
-and-
DONNA LYNN BURNS-MELTZER,
Charging Party.

Docket No. CI-2007-066

CAMDEN COUNTY BOARD OF SOCIAL
SERVICES,

Respondent,
-and-
DONNA LYNN BURNS-MELTZER,
Charging Party.

Docket No. CI-2007-067

SYNOPSIS

The Public Employment Relations Commission remands to the Director of Unfair Practices for further proceedings one allegation in consolidated unfair practice charges filed by Donna Lynn Burns-Meltzer against CWA Local 1084 and Camden County Board of Social Services. The Director refused to issue a complaint on most of the allegations in the charges. D.U.P. No. 2009-1, 34 NJPER 278 (¶99 2008). Burns-Meltzer appealed to the Commission the Director's refusal to issue a complaint as to three allegations: that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4 et seq., when it ended payment for accumulated sick leave for employees retiring after December 1, 2009 and when the Board changed health care co-pays during the course of negotiations; and that the CWA violated the Act by failing to submit for a ratification vote to its membership changes in the 2006-2009 agreement that differed from a proposed agreement previously ratified. The Commission finds the allegation that the CWA did not submit for ratification proposed changes to the parties' agreement, if true, might constitute an unfair practice and remands that allegation back to the Director to issue a complaint. The Commission sustains the refusal to issue a complaint on the remaining two allegations.

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. 2009-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF FAIRFIELD,

Respondent,

-and-

Docket No. CO-2007-276

PBA LOCAL No. 81,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants a motion for summary judgment filed by the Township of Fairfield seeking dismissal of an unfair practice charge filed by PBA Local No. 81. The Commission denies a cross-motion for summary judgment filed by the PBA. The unfair practice charge alleges that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by unilaterally changing disciplinary procedures when it appointed a Retired Judge to conduct a disciplinary hearing and when it asserted that the hearing would not be held in public. The Commission finds that, based on the undisputed facts in the police chief's certification, the Township did not unilaterally change disciplinary procedures; the Commission does not have jurisdiction to enforce N.J.S.A. 40A:14-147; and an announcement that the hearing would not be held in public when the hearing was subsequently held in public is not an unfair practice.

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P.E.R.C. NO. 2009-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2008-061

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

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the County of Hudson's request for a determination that the subject matter of a grievance submitted to binding arbitration by District 1199J, NUHHCE, AFSCME, AFL-CIO is preempted by Civil Service statutes and regulations. The arbitrator found a violation of the parties' negotiated pre-layoff procedures and limited his award to back pay for the remainder of the 12-month period the employee could have remained in his provisional title. The Commission holds that the grievance award is not preempted by Civil Service statute or regulation and is within the scope of negotiations.

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P.E.R.C. NO. 2009-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2009-008

POLICE SUPERIOR OFFICERS'
ASSOCIATION OF NEWARK,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the City of Newark's request for a restraint of binding arbitration of a grievance filed by the Police Superior Officers' Association of Newark. The dispute involves an allegation that the City violated the parties' collective negotiations agreement when it denied a former police lieutenant a request for a personnel order specifying that he retired on a disability pension. The Commission grants the request for a restraint over that issue.

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P.E.R.C. NO. 2009-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF BAYONNE,

Petitioner,

-and-

Docket No. SN-2009-018

BAYONNE POLICE SUPERIOR
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City of Bayonne's request for a restraint of binding arbitration of a grievance filed by the Bayonne Police Superior Officers. The grievance asserts that the parties' collective negotiations agreement requires the City to pay the cost of increased maximum out-of-pocket expenses for employees moved from the Traditional Plan to the NJ Direct Plan of the State Health Benefits Program. Relying on its decision in Rockaway Tp., P.E.R.C. No. 2009-1, 34 NJPER 278 (¶96 2007), the Commission holds that the grievance concerns the legally arbitrable issue of health benefit levels. If the arbitrator finds a contractual violation and a dispute arise over the negotiability of any remedy issued, the City may re-file its scope petition within 30 days.

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