

P.E.R.C. NO. 2010-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

COUNTY OF PASSAIC AND
PASSAIC COUNTY SHERIFF,

Appellants,

-and-

Docket No. IA-2007-115

POLICE BENEVOLENT ASSOCIATION LOCAL 197
(Correction Officers),

POLICE BENEVOLENT ASSOCIATION LOCAL 197
(Correction Superior Officers),

POLICE BENEVOLENT ASSOCIATION LOCAL 286
(Sheriff's Officers),

POLICE BENEVOLENT ASSOCIATION LOCAL 286
(Sheriff's Superior Officers),

Respondents.

SYNOPSIS

The Public Employment Relations Commission vacates and remands an interest arbitration award to the arbitrator for reconsideration. The County appealed the award arguing that: the award must be vacated and remanded to a new arbitrator because the arbitrator did not apply and give due weight to the statutory factors; the award violates the New Jersey Arbitration Act, N.J.S.A. 2A:24-8, because the arbitrator failed to consider the statutory factors or calculate the total net economic changes for each year of the agreement; and the award is not based on substantial credible evidence in the record as a whole. The PBA argued that the award meets the statutory criteria and should be affirmed. The Commission vacates and remands the award to the arbitrator for reconsideration and issuance of a new award that must explain which of the statutory factors he deemed relevant, satisfactorily explain why the others are not relevant, and provide an analysis of the evidence on each relevant factor.

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. 2010-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BRIDGEWATER-RARITAN REGIONAL
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2009-045

STAN J. SERAFIN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands an unfair practice charge filed by Stan J. Serafin against the Bridgewater-Raritan Regional Board of Education to the Director of Unfair Practices for further processing. The charge alleges that Serafin was terminated by the Board in violation of the New Jersey Employer-Employee Relations Act, 34:13A-5.4a(1), (3), (4) and (7), in retaliation for his alleged protected activity. The Director dismissed the charge finding that the allegations fall outside of the six-month statute of limitations. The Commission finds that under the circumstances of the case, Serafin may have been prevented from filing a timely charge due to an alleged breach of the duty of fair representation on behalf of his majority representative. The Commission gave Serafin ten days to amend his charge to clearly and concisely allege how he was terminated for activity protected by the Act.

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P.E.R.C. NO. 2010-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF IRVINGTON,

Respondent,

-and-

Docket No. CO-2009-038

IAFF LOCALS 305 & 2004,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission grants the IAFF Locals 305 and 2004's motion for summary judgment in an unfair practice case filed against the Township of Irvington. The charge alleged that the Township violated the New Jersey Employer-Employee Relations Act, 34:13A-5.4a(1) and (5), when it refused to signed collective negotiations agreements covering the charging parties' units and reflecting the terms of the memorandum of agreement signed by the parties. The Commission holds that the parties' draft agreement clearly and faithfully tracks their memorandum of agreement and orders the Township to execute the contract immediately.

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P.E.R.C. NO. 2010-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Respondent,

-and-

Docket No. SN-2009-060

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY
COUNCIL OF AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS CHAPTERS,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of procedural protections the University of Medicine and Dentistry of New Jersey Council of American Association of University Professors Chapters seeks to negotiate in relation to a Reporting Compliance and Ethics Concerns policy adopted by the University of Medicine and Dentistry of New Jersey. The AAUP filed an unfair practice charge alleging that UMDNJ violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it refused to negotiate procedural protections the AAUP sought for its members during disciplinary proceedings. UMDNJ filed the scope petition alleging that the subjects are not mandatorily negotiable. The Commission holds that the procedural protections sought by the AAUP, specifically, notice of the allegations, an opportunity to respond, and a written determination resulting from the investigation are mandatorily negotiable subjects. Should a case arise in which UMDNJ finds a need to deviate from any negotiated procedural protections, AAUP challenges that action in binding arbitration, and UMDNJ seeks a restraint of binding arbitration, the Commission can consider the parties' specific concerns under the particular facts and circumstances of that case.

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P.E.R.C. NO. 2010-46

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HAMILTON,

Petitioner,

-and-

Docket No. SN-2009-071

COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 1040, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township of Hamilton's request for a restraint of binding arbitration of a grievance filed by the Communications Workers of America, Local 1040, AFL-CIO. The grievance seeks compensation for an employee who allegedly performed the duties of her supervisor on 26 occasions while the higher level employee was absent from work. The City argued it has a managerial prerogative to decide whether an employee may perform the duties of her supervisor. The Commission holds that the dispute over whether the employee was authorized to perform the higher-level duties and receive higher pay are issues to be determined by the arbitrator.

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P.E.R.C. NO. 2010-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2009-074

POLICEMEN'S BENEVOLENT ASSOCIATION
LOCAL 109,

SYNOPSIS

The Public Employment Relations Commission denies the County of Hudson's request for a restraint of binding arbitration of a grievance filed by Police Benevolent Association Local 109. The grievance asserts that officers in the police academy did not receive the appropriate compensation. The County argued that trainees are not members of the PBA unit. The Commission holds that an arbitrator may determine if the trainees are included in the unit and, if so, the rate of compensation to which they are entitled.

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P.E.R.C. NO. 2010-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY INSTITUTE OF TECHNOLOGY,

Petitioner,

-and-

Docket No. SN-2010-014

FOP LODGE #93,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the New Jersey Institute of Technology's request for a restraint of binding arbitration of a grievance filed by FOP Lodge 93. The grievance challenges the termination of a police officer. The FOP argued that the parties' collective negotiations agreement provides for arbitration and that the officer is entitled to arbitration under the police disciplinary arbitration statute, N.J.S.A. 40A:14-210(1). NJIT argued that the statute does not apply to them; if it did apply, the FOP did not submit the appropriate form; and the decision to terminate an officer is not negotiable. The Commission holds that NJIT is an employer covered by the police disciplinary arbitration statute, but the FOP has not filed a proper request for a panel of disciplinary arbitrators. The FOP has ten days to file the appropriate form and then the parties' may argue whether the request is timely. The Commission grants NJIT's request for a restraint of binding arbitration to the extent the grievance challenges the merits of the termination.

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