

P.E.R.C. NO. 2010-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS COUNTY SHERIFF'S OFFICE and
COUNTY OF MORRIS,

Respondents,

-and-

Docket No. CO-2009-118

MORRIS COUNTY POLICEMEN'S BENEVOLENT
ASSOCIATION, LOCAL 298,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2010-16 filed by the Morris County Sheriff's Office and the County of Morris. In that decision, the Commission granted, in part, the Morris County Policemen's Benevolent Association, Local 298's cross-motion for summary judgment on an unfair practice charge it filed against the public employer. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it issued a directive providing that staff who are assigned to positions normally closed on weekends will no longer be permitted to work those positions on a holiday. The Commission finds that the employer has not advanced any argument that meets the extraordinary circumstances needed to warrant reconsideration of its original decision.

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. 2010-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PARSIPPANY-TROY HILLS,

Petitioner,

-and-

Docket No. SN-2009-065

PARSIPPANY PUBLIC EMPLOYEES LOCAL 1,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township of Parsippany-Troy Hills' request for a restraint of binding arbitration of a grievance filed by Parsippany Public Employees Local 1. The grievance asserts that the Township's denial of a light duty assignment to an employee violates the parties' collective negotiations agreement. The Commission holds that where the employer permits light duty, the assignment of available light duty work to qualified employees is negotiable and legally arbitrable.

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P.E.R.C. NO. 2010-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT
OF THE CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-2009-084

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the State-Operated School District of the City of Paterson's request for a restraint of binding arbitration of two grievances filed by the Paterson Education Association. The grievances assert that the District violated the parties' collective negotiations agreement when the District's school board failed to vote on the decision to withhold the increments of two teaching staff members. The Commission restrains arbitration because a State statute vests authority in the State district superintendent to withhold increments.

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P.E.R.C. NO. 2010-55

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BLOOMFIELD,

Petitioner,

-and-

Docket No. SN-2010-005

BLOOMFIELD PBA LOCAL #32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the Township of Bloomfield's request for a restraint of binding arbitration of a grievance filed by Bloomfield PBA Local No. 32. The grievance asserts that the Township violated the parties' collective negotiations agreement when it reduced the pay of two police officers after transferring them from the detective division to the patrol division. The Commission permits arbitration over the compensation claim that is severable from the transfer decision.

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P.E.R.C. NO. 2010-56

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF RAHWAY,

Petitioner,

-and-

Docket No. SN-2010-006

PBA LOCAL #31,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the City of Rahway's request for a restraint of binding arbitration of a grievance filed by PBA Local #31. The grievance challenges the promulgation of a new light duty policy and asserts that portions of the policy violate the contractual retention of benefits clause. The Commission denies the City's request to the extent the grievance challenges the elimination of any consultation with the affected officer and his or her medical provider as part of the consideration of the appropriateness of a light duty assignment; the City's ability to assign police officers to other City departments; the allocation of exceptions to the six-month limit on light duty assignments; and the alleged violation of the progressive discipline system.

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P.E.R.C. NO. 2010-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2010-007

HUDSON COUNTY SHERIFF'S OFFICERS
P.B.A. LOCAL 334,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the County of Hudson's request for a restraint of binding arbitration of a grievance filed by Hudson County Sheriff's Officers, P.B.A. Local 334. The grievance asserts that the County violated the parties' collective negotiations agreement when it moved, transferred, or reassigned officers in lieu of discipline or reprimand. The Commission holds that a police officer cannot arbitrate a transfer regardless of whether it is for disciplinary reasons.

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P.E.R.C. NO. 2010-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MONMOUTH,

Petitioner,

-and-

Docket No. SN-2010-020

MONMOUTH COUNTY CORRECTIONS
OFFICERS, PBA LOCAL 240,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals and language from an expired collective negotiations agreement between the County of Monmouth and Monmouth County Corrections Officers, PBA Local 240. The Commission holds that portions of the Discipline Article related to progressive discipline and discipline for sick leave are mandatorily negotiable. The Commission finds portions of the Discipline and Grievance Procedure Articles conflict with Civil Service law and are not mandatorily negotiable.

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P.E.R.C. NO. 2010-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONTGOMERY TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-024

MONTGOMERY TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Montgomery Township Board of Education's request for a restraint of binding arbitration of a grievance filed by the Montgomery Township Education Association. The grievance challenges the increment withholding of a teaching staff member. The Board withheld the increment due to concerns regarding the staff member's alleged inappropriate and unprofessional conduct during a student's Individualized Educational Program meeting. Because the withholding is based predominately on an evaluation of teaching performance, the Commission restrains binding arbitration.

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