

P.E.R.C. NO. 2010-61

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CLIFFSIDE PARK,

Petitioner,

-and-

Docket No. SN-2009-017

CLIFFSIDE PARK PBA LOCAL NO. 96,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Cliffside Park's request for a restraint of binding arbitration of a grievance filed by the Cliffside Park PBA Local No. 96. The grievance asserts that the Borough violated the parties' collective negotiations agreement when it issued a new attendance policy and then refused to negotiate over issues arising from the adoption of the policy. Because some aspects of the policy either involve or trigger an obligation to negotiate over mandatorily negotiable subjects, the Commission permits the PBA to arbitrate its claim that the Borough was contractually obligated to negotiate.

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. 2010-62

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2010-010

NEWARK POLICE SUPERIOR OFFICERS'  
ASSOCIATION,

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 Newark Police Superior Officers' Association. The grievance asserts that the City violated the parties' agreement when the police director transferred a police sergeant for disciplinary reasons, which resulted in the removal of his detective stipends. The Commission grants the City's request to restrain binding arbitration to the extent the grievance challenges the director's decision to bring major discipline. The remaining issues are legally arbitrable.

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P.E.R.C. NO. 2010-63

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WALL TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2007-055

WALL TOWNSHIP INFORMATION  
TECHNOLOGY ASSOCIATION,

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2010-24, 35 NJPER 373 (¶126 2009), filed by the Wall Township Board of Education. In that decision, the Commission found that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it terminated an employee after she tried to grieve her evaluation and enlisted the Wall Township Information Technology Association's assistance to have the Board review the contents of her evaluation and to negotiate with the Board concerning the evaluation process. The Board contends that during a transition between former and present legal counsel, a hearing in this matter was waived without the Board's knowledge, participation or consent. The Board asserts that a hearing was waived by its former counsel after that counsel had been terminated by the Board. The Commission denies the motion because at the time of its decision, the Board's former counsel was the counsel of record with the apparent authority to stipulate the facts and waive a hearing examiner's report.

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P.E.R.C. NO. 2010-64

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN,

Respondent,

-and-

Docket No. CO-2010-157

CAMDEN COUNTY COUNCIL #10,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants Camden County Council 10's motion for reconsideration of I.R. No. 2010-9, 35 NJPER 448 (¶148 2009), in which a Commission designee denied Council 10's request for interim relief on an unfair practice charge it filed against the County of Camden. The charge alleges that the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when the County unilaterally changed the work schedules of juvenile detention officers and senior detention officers from 8 to 12-hour shifts. The designee denied interim relief based on a factual dispute over whether the contractual work hours provision authorized the change, but ordered negotiations over the impact of the schedule change. The Commission grants reconsideration to clarify its role in interpreting contracts during consideration of interim relief applications, but upholds the designee's order denying interim relief based upon a factual dispute as to the meaning of the parties' Managements Rights clause, which reserves to the County the right to determine work schedules and shifts.

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P.E.R.C. NO. 2010-65

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LIVINGSTON,

Petitioner,

-and-

Docket No. SN-2010-027

LIVINGSTON PBA LOCAL 263,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a request for a restraint of binding arbitration of a grievance filed by Livingston PBA Local 263. The grievance challenges the denial of a police officer's request to use an emergency leave day to take off for a non-emergency reason. The Commission holds that the dispute involves a legally arbitrable claim that the contract mandates that the employer must grant an employee the right to take off one day each year by using an emergency leave day in a non-emergency situation, provided that a request is made at least one week in advance, and the employer is able to maintain minimum staffing by calling in an officer on an overtime basis and is therefore legally arbitrable.

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P.E.R.C. NO. 2010-66

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2010-009

PBA LOCAL 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City of Elizabeth's request for a restraint of binding arbitration of a grievance filed by PBA Local 4. The grievance claims that the City violated the parties' collective negotiations agreement when it unilaterally changed medical insurance carriers resulting in a decreased level of health coverage. The Commission holds that the level of health benefits is generally negotiable absent a preemptive statute or regulation and a grievance contesting a change in a negotiated level of benefits is generally arbitrable. An arbitrator may determine whether the parties made such an agreement and whether the employer violated such an agreement.

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P.E.R.C. NO. 2010-67

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HOBOKEN,

Petitioner,

-and-

Docket No. SN-2010-012

HOBOKEN FIRE OFFICERS ASSOCIATION  
LOCAL 1076 (SUPERIORS),

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals and language from an expired collective negotiations agreement between the City of Hoboken and Hoboken Fire Officers Association Local 1076 (Superiors). The Commission holds that a Civil Service statute preempts accrual of vacation beyond two years and that the issue of whether the parties' agreed to include a reopener clause in their last agreement is outside the Commission's scope of negotiations jurisdiction.

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P.E.R.C. NO. 2010-68

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Petitioner,

-and-

Docket No. SN-2010-013

INTERNATIONAL FEDERATION OF  
PROFESSIONAL AND TECHNICAL  
ENGINEERS, LOCAL 193C,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the New Jersey Turnpike Authority's request for a restraint of binding arbitration of a grievance filed by the International Federation of Professional and Technical Engineers, Local 193C. The grievance contests the Authority's decision to report the value to employees of using Authority-owned vehicles to commute to and from work as taxable income. The Commission restrains binding arbitration to the extent the grievance seeks to have an arbitrator determine whether pickup trucks assigned to employees represented by Local 193C are "qualified non-personal use vehicles," under federal tax laws. The Commission declines to restrain arbitration to the extent the grievance seeks to have the Authority seek a determination from the Internal Revenue Service about the taxable status of the use of Authority vehicles for commutation purposes and/or seek an exemption under Internal Revenue Service rules.

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P.E.R.C. NO. 2010-69

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF HAMMONTON,

Petitioner,

-and-

Docket No. SN-2010-018

SUSAN CARROLL,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Town of Hammonton's request for a restraint of binding arbitration of a grievance filed by Town employee Susan Carroll. The grievance contests the employee's layoff, asserting that the Town did not calculate her seniority appropriately for layoff purposes. The Commission holds that the subject of the grievance is preempted by Civil Service regulations.

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