

P.E.R.C. NO. 2010-71

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OAKLAND PUBLIC LIBRARY,

Petitioner,

-and-

Docket No. SN-2009-076

RWDSU LOCAL 108, PUBLIC  
EMPLOYEES DIVISION, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Oakland Public Library's request for a restraint of binding arbitration a grievance filed by RWDSU Local 108, Public Employees Division, AFL-CIO. The grievance asserts that the Library violated the parties' collective negotiations agreement when it unilaterally changed an employee's work hours. The Commission holds that, on balance, the Library's ability to deploy its personnel to meet the governmental policy goals of increased efficiency and security outweigh Local 108's interest in negotiating a work schedule preferred by the grievant.

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. 2010-72

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HADDON HEIGHTS,

Respondent,

-and-

Docket No. CO-2008-124

AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES,  
COUNCIL 71, LOCAL 3869,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommendation that the Borough of Haddon Heights violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) through (7), when it laid off eight of 13 Department of Public Works employees who were either union organizers and/or officers in the union in retaliation for their protected activity. The unfair practice charge was filed by the American Federation of State, County and Municipal Employees, AFL-CIO, Council 71, Local 3869. The Commission holds that even if it were to find anti-union animus, it would still dismiss the Complaint because the Borough met its burden of proving that it would have implemented the layoffs for economic reasons even absent any anti-union hostility.

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P.E.R.C. NO. 2010-73

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. IA-2007-016

TRENTON FMBA LOCAL NO. 6,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms, with modification, an interest arbitration award. The City of Trenton appealed the award of a 24/72 work schedule on a trial basis and that driver's assignments be made by seniority. The Commission modifies the award to provide that the FMBA has the burden of justifying the continuation of the 24/72 schedule in any post-trial period arbitration proceedings. The Commission also modifies the award to remove the restrictions placed on the evidence the parties may present in the event they arbitrate a work schedule dispute at the end of the trial period. The Commission holds that the arbitrator's award of driver's pay to the most senior qualified employee involves a permissively negotiable subject and there is substantial credible evidence to support that aspect of the award.

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P.E.R.C. NO. 2010-74

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BERGENFIELD,

Respondent,

-and-

Docket No. IA-2009-011

BERGENFIELD PBA LOCAL NO. 309,

Appellant.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award involving the Borough of Bergenfield and PBA Local 309. The PBA appealed the award arguing that the arbitrator failed to apply and give due weight to the statutory factors and that the arbitrator's award of salary increases below the employer's financial offer was not supported by substantial credible evidence and violated N.J.S.A. 2A:24-8. The Commission holds that the arbitrator's award is supported by substantial credible evidence.

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P.E.R.C. NO. 2010-75

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Public Employer,

-and-

FRATERNAL ORDER OF POLICE,  
LODGE NO. 71,

Docket No. RO-2010-058

Petitioner,

-and-

PBA LOCAL NO. 382,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies a request for review of D.R. No. 2010-14 filed by the Fraternal Order of Police, Lodge No. 71. In that decision, the Director of Representation directed a mail-ballot election among corrections officers employed by the County of Essex. The FOP sought to have the election conducted by in-person balloting. It argued that the Director misapplied the factors used to determine election methodology. The PBA opposes review. The Commission holds that the FOP had not proven that it was prejudiced by the Director's determination.

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P.E.R.C. NO. 2010-76

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2010-026

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

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the County of Hudson's request for a restraint of binding arbitration of a grievance filed by Hudson County Sheriff's Officers, PBA Local 334. The grievance asserts that the County violated the parties' collective negotiations agreement and/or past practice when it ordered off-duty officers to appear at headquarters prior to and after court appearances. The Commission restrains arbitration of the portion of the grievance contesting the reporting requirement prior to court appearances, and permits the portion of the grievance contesting the requirement to report to headquarters after court proceedings to proceed to arbitration.

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P.E.R.C. NO. 2010-77

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BUENA REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-036

BUENA REGIONAL  
SUPPORTIVE STAFF ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Buena Regional Board of Education's request for a restraint of binding arbitration of a grievance filed by the Buena Regional Supportive Staff Association. The demand for arbitration seeks compensation for employees no longer permitted to use Board vehicles for commutation purposes. The Commission finds that no statute or regulation preempts the mandatorily negotiable issue of offsetting compensation.

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