

P.E.R.C. NO. 2011-20

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF KEYPORT,

Petitioner-Respondent,

-and-

Docket No. SN-2010-072

CO-2010-065

INTERNATIONAL UNION OF  
OPERATING ENGINEERS, LOCAL 68,

Respondent-Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Keyport's petition for a restraint of binding arbitration of a grievance filed by the International Union of Operating Engineers, Local 68 and grants Local 68's motion for summary judgment in a related unfair practice case. The Commission holds that the reduction of work hours in a Civil Service jurisdiction is mandatorily negotiable. The Commission distinguishes State of New Jersey (DEP), P.E.R.C. No. 95-115, 21 NJPER 267 (¶26172 1995), aff'd 285 N.J. Super. 541 (App. Div. 1995), certif. den. 143 N.J. 519 (1996), finding the holding in that case applied only to State employees. The Commission further finds that the Borough violated N.J.S.A. 34:13A-5.4a(1) and (5) when it unilaterally reduced the work hours of three employees.

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. 2011-21

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MOUNT OLIVE,

Respondent,

-and-

Docket No. IA-2009-046

MOUNT OLIVE FRATERNAL ORDER OF POLICE,  
LODGE NO. 122,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses an appeal of a decision issued by an interest arbitrator clarifying language set forth in a voluntary settlement between the Mount Olive Fraternal Order of Police Lodge No. 122 and the Township of Mount Olive. The Commission holds that the arbitrator's decision on its face is a clarification of the parties' voluntary settlement and that, therefore, the FOP's submission is not an appeal of an interest arbitration award.

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P.E.R.C. NO. 2011-22

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Petitioner,

-and-

Docket No. SN-2010-037

P.B.A. LOCAL NO. 44A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Maplewood for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 44A. The grievance alleges that the Township violated a past practice when it conducted a home visit to verify the sick leave of an employee who was on leave for more than five days. The Commission holds that prohibiting the Township from conducting a home visit simply because the employee was out for five or more consecutive days would substantially limit the employer's ability to determine if sick leave abuse was occurring.

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P.E.R.C. NO. 2011-23

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF TINTON FALLS,

Petitioner,

-and-

Docket No. SN-2010-039

TINTON FALLS PBA LOCAL 251,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants a restraint of binding arbitration of a grievance filed by Tinton Falls PBA Local 251 against the Borough of Tinton Falls. The grievance asserts that the Borough violated the parties' collective negotiations agreement when it changed an evaluation procedure. The Commission restrains arbitration because the particular deviation from the alleged past practice was prompted by the police chief's finding of a conflict of interest.

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P.E.R.C. NO. 2011-24

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF BRIDGETON,

Petitioner,

-and-

Docket No. SN-2010-043

CUMBERLAND COUNCIL 18,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Bridgeton for a restraint of binding arbitration of a grievance filed by Cumberland Council 18. The grievance asserts that an employee did not receive additional compensation when her appointment to Supervising Code Enforcement Officer became permanent through the Civil Service Commission. The Commission holds that the subject matter of the grievance is mandatorily negotiable and not preempted by N.J.S.A. 52:27D-188.30(a).

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P.E.R.C. NO. 2011-25

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MERCER COUNTY SPECIAL SERVICES  
SCHOOL DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-044

MERCER COUNTY SPECIAL SERVICES  
EDUCATIONAL AND THERAPEUTIC ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Mercer County Special Services School District Board of Education for a restraint of binding arbitration of a grievance filed by the Mercer County Special Services Educational and Therapeutic Association. The grievance alleges that the Board violated agreements with the Association and past practices when it denied a physical therapist's request to "job share" a position with another physical therapist during the 2009-2010 "Extended School Year" (ESY), but hired non-district employees to ESY positions and permitted one of them to job share a position with an in-district employee. The Commission holds that the parties' dispute is mandatorily negotiable because it involves work hours and the preservation of the work of employees represented by the Association.

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P.E.R.C. NO. 2011-26

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MERCER COUNTY SPECIAL SERVICES  
SCHOOL DISTRICT BOARD OF EDUCATION,

Respondent,

-and-

Docket No. SN-2010-046

MERCER COUNTY SPECIAL SERVICES EDUCATIONAL  
AND THERAPEUTIC ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Mercer County Special Services School District Board of Education for a restraint of binding arbitration of a grievance filed by the Mercer County Special Services Educational and Therapeutic Association. The grievance alleges that the Board violated the parties' collective negotiations agreement when it decreased the length of the 213-day work year for employees working the Extended School Year (ESY) and reduced their compensation accordingly. The Commission holds that the per diem rate for summer work is not preempted by N.J.S.A. 18A:30-6 and the grievance concerns the mandatorily negotiable subjects of work year and compensation.

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P.E.R.C. NO. 2011-27

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RIDGEWOOD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-051

RIDGEWOOD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Ridgewood Board of Education for a restraint of binding arbitration of a grievance filed by the Ridgewood Education Association. The grievance contests the increment withholding of a teaching staff member. Because the reasons cited by the Board for the withholding relate predominately to an evaluation of teaching performance, the Commission grants the request for a restraint.

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P.E.R.C. NO. 2011-28

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FLEMINGTON-RARITAN REGIONAL BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-053

FLEMINGTON-RARITAN EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Flemington-Raritan Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Flemington-Raritan Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement when it eliminated summer work hours and compensation for certain employees, assigned those employees additional uncompensated work during the school year, and gave negotiations unit work to non-unit employees. The grievance seeks reinstatement of the summer hours, reassignment of the work back to the affected unit employees, and appropriate compensation. The Commission grants a restraint of arbitration to the extent the grievance challenges the Board's decision to eliminate summer work for ten-month employees, but otherwise denies the request for a restraint.

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P.E.R.C. NO. 2011-29

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COMMUNITY COLLEGE,

Petitioner,

-and-

Docket No. SN-2010-054

BERGEN COMMUNITY COLLEGE  
SUPPORT STAFF ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Bergen Community College for a restraint of advisory arbitration of a grievance filed by Bergen Community College Support Staff Association. The grievance challenges the termination of a public safety officer. The Commission will only consider a request to restraint advisory arbitration if a preemption claim is raised. The College's challenge to arbitrability based upon the entire controversy and election of remedies doctrines should be raised to the arbitrator or court.

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P.E.R.C. NO. 2011-30

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN COUNTY UTILITIES AUTHORITY,

Petitioner,

-and-

Docket No. SN-2010-063

OFFICE AND PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION LOCAL 32,  
AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Ocean County Utilities Authority for a restraint of binding arbitration of a grievance filed by Office and Professional Employees International Union Local 32, AFL-CIO. The grievance asserts that the Authority violated the parties' collective negotiations agreement when it failed to fill a promotional position with one of three currently-employed applicants and advertised it outside the Authority. The Commission restrains arbitration to the extent the grievance challenges the denial of a promotion and permits arbitration to the extent the grievance seeks statements of the specific reasons why the employees were deemed unqualified for promotion.

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P.E.R.C. NO. 2011-31

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OFFICE OF THE PASSAIC COUNTY  
SUPERINTENDENT OF ELECTIONS,

Petitioner,

-and-

Docket No. SN-2010-081

COMMUNICATIONS WORKERS OF  
AMERICA, LOCAL 1032,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Office of the Passaic County Superintendent of Elections for a restraint of binding arbitration of a grievance filed by the Communications Workers of America, Local 1032. The grievance asserts that there was not just cause to terminate an investigator. The Commission holds that the grievance is not preempted by N.J.S.A. 19:32-2 or 40A:9-25 because the County is a Civil Service jurisdiction and disciplinary review procedures were negotiated by the parties.

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