

P.E.R.C. NO. 2011-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2009-175

WASHINGTON TOWNSHIP EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Washington Township Board of Education violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it sought to enforce a final collective negotiations agreement with the Washington Township Education Association that includes changes in a seniority provision that was not included in the parties' memorandum of agreement.

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. 2011-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF TEANECK,

Respondent,

-and-

Docket No. CO-2009-467

TOWNSHIP OF TEANECK,
POLICEMEN'S BENEVOLENT
ASSOCIATION, LOCAL 215

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the initial decision of an Administrative Law Judge dismissing the Complaint in an unfair practice case filed by the Township of Teaneck Policemen's Benevolent Association, Local 215 against the Township of Teaneck. The Commission finds that even if made, the Mayor's alleged statement to the press that unions who made concessions during negotiations would have their names taken off layoff lists, standing alone, is insufficient to find a violation of the Act.

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P.E.R.C. NO. 2011-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BELMAR,

Respondent,

-and-

Docket No. CO-2010-135

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of temporary layoffs in a local Civil Service jurisdiction. The Communications Workers of America, AFL-CIO filed an unfair practice charge against the Borough of Belmar alleging that the Borough violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it unilaterally furloughed Department of Public Works employees to save labor costs. The Commission holds that the temporary layoff of employees in a Civil Service jurisdiction is generally mandatorily negotiable and that Civil Service regulations do not preempt negotiations. The Commission distinguishes State of New Jersey (DOP), P.E.R.C. No. 93-65, 18 NJPER 50 (¶23021 1991), finding the holding in that case of a managerial prerogative to temporarily shut down the Department of Personnel applied only to its facts and that, on balance, the facts of this case support a finding that the employees' interests outweigh the employers. The Commission defers the unfair practice charge to arbitration.

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P.E.R.C. NO. 2011-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP of MOUNT LAUREL,

Respondent,

-and-

Docket Nos. CO-2010-128

CO-2010-134

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO and AFSCME COUNCIL 71,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission holds that the issue of whether the Township of Mount Laurel was required to negotiate with the Communications Workers of America, AFL-CIO and AFSCME Council 71 prior to implementing a temporary layoff of Township employees is mandatorily negotiable. The Commission relies on its analysis in Borough of Belmar, P.E.R.C. No. 2011-34 and finds that, on balance, the employees' interests in negotiating over unilateral changes to terms and conditions of employment in this case outweigh the employer's interest in increasing its diminished surplus. The Commission defers the unfair practice charges to arbitration.

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P.E.R.C. NO. 2011-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter 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 remands an interest arbitration award involving the County of Passaic and the Passaic County Sheriff and Police Benevolent Association Locals 197 and 286 to a new arbitrator for decision on the existing record because the interest arbitrator issued two awards that do not adequately address all the statutory factors or comply with the remand directives of the Commission set forth in P.E.R.C. No. 2010-42, 35 NJPER 451 (¶149 2009).

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P.E.R.C. NO. 2011-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF KEARNY,

Appellant,

-and-

Docket No. IA-2008-021

KEARNY FIREMEN'S MUTUAL BENEVOLENT
ASSOCIATION, LOCAL NO. 18,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award involving the Town of Kearny and Kearny Firemen's Mutual Benevolent Association, Local No. 18. The Town appealed the award arguing that the arbitrator failed to apply and give due weight to the statutory factors and that the arbitrator should not have ordered a fifth year on the record presented. The Commission holds that the arbitrator's award is supported by substantial credible evidence, the arbitrator properly addressed the statutory factors, and the Town has not shown how the evidence requires rejecting the arbitrator's award of increases similar to its own settlement pattern.

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P.E.R.C. NO. 2011-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY,

Petitioner,

-and-

Docket No. SN-2010-060

PROBATION ASSOCIATION OF NEW JERSEY
(CASE-RELATED PROFESSIONAL UNIT),

Respondent.

SYNOPSIS

The Public Employment Relations Commission restrains arbitration of a grievance filed by the Probation Association of New Jersey (Case-Related Professional Unit) against the State of New Jersey Judiciary. The grievance alleges that the employer violated the parties' collective negotiations agreement and the "Compensation Plan for Judiciary Employees in the Case Professional Unit" by failing to fill vacancies in the Master Probation Officer title. The Commission holds that the employer has a managerial prerogative to determine staffing levels and any enforcement of the Compensation Plan must be sought in another forum.

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P.E.R.C. NO. 2011-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OLD TAPPAN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-062

OLD TAPPAN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Old Tappan Board of Education for a restraint of binding arbitration of a grievance filed by the Old Tappan 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. 2011-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT BUS
OPERATIONS-MERCER,

Petitioner,

-and-

Docket No. SN-2010-075

AMALGAMATED TRANSIT UNION,
DIVISION 540,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of New Jersey Transit Bus Operations-Mercer for a restraint of binding arbitration of a grievance filed by the Amalgamated Transit Union, Division 540. The grievance involves the denial of a promotion of a part-time bus operator to full-time. The Commission holds that under the broader scope of negotiations standard for New Jersey Transit bus employees, the issue is mandatorily negotiable.

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P.E.R.C. NO. 2011-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MOUNT HOLLY,

Petitioner,

-and-

Docket Nos. SN-2010-077

SN-2007-078

CWA LOCAL 1036,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the requests of the Township of Mount Holly for restraints of binding arbitration of grievances filed by CWA Local 1036. The grievances seek payment for accumulated vacation time in a Civil Service jurisdiction. The Commission grants the requests to the extent the grievances seek to have the employee accumulate more vacation time than allowed by Civil Service regulations and denies the requests to the extent the grievances seek compensation for unused vacation days.

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P.E.R.C. NO. 2011-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MOUNT HOLLY,

Petitioner,

-and-

Docket No. SN-2010-079

CWA LOCAL 1036,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Mount Holly for a restraint of binding arbitration of a grievance filed by CWA Local 1036. The grievance challenges a five-day suspension plus a fine. The Commission holds that because the discipline constitutes major discipline in a Civil Service jurisdiction, any appeal must be made to the Civil Service Commission.

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