

P.E.R.C. NO. 2011-54

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY DEPARTMENT  
OF PUBLIC SAFETY,

Respondent,

-and-

OAL Docket No. CSV 8377-09  
Agency Docket No. 2009-3217

CHRISTOPHER M. CARTY,

Appellant.

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COUNTY OF ATLANTIC,

Respondent,

-and-

Docket No. CO-2009-323

FRATERNAL ORDER OF POLICE  
LODGE NO. 34,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the initial decision of a PERC Hearing Examiner designated as a Special Administrative Law Judge in a consolidated action with a Civil Service appeal. The decision finds that the parties' settlement agreement meets the requirements of N.J.A.C. 1:1-19.1. PERC transfers the case to the Civil Service Commission for its consideration of the initial 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. 2011-55

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BLOOMFIELD BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2010-509

BLOOMFIELD EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Bloomfield Board of Education's motion for reconsideration of I.R. 2011-12. In that decision, a Commission designee granted an application for interim relief that accompanied an unfair practice charge filed by the Bloomfield Education Association. The designee stayed implementation of his order pending the parties' opportunity to seek reconsideration by the full Commission. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by refusing to pay salary increments following the expiration of the parties' one-year collective negotiations agreement. The Commission grants reconsideration holding that this case meets the extraordinary circumstances and exceptional importance tests finding that the substantial hardship to the Board in paying increments it cannot recoup outweighs the hardship to the employees in not receiving the increments.

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P.E.R.C. NO. 2011-56

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ATLANTIC,

Appellant,

-and-

Docket No. IA-2007-057

FOP LODGE #34,

Respondent.

SYNOPSIS

The Public Employment Relations Commission vacates and remands an interest arbitration award to the arbitrator for issuance of a new decision that further explains the weight given to the employer's evidence on the issue of comparability for the award of the \$1200 equity adjustment, salary guide restructuring, Holiday Pay/Holidays, shift differentials and retiree health benefits. The arbitrator must also identify what evidence he relied on to determine the County could fund the award without exceeding its lawful authority and provide a more thorough explanation of the cost of living factor.

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P.E.R.C. NO. 2011-57

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-2010-070

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

In a scope of negotiations proceeding, the Public Employment Relations Commission grants in part and denies in part requests filed by the Paterson State Operated School District for restraints of binding arbitration of two grievances filed by the Paterson Education Association. The grievances assert that the School District violated contractual procedures in its evaluation of a tenured high school teacher and issued the teacher an adverse evaluation and withheld his increment for disciplinary reasons. Based on Lacey Tp. Bd. of Ed. v. Lacey Tp. Ed. Ass'n, 259 N.J. Super. 397 (App. Div. 1991), *aff'd* 130 N.J. 312 (1992), the Commission declines to restrain arbitration alleging violations of contractual evaluation procedures. However, as the district articulated reasons relating to teaching performance, the Commission restrains arbitration over challenges to the substance of the evaluation and the increment withholding.

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P.E.R.C. NO. 2011-58

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PASSAIC,

Petitioner,

-and-

Docket No. SN-2010-107

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 1158,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Passaic for restraints of binding arbitration of grievances filed by the International Brotherhood of Electrical Workers, Local 1158. The grievances allege that the City violated the parties' collective negotiations agreement when it terminated an employee based on the City's assertion that he was not fit for duty following a leave of absence resulting from a workplace accident. The Commission holds that removals or terminations of Civil Service employees in local jurisdictions may not be reviewed through binding arbitration and must be appealed to the Civil Service Commission.

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P.E.R.C. NO. 2011-59

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF FRANKLIN,

Petitioner,

-and-

Docket No. SN 2011-025

FRANKLIN TOWNSHIP PBA LOCAL NO. 154,  
SUPERVISORY OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that the work schedules of police officers represented by Franklin Township PBA Local No. 154, Supervisory Officers Association may be submitted to interest arbitration. Relying on its analysis in P.E.R.C. No. 2011-48, the Commission holds that it cannot conclude from the recommendation of the Township of Franklin's consultants that either the current work schedule or negotiations over a different work schedule would significantly interfere with the Township's ability to meet its governmental policy need to provide effective law enforcement services.

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P.E.R.C. NO. 2011-60

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EDISON,

Petitioner,

-and-

Docket No. SN-2011-014

INTERNATIONAL ASSOCIATION OF  
FIRE FIGHTERS LOCAL NO. 1197,

Respondent.

SYNOPSIS

The Public Employment Relations Commission issues a stay of its decision of P.E.R.C. No. 2011-49 pending appeal. In that decision, the Commission held that an arbitrator may decide whether the parties collective negotiations agreement was in effect or whether it had expired prior to the effective date of P.L. 2010, Ch. 2 obligating the employer to deduct 1.5% of the employees' salary for health benefits. The Commission stays its decision finding a likelihood of success on the merits of the appeal because the International Association of Fire Fighters Local 1197 had filed for interest arbitration which is only available upon expiration of the parties' agreement pursuant to N.J.S.A. 34:13A-16(b) (2).

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