

P.E.R.C. NO. 2011-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HAWTHORNE,

Petitioner,

-and-

Docket No. SN-2010-101

HAWTHORNE PBA LOCAL 200,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Hawthorne for a restraint of binding arbitration of a grievance filed by Hawthorne PBA Local 200. The grievance asserts that the Borough violated the parties' collective negotiations agreement when it did not replace an officer to meet the five-officer minimum staffing level. The Commission holds that the Borough has a non-negotiable managerial prerogative to determine staffing levels and whether overtime will be worked. The Commission notes that the PBA did not assert facts to support its argument that the Borough unilaterally changed work schedules.

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. 2011-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket Nos. CO-2007-070

CO-2007-071

NEWARK POLICE SUPERIOR
OFFICERS' ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the initial decision of a an Administrative Law Judge in an unfair practice case that was transferred to the Office of Administrative Law for hearing. The decision finds that the parties' settlement agreement meets the requirements of N.J.A.C. 1:1-19.1.

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P.E.R.C. NO. 2011-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEST CALDWELL,

Petitioner,

-and-

Docket No. SN-2011-027

WEST ESSEX PBA LOCAL 81
(WEST CALDWELL UNIT),

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of West Caldwell for a restraint of binding arbitration of a grievance filed by West Essex PBA Local 81 (West Caldwell Unit). The grievance contends that the Township violated the parties' collective negotiations agreement when it denied officers' requests for out-of-rank pay. The Commission holds that the grievance involves compensation which is a mandatorily negotiable issue. The Township's defense that the officer's were not assigned to work in higher ranks relates to the merits of the grievance and may be presented to the grievance arbitrator.

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P.E.R.C. NO. 2011-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BRIDGETON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2009-203

BRIDGETON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses the Complaint in an unfair practice case filed by the Bridgeton Education Association against the Bridgeton Board of Education. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it unilaterally established a policy requiring employees who take leave under the federal Family and Medical Leave Act to concurrently use their accrued paid sick leave. The Commission holds that the Association's refusal to negotiate the policy, citing the pending unfair practice charge, once the Board requested negotiations is a waiver of its rights to negotiate the policy.

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P.E.R.C. NO. 2011-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CUMBERLAND COUNTY COLLEGE,

Respondent,

-and-

Docket No. CO-2009-204

CUMBERLAND COUNTY COLLEGE
STAFF ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts, with modification, the decision of a Hearing Examiner dismissing the Complaint issued in an unfair practice case filed by the Cumberland County College Staff Association against Cumberland County College. The charge alleges that the College violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it monitored the CCCSA president and then reorganized the College's academic departments resulting in the elimination of the CCCSA president's position. The Commission rejects the Association's exceptions and holds that the College established that it would have reorganized the departments even absent the hostility to protected conduct.

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