

P.E.R.C. NO. 2012-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2011-097

NEWARK DEPUTY CHIEFS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands an unfair practice charge to the Director of Unfair Practices for Complaint issuance. The charge alleges that the City of Newark violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it unilaterally modified and reduced the number of health benefit options for members of the Newark Deputy Chiefs Association and increased employee contributions between 60 and 294% depending on plan selection. The Director had dismissed the charge as untimely. The Commission holds that where the parties have submitted conflicting evidence regarding whether a computer error is the reason the charge was not received in time, it is appropriate to submit the question of timeliness to the Hearing Examiner as a threshold issue to resolve.

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. 2012-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN,

Appellant,

-and-

Docket No. IA-2009-065

THE INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS, LOCAL 788,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award that sets the terms and conditions of employment for a successor contract between the City of Camden and the International Association of Firefighters, Local 788.

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P.E.R.C. NO. 2012-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2011-019

FOP LODGE 12,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants a partial restraint of arbitration of a grievance filed by FOP Lodge 12. The grievance alleges that the City of Newark violated the parties' collective negotiations agreement and two general orders when it immediately suspended two police officers. The Commission finds that the City has a managerial prerogative to impose an immediate suspension subject to the review of the Civil Service Commission and restrains arbitration to the extent the grievance challenges the propriety of the discipline. The Commission further holds that to the extent the grievance challenges the parties' negotiated pre-disciplinary procedures, it is mandatorily negotiable and legally arbitrable.

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P.E.R.C. NO. 2012-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2011-023

EAST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the East Orange Board of Education for restraint of binding arbitration of a grievance filed by the East Orange Education Association. The grievance asserts that the East Orange Board of Education violated the parties collective negotiations agreement when it issued a directive requiring school nurses to remain in their assigned building during their duty-free lunch period. The Commission holds that the Board has a managerial prerogative to require school nurses to remain in their assigned building absent any certification from the Association from which the Commission could derive any special interests of the nurses that would outweigh the interests of the Board.

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P.E.R.C. NO. 2012-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF MILLVILLE,

Petitioner,

-and-

Docket No. SN-2011-034

NJCSA CUMBERLAND COUNCIL 18,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Millville for a restraint of binding arbitration of a grievance filed by NJCSA Cumberland Council 18. The grievance asserts that the City of Millville violated the parties' collective negotiations agreement when it required a laborer to undergo a fitness for duty examination as discipline for utilizing sick leave. The Commission holds that the City has a non-negotiable managerial prerogative to require employees to be tested for fitness before they are allowed to return to work.

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P.E.R.C. NO. 2012-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

READINGTON TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2011-040

READINGTON TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Readington Township Board of Education for a restraint of binding arbitration of a grievance filed by the Readington Township 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. 2012-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2011-042

UNION OF RUTGERS ADMINISTRATORS-
AMERICAN FEDERATION OF TEACHERS,
LOCAL 1766, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of Rutgers, The State University of New Jersey for a restraint of binding arbitration of a grievance filed by the Union of Rutgers Administrators- American Federation of Teachers, Local 1766, AFL-CIO. The grievance alleges that the University violated the parties' collective negotiations agreement when it did not select the grievant for a vacant position. The Commission holds that the University has a managerial prerogative to match the most qualified employee to position.

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