

P.E.R.C. NO. 2012-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-2009-160

FRATERNAL ORDER OF POLICE
LODGE 174, NEW JERSEY
INVESTIGATORS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission considers exceptions to a Hearing Examiner's recommended decision and dismisses the Complaint in an unfair practice proceeding filed by FOP Lodge 174 New Jersey Investigators Association against the State of New Jersey. The charge alleges that the State violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4a(1) and (5) when it did not negotiate the impact of the decision to cease permitting employees to commute in their State vehicles. The parties filed cross-motions for summary judgment. The Commission affirms the Hearing Examiner's grant of summary judgment to the State finding that the evidence that is properly in the record does not establish a violation of the Act. The Commission grants the FOP's second exceptions and excludes evidence of settlement discussions relied upon in the initial decision from its consideration of the relevant facts.

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. 2012-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF NUTLEY,

Petitioner,

-and-

Docket No. SN-2011-030

NUTLEY PBA LOCAL #33,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Nutley for a restraint of binding arbitration of a grievance filed by Nutley PBA Local 33. The grievance alleges the Township violated the parties' collective negotiations agreement when the Chief of Police issued a special order that permits shortages in the Patrol Division be filled with on-duty detectives and permits operating below minimum staffing levels. The grievance also contends that the order deprives officers of overtime assignments and has resulted in officers being denied requests for time off. The Commission holds that the Township has a managerial prerogative to assign on-duty detectives to patrol as well as to set minimum staffing levels. The Commission finds that the remainder of the grievance is mandatorily negotiable, but restrains arbitration as the exact same issue is pending arbitration.

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P.E.R.C. NO. 2012-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

READINGTON TOWNSHIP
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2011-039

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. 2012-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BURLINGTON,

Petitioner,

-and-

Docket No. SN-2011-048

PBA LOCAL 249,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the County of Burlington's request for a restraint of binding arbitration of a grievance filed by PBA Local 249. The grievance alleges that the County violated the parties' collective negotiations agreement when the Warden closed the Money Room post and transferred the duties of the post to Control Room 9 without assigning the duties of Money Room Officer to the most senior qualified officer after the transfer. The Commission restrains arbitration to the extent the grievance challenges the decision to eliminate the Money Room post and permits arbitration over the PBA's allegation that the seniority provision of the parties' contract was violated when the post that assumed the Money Room duties was not bid.

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