

P.E.R.C. NO. 2012-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Respondent,

-and-

Docket No. CO-2009-412

NUHHCE DISTRICT 1199J,
AFSCME,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Deputy Director of Unfair Practices refusing to issue a complaint in an unfair practice charge filed by NUHHCE District 1199J, AFSCME against the County of Hudson. The charge alleges that the County violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1), (3), (4) and (5), when it transferred and changed the work hours of an employee in retaliation for protected activity and attempted to oust him as a union delegate. The Commission holds that the allegations in the charge related to the particular employee are moot as he has forfeited his employment due to a criminal conviction.

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. 2012-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Respondent,

-and-

Docket No. CO-2009-443

NUHHCE DISTRICT 1199J, AFSCME,
AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the decision of a Hearing Examiner recommending the dismissal of the complaint in an unfair practice case filed by NUHHCE District 1199J, AFSCME, AFL-CIO against the County of Hudson. The charge alleges that the County violated the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it unilaterally implemented a new progressive discipline and lateness policy for unit members employed by the Department of Corrections. The Hearing Examiner concluded that the parties engaged in negotiations over the new policy and reached agreement rejecting 1199J's assertion that the agreement was subject to ratification and approval of the membership and the 1199J president. The Commission dismisses the complaint holding that the Hearing Examiner discredited the testimony of 1199J's only witness and did not establish that her determinations were arbitrary, capricious, unreasonable or not supported by the evidence.

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P.E.R.C. NO. 2012-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF RARITAN,

Public Employer,

-and-

Docket No. RO-2011-067

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO, LOCAL 1040,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Raritan for review of D.R. 2012-3. In that decision, the Deputy Director of Representation ordered that the CWA be certified by card check as the majority representative for all regularly employed, professional and non-professional, white and blue collar supervisors employed by the Township. The Township specifically challenges the inclusion of the tax assessor and tax collector. The Commission holds that these titles are not statutorily excluded from inclusion in the unit.

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P.E.R.C. NO. 2012-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF NUTLEY,

Petitioner,

-and-

Docket No. SN-2011-065

NUTLEY PBA LOCAL #33,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Nutley for a restraint of binding arbitration of a grievance filed by Nutley PBA Local No. 33. The grievance alleges that the Township violated the parties' collective negotiations agreement when it assigned fewer than five officers to patrol shifts when an officer assigned to the shift was out on an unscheduled absence. The Commission restrains arbitration to the extent the grievance challenges the Township's staffing decision. The Commission permits arbitration of the PBA's allegations that the Township did not adhere to contractual notice deadlines.

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P.E.R.C. NO. 2012-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SALEM COUNTY SPECIAL SERVICES
SCHOOL DISTRICT,

Petitioner,

-and-

Docket No. SN-2011-083

SALEM COUNTY SPECIAL SERVICES
SCHOOL EMPLOYEES ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment relations Commission denies the request of the Salem County Special Services School District for a restraint of binding arbitration of a grievance filed by the Salem County Special Services School Employees Association. The grievance alleges that the District's Board of Education lacked just cause to terminate, for disciplinary reasons, the employment of a non-tenured teaching staff member. The Commission holds that the mid-year termination is mandatorily negotiable.

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