

P.E.R.C. NO. 2013-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(JUVENILE JUSTICE COMMISSION),

Respondent,

-and-

Docket No. CO-2011-070

NEW JERSEY STATE POLICEMEN'S
BENEVOLENT ASSOCIATION, LOCAL 105,
LAW ENFORCEMENT UNIT,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a summary judgment motion filed by the State of New Jersey (Juvenile Justice Commission) in an unfair practice case filed by the New Jersey State Policemen's Benevolent Association, Local 105, Law Enforcement Unit. The charge alleges the JJC refused to negotiate in good faith prior to implementing the a new on-call procedure for parole officers during off-duty hours in violation of the New Jersey Employer-Employee relations Act, N.J.S.A. 34:13A-5.4a(1) and (5). The Commission denies the State's motion finding that material facts are in dispute that must be resolved by the Hearing Examiner.

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. 2013-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP,

Respondent,

-and-

Docket No. CO-2011-120

INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS LOCAL 1197,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a request for review and affirms the decision of the Director of Unfair Practices in D.U.P. No. 2012-6, 38 NJPER 241 (¶79 2012) refusing to issue a complaint in an unfair practice charge filed by the International Association of Firefighters, Local 1197 against the Township of Edison. The charge alleges that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it advertised for civilian fire inspectors to replace bargaining unit work without prior negotiations with Local 1197. The Commission holds that there is no requirement in the Act that a public employer exercise its managerial prerogative to hire civilians so long as that exercise is not clearly arbitrary or capricious.

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P.E.R.C. NO. 2013-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF VINELAND,

Petitioner,

-and-

Docket No. SN-2010-094

PBA LOCAL 266,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Vineland for a restraint of binding arbitration of a grievance filed by PBA Local 266. The grievance alleges the City violated the parties' collective negotiations agreement when it refused to pay retroactive salary increases to officers who left employment by resignation or termination prior to settlement of the parties' agreement. The Commission holds that the grievance is mandatorily negotiable as it relates to compensation.

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P.E.R.C. NO. 2013-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF VINELAND,

Petitioner,

-and-

Docket No. SN-2010-095

PBA LOCAL 266,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Vineland for a restraint of binding arbitration of a grievance filed by PBA Local 266. The grievance contests the City's decision to limit overtime incurred from a grant assignment to detectives in the Juvenile Bureau. The Commission holds that permitting an arbitrator to second-guess the Chief's determination that the juvenile officers were most qualified to administer the grant concerning curfew intervention services would substantially limit the employer's managerial prerogative to match the best qualified employees to the particular job.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,
Petitioner,
-and- Docket No. SN-2012-016
JERSEY CITY POLICE
SUPERIOR OFFICERS' ASSOCIATION,
Respondent.

CITY OF JERSEY CITY,
Petitioner,
-and- Docket No. SN-2012-019
JERSEY CITY POLICE
OFFICERS' BENEVOLENT ASSOCIATION,
Respondent.

CITY OF JERSEY CITY,
Petitioner,
-and- Docket No. SN-2012-020
JERSEY CITY PUBLIC EMPLOYEES,
INC., LOCAL 246,
Respondent.

CITY OF JERSEY CITY,
Petitioner,
-and- Docket No. SN-2012-021
JERSEY CITY INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS, LOCAL 1066,
Respondent.

CITY OF JERSEY CITY,
Petitioner,
-and- Docket No. SN-2012-022
JERSEY CITY INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS, LOCAL 1064,
Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the requests of the City of Jersey City for a restraints of binding arbitration of grievances filed by the Jersey City Police Superior Officers' Association, the Jersey City Police Officers' Benevolent Association, the Jersey City Public Employees Inc., Local 246, the Jersey City International Association of Firefighters, Local 1066, and the Jersey City International Association of Firefighters Local 1064. The grievances all challenge unilateral changes made by the City to the health care coverage of retired employees. The Commission holds that a grievance seeking adherence tom past and present contract terms relating to benefits that employees, who are now retired, are receiving, is mandatorily negotiable and arbitrable.

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P.E.R.C. NO. 2013-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEST WINDSOR,

Petitioner,

-and-

Docket No. SN-2012-028

WEST WINDSOR POLICEMEN'S
BENEVOLENT ASSOCIATION
LOCAL 271,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of West Windsor for a restraint of binding arbitration of a grievance filed by West Windsor Policemen's Benevolent Association Local 271. The grievance asserts that the Township violated the parties' collective negotiations agreement by refusing to pay tuition reimbursement to two officers. The Commission holds that the subject of tuition reimbursement is at least permissively negotiable and therefore legally arbitrable.

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P.E.R.C. NO. 2013-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW PROVIDENCE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-066

NEW PROVIDENCE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the New Providence Board of Education for a restraint of binding arbitration of a grievance filed by the New Providence Education Association. The grievance contests the increment withholding of a teacher. The Commission holds that the reasons for the withholding predominately relate to teaching performance which must be reviewed by the Commissioner of Education.

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