

P.E.R.C. NO. 2000-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CI-99-56

FRED M. MONTGOMERY,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the Director of Unfair Practice's dismissal of an unfair practice charge filed by Fred M. Montgomery against the City of Newark. The Commission finds that, even assuming the charging party was prevented from filing a timely charge, the charge alleged a mere breach of contract that does not rise to the level of an unfair practice.

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. 2000-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RIDGEFIELD BOARD OF EDUCATION,

Respondent,

-and-

Docket No. SN-2000-58

RIDGEFIELD EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Ridgefield Education Association's request for a declaration that a 1996 memorandum issued by the Ridgefield Board of Education is a reprimand. The Commission concludes that the memorandum was a response to the Association president from the principal in a disagreement over a labor-management issue. The letter does not appear in the teacher's personnel file and the Commission finds that it is not a reprimand subject to arbitration under N.J.S.A. 34:13A-29.

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P.E.R.C. NO. 2000-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RAMSEY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-41

RAMSEY TEACHERS ASSOCIATION,

Respondent.

DECISION

The Public Employment Relations Commission grants the request of the Ramsey Board of Education for a restraint of binding arbitration of a grievance filed by the Ramsey Teachers Association. The grievance contests the withholding of a teacher's salary increment. The Commission concludes that the assertion that the teacher did not interact properly with his students relates to teaching performance and that the withholding must be reviewed by the Commissioner of Education.

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P.E.R.C. NO. 2000-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DIVISION OF
STATE POLICE),

Petitioner,

-and-

Docket No. SN-2000-28

STATE TROOPERS NON-COMMISSIONED
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey (Division of State Police) for a restraint of binding arbitration of two grievances filed by the State Troopers Non-Commissioned Officers Association. The grievances seek the reassignment of two officers to the positions of acting lieutenant and acting sergeant first class. The Commission finds that decisions to transfer troopers are non-negotiable and the issue of compensation is not severable from the transfer.

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P.E.R.C. NO. 2000-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

STATE OF NEW JERSEY (DIVISION OF
STATE POLICE),

Petitioner,

-and-

Docket No. SN-2000-26

STATE TROOPERS NON-COMMISSIONED
OFFICERS ASSOCIATION,

Respondent.

STATE OF NEW JERSEY (DIVISION OF
STATE POLICE),

Petitioner,

-and-

Docket No. SN-2000-27

STATE TROOPERS FRATERNAL
ASSOCIATION OF NEW JERSEY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey (Division of State Police) for a restraint of binding arbitration of grievances filed by the State Troopers Non-Commissioned Officers Association and the State Troopers Fraternal Association of New Jersey. The grievances contest the employer's decision to hold in abeyance pending internal investigations, the promotions of troopers who had allegedly qualified for higher ranks. The Commission concludes that under the facts of this case, requiring the employer to permanently promote employees while they are under investigation would unduly encroach on the employer's prerogative to make promotional decisions.

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P.E.R.C. NO. 2000-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF WEST PATERSON,

Petitioner,

-and-

Docket No. SN-2000-25

WEST PATERSON P.B.A.
LOCAL 173,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Borough of West Paterson for a restraint of binding arbitration of two grievances filed by West Paterson P.B.A. Local 173. The grievances allege that the Borough violated its minimum staffing levels on certain shifts and filled temporary shift vacancies with civilian dispatchers rather than police officers. The PBA asserts that civilians were called in because the Borough did not want to pay overtime required when police are reassigned on short notice in non-emergencies. The Commission grants a restraint to the extent the grievances assert the Borough was required to call in and assign a third police officer to patrol duties on the shifts which are the subject of the March 25 and May 25, 1999 grievances. The request for a restraint of arbitration is otherwise denied.

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P.E.R.C. NO. 2000-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEST MILFORD,

Petitioner,

-and-

Docket No. SN-2000-35

P.B.A. LOCAL NO. 162,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of West Milford for a restraint of binding arbitration of a grievance filed by PBA Local No. 62. The grievance alleges that the Township violated the parties' collective negotiations agreement by assigning more than three officers to a tactical patrol shift. The Commission holds that public employers are not required to negotiate about overall staffing levels or how many police officers will be assigned to be on duty at a particular time or deployed on a particular duty. The Commission finds that the employer's staffing determination is not legally arbitrable.

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P.E.R.C. NO. 2000-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY PROSECUTOR,

Petitioner,

-and-

Docket No. SN-2000-42

DETECTIVES AND INVESTIGATORS
ASSOCIATION OF UNION COUNTY,
P.B.A. LOCAL NO. 250,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Union County Prosecutor for a restraint of binding arbitration of a grievance filed by the Detectives and Investigators Association of Union County, P.B.A. Local No. 250. The grievance contests a detective's loss of the use of a County vehicle. The Commission holds that the decision to allow employees to use employer-owned vehicles for commuting purposes is not mandatorily negotiable or legally arbitrable. The Commission restrains arbitration to the extent the grievance seeks reassignment of the vehicle to the employee or asserts that taking the vehicle away was in retaliation for his union activities. The Commission declines to restrain arbitration over the issue of compensation.

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