

P. E. R. C. NO. 2000-71

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Respondent,

- and -

Docket No. CO-H-98-471

COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Communications Workers of America, AFL-CIO's motion for reconsideration of P.E.R.C. No. 2000-36. In that decision, the Commission dismissed a Complaint based on an unfair practice charge filed by CWA against the State of New Jersey. The motion does not ask the Commission to reconsider its holding that the case does not present a bad faith repudiation. CWA argues that once that ruling was made, the Commission should have deferred the charge to arbitration instead of considering whether the SHBC's actions required negotiations or implying that the parties' contracts did not guarantee existing co-payment levels. The Commission grants reconsideration to clarify that its initial decision was not intended to imply any view of the merits of CWA's contractual claim. The Commission concludes that deferral to arbitration is not appropriate at this juncture. The Commission declines to order deferral when the employer will not waive its procedural defenses and the unfair practice litigation has ended. The Commission affirms its order.

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. 2000-72

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY SHERIFF,

Petitioner,

- and -

Docket No. SN-99-59

P. B. A. LOCAL NO. 277,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Camden County Sheriff's motion for reconsideration of P. E. R. C. No. 2000-25. At the request of the PBA and the Sheriff, the Commission clarifies that portion of its decision on the shift assignment proposal to state that in order for the PBA shift assignment proposal to be mandatorily negotiable, the employer must have the right to assign any unit member, of appropriate rank, to the positions identified in the decision as requiring special skills, training or qualifications. The Commission denies the Sheriff's motion for reconsideration absent any particularized arguments as to why the employer believes the Commission's analysis to be in error.

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P. E. R. C. NO. 2000- 73

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF SECAUCUS,

Petitioner,

- and-

Docket No. SN- 2000- 57

SECAUCUS P. B. A. LOCAL 84,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds that a grievance filed by Secaucus P.B.A. Local 84 is at least permissively negotiable and therefore legally arbitrable. The grievance challenged a directive cancelling leaves of absence for certain shifts on December 31, 1999 and January 1, 2000. The Town of Secaucus's request for an interim relief order to restrain an arbitration hearing was denied and the arbitrator issued an award in favor of the PBA. The Commission concludes that an employer has a reserved prerogative to deny or revoke leaves when necessary to ensure that it will have enough employees to meet its staffing needs and respond to emergencies, but the arbitration award does not prevent the Town from meeting its staffing levels and thus is legally enforceable.

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P. E. R. C. NO. 2000-74

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PLAINFIELD,

Petitioner,

- and -

Docket No. SN-2000-37

PLAINFIELD PBA LOCAL NO. 19
and PLAINFIELD SUPERIOR OFFICERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a work schedule proposal submitted by the Plainfield PBA Local No. 19 and the Plainfield Superior Officers Association during negotiations for successor contracts with the City of Plainfield. The Commission concludes that the PBA/SOA proposal to modify the work schedule is mandatorily negotiable to the extent it seeks the implementation of a four days on, three days off work schedule based upon steady shift assignments, but is not mandatorily negotiable as currently written to the extent it provides that officers will be placed on the shifts through bidding based solely upon seniority.

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P. E. R. C. NO. 2000-75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STERLING HIGH SCHOOL DISTRICT
BOARD OF EDUCATION,

Petitioner,

- and-

Docket No. SN-2000-59

STERLING HIGH SCHOOL PRINCIPALS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Sterling High School District Board of Education for a restraint of binding arbitration of a grievance filed by the Sterling High School Principals Association. The grievance asserts that the Board acted without just cause when it withheld a vice-principal's salary increment. The reasons for the withholding center on in-school interactions between the vice-principal and a student. The Commission concludes that this withholding predominantly relates to allegations concerning the vice-principal's leadership and educational judgment. Whether the allegations are true and whether they warranted an increment withholding are matters that must be assessed by the Commissioner of Education.

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P. E. R. C. NO. 2000- 76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SUSSEX COUNTY COMMUNITY COLLEGE,

Petitioner,

- and-

Docket No. SN- 2000- 6

SUSSEX COUNTY COMMUNITY COLLEGE
FACULTY FEDERATION, AFT, LOCAL 4780,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Sussex County Community College for a restraint of binding arbitration of a grievance filed by the Sussex County Community College Faculty Federation, AFT, Local 4780. The grievance contests a directive changing the parking areas for faculty. The Commission concludes that parking for employees is a mandatorily negotiable term and condition of employment, but the employer's decision to reserve up to 45 of the 750 available spaces for handicapped parking is not mandatorily negotiable. However, the Commission finds, under the facts presented, the issue of whether the College could comply with its contractual obligations concerning faculty parking is not preempted by the federal and state mandates, or the policy decision to provide additional handicapped parking.

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P. E. R. C. NO. 2000-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL FIRE
AND RESCUE,

Petitioner,

- and -

Docket No. SN-2000-56

NORTH HUDSON FIREFIGHTERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the North Hudson Regional Fire and Rescue for a restraint of binding arbitration of a grievance filed by the North Hudson Firefighters Association. The grievance contests the transfers of fire officers from other divisions to fill vacant captain positions in the West New York division. The Commission concludes that the Regional's governmental policymaking powers would be substantially limited if it could not permanently transfer fire officers from one fire company within its centralized operations to vacant fire officer positions in other such companies.

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P. E. R. C. NO. 2000-78

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL
FIRE AND RESCUE,

Petitioner,

- and-

Docket No. SN-2000-61

NORTH HUDSON FIRE OFFICERS'
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals which the North Hudson Fire Officers' Association has submitted to interest arbitration for inclusion in a collective negotiations agreement with the North Hudson Regional Fire and Rescue. The Commission finds a portion of a clause which requires notification to the Association 14 days prior to promulgation of any new rule or proposed modification of an existing rule to be mandatorily negotiable. The portion of that proposal which requires that any new rule not become effective until the Association has the opportunity to exercise any rights pursuant to law is not mandatorily negotiable. The Commission concludes that a proposal relating to procedures for reporting for work in emergencies, once particular employees have been selected for overtime duty is mandatorily negotiable. The Commission finds a proposal aimed at requiring the employer to maintain a particular firefighter/captain ratio in emergencies not mandatorily negotiable. The Commission finds the first two sentences of a proposal relating to sick leave to be not mandatorily negotiable because they propose a sick leave verification policy that suggests the employer is prohibited from seeking verification in circumstances other than those set forth in the clause, but the third sentence is mandatorily negotiable because it addresses the issue of who should pay for a doctor's note once the employer requests it. The Commission finds a proposal concerning compensation for temporary assignments to

replace absent officers of higher rank is mandatorily negotiable, but the portion of the proposal that would seek to continue acting assignments and would in some circumstances prevent the employer from deciding to replace an absent officer with an officer of equal rank is at least permissively negotiable and the employer need not agree to have it considered by an interest arbitrator.

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