

P.E.R.C. NO. 2001-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF GLOUCESTER CITY,

Petitioner,

-and-

Docket No. SN-2000-45

FIREMEN'S MUTUAL BENEVOLENT
ASSOCIATION, LOCAL NO. 51,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Gloucester City for a restraint of binding arbitration of a grievance filed by the Firemen's Mutual Benevolent Association, Local No. 51. The grievance contests the abolishment of the Emergency Medical Technician title (EMT) and the layoffs of three employees holding that title. The Commission concludes that the City has a right to abolish the EMT position and to increase its Firefighter/EMT positions. The Commission finds that these employees were given an opportunity to take a second test for the position of Firefighter/EMT which they did not pass. The Commission further concludes that permitting enforcement of an alleged agreement requiring the use of civilian EMTs would substantially limit governmental policy making decisions on how to deliver firefighter and EMT services.

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. 2001-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2001-5

P.B.A. LOCAL 109,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Hudson for a restraint of binding arbitration of a grievance filed by P.B.A. Local 109. The grievance seeks to overturn disciplinary sanctions imposed as a result of the County's application of a sick leave verification policy. The Commission concludes that, although the County has the right to adopt a sick leave verification policy, this dispute involves whether a sick leave verification policy was properly applied. That issue can be submitted to binding arbitration. The Commission also notes that minor disciplinary sanctions imposed on law enforcement officers can be reviewed through binding arbitration.

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P.E.R.C. NO. 2001-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUNTERDON CENTRAL REGIONAL HIGH
SCHOOL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-4

HUNTERDON CENTRAL REGIONAL HIGH
SCHOOL EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Hunterdon Central Regional High School Board of Education for a restraint of binding arbitration of a grievance filed by the Hunterdon Central Regional High School Education Association. The grievance contests the Board's refusal to provide health insurance benefits to replacement teachers. The Commission concludes that health benefits are mandatorily negotiable unless preempted by statute or regulation. The Commission finds that N.J.S.A. 18A:16-12 does not prohibit arbitration of a grievance protesting the violation of an alleged contractual agreement to provide health benefits to replacement teachers employed under one-year contract.

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P.E.R.C. NO. 2001-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COUNTY UTILITIES AUTHORITY,

Petitioner,

-and-

Docket No. SN-2001-9

BERGEN COUNTY UTILITIES AUTHORITY
SUPERVISORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Bergen County Utilities Authority for a restraint of binding arbitration of a grievance filed by the Bergen County Utilities Authority Supervisors Association. The grievance concerns the termination of a program for paying out accumulated sick leave hours. The Commission concludes that although the Authority's minutes and resolution state that a pilot program authorizing sick leave payouts was approved for two years, a statute and the terms of the Commissioner of Personnel's order preempt arbitration to enforce the alleged agreement to continue the pilot program for more than one year.

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P.E.R.C. NO. 2001-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET RARITAN VALLEY
SEWERAGE AUTHORITY,

Petitioner,

-and-

Docket No. SN-2000-104

UTILITY WORKERS UNION OF
AMERICA, LOCAL 423, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Somerset Raritan Valley Sewerage Authority for a restraint of binding arbitration of a grievance filed by the Utility Workers Union of America, Local 423, AFL-CIO. The grievance asserts that the Authority violated the parties' collective negotiations agreement when it did not promote a senior employee to Maintenance Mechanic I. The Commission concludes that neither this agency nor an arbitrator can second-guess the employer's determination as to whether an employee is qualified for promotion. Further, the Commission finds that once the employer determined that the grievant was not qualified for the position, he is no longer eligible for the 30-day trial period requirement in the contract.

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P.E.R.C. NO. 2001-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PASSAIC,

Petitioner,

-and-

Docket No. SN-2000-108

PASSAIC FIREFIGHTERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Passaic for a restraint of binding arbitration of a grievance filed by the Passaic Firefighters Association. The grievance asserts that an order issued by the fire chief concerning mutual swapping of time violated the parties' collective negotiations agreement. The Commission concludes that since this dispute arises during grievance arbitration, even though the subject is not mandatorily negotiable, it is nevertheless permissively negotiable and therefore legally arbitrable. The clause would only be unenforceable if enforcement would substantially limit governmental policy. No such evidence is in this record. The Commission also concludes that a schedule of penalties to be imposed for minor disciplinary infractions is mandatorily negotiable and any grievance challenging the imposition of such a penalty would be arbitrable. The Commission also notes that there has been no showing of a governmental policy need for placing caps on the number of exchanges a fire officer can make during a month and a year or unilaterally prohibiting employees from carrying over exchanges to the next year.

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P.E.R.C. NO. 2001-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SAYREVILLE,

Petitioner,

-and-

Docket No. SN-2000-111

P.B.A. LOCAL 98,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Borough of Sayreville for a restraint of binding arbitration of a grievance filed by P.B.A. Local 98. The grievance contests the transfer of a captain from the detective division to the administrative division. The Commission concludes that even if motivated by ill will, the grievance is not arbitrable. However, an arbitrator can consider the procedural allegations that proper notice and an opportunity to bid on vacant positions were not given.

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P.E.R.C. NO. 2001-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MOUNTAINSIDE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-2000-95

MOUNTAINSIDE EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Mountainside Board of Education. The Complaint was based on an unfair practice charge filed by the Mountainside Education Association alleging that the Board violated the New Jersey Employer-Employee Relations Act by unilaterally changing a longstanding practice of scheduling half day sessions on the days before winter and spring recess. The charge also alleges that the Board refused the Association's demand to negotiate over the changes. The Commission concludes that the Board had a prerogative to establish the school calendar, including a right to set the length of the school day before the holidays. The Commission also concludes that the Board did not refuse to negotiate over the changes finding that the Association was notified of the calendar change pursuant to a contractual notice provision and that the Association had ample opportunity to object to the announced calendar before it was adopted. Finally, the Commission rejects the Association's argument that the Board refused to negotiate over the impact of the calendar change finding that the Association's negotiations demands were focused on workday, not compensation.

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