

P.E.R.C. NO. 2001-44

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ATLANTIC CITY,

Petitioner,

-and-

Docket No. SN-2000-60

P.B.A. LOCAL 24,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the City of Atlantic City for a restraint of binding arbitration of a grievance filed by P.B.A. Local 24. The grievance contests the City's adoption of a policy requiring officers on sick or injury leave to take a functional capacity examination before returning to work. The grievance also contains a demand to negotiate over procedural issues in the policy. The Commission restrains arbitration to the extent the grievance contests the requirement that officers take a functional capacity examination before being permitted to return to work. The request for a restraint of arbitration is otherwise denied.

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. 2001-45

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF SECAUCUS,

Respondent,

-and-

Docket No. CI-H-2000-45

DAVID C. MCADAM,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Town of Secaucus for special permission to appeal the issuance of a Complaint based on an unfair practice charge filed by David C. McAdam. The Commission finds that the charging party has provided a clear and concise statement of facts constituting the alleged violations of a(1) and (3). The Commission concludes that a hearing must be held on those allegations. The Commission further finds that the charging party has withdrawn the allegations of violations of N.J.S.A. 34:13A:-5.4a(5) and (7) and that the employer may seek an order from the Hearing Examiner to that effect. Finally, the Commission finds that the employer may move for summary judgment on the alleged violation of 5.4a(4).

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P.E.R.C. NO. 2001-46

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ORANGE TOWNSHIP,

Respondent,

-and-

Docket No. CO-H-2000-311

ORANGE POLICE DEPARTMENT SUPERIOR  
OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the City of Orange Township violated the New Jersey Employer-Employee Relations Act by unilaterally eliminating the right of unit employees represented by the Orange Police Department Superior Officers Association to accrue negative sick leave balances. The SOA moved for summary judgment on an unfair practice charge it filed against the City. The City did not respond. The Commission concludes, given the undisputed facts, the mandatory negotiability of sick leave in general, and the absence of any legal argument in response to the SOA's summary judgment motion, that the City did not have the right to unilaterally eliminate negative sick leave balances and require employees to choose among employer-selected options for reducing their balances.

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P.E.R.C. NO. 2001-47

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL  
DISTRICT OF PATERSON,

Petitioner,

-and-

Docket No. SN-2001-14

PATERSON PRINCIPALS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State-Operated School District of Paterson for a restraint of binding arbitration of a grievance filed by the Paterson Principals Association. The grievance contests the placement of a principal on administrative leave. The Commission concludes that since the Association is not contesting the decision to transfer the principal to the early education program or seeking to undo that decision and given that the District's negotiability argument is limited to that question and the District does not argue that the administrative leave is not legally arbitrable, arbitration will not be restrained. The Commission's ruling, however, is without prejudice to the District's refiling its petition if the decision to transfer to the early childhood program becomes an issue in arbitration.

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P.E.R.C. NO. 2001-48

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

AMALGAMATED TRANSIT UNION,  
LOCAL 880 and NEW JERSEY TRANSIT,

Respondents,

-and-

Docket No. CI-H-99-66

JOSEPHINE CARROLL,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Amalgamated Transit Union, Local 880. The Complaint was based on an amended unfair practice charge filed by Josephine Carroll. The amended charge alleges that the ATU violated the New Jersey Employer-Employee Relations Act when it breached its duty of fair representation by failing to pursue the charging party's claim for reinstatement as a ticket agent at New Jersey Transit Bus Operations following her acquittal on criminal charges of official misconduct and theft. The Commission concludes, under all the circumstances, that ATU did not breach its duty of fair representation to the charging party after her acquittal on criminal charges.

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P.E.R.C. NO. 2001-49

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

VERNON TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-29

VERNON TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Vernon Township Board of Education for a restraint of binding arbitration of a grievance filed by the Vernon Township Education Association. The grievance contests the salary guide placement of new math and science teachers for the 2000-2001 school year. The Commission concludes that initial salary guide placement is a mandatorily negotiable issue. The Commission also concludes that arbitration cannot be used to block management from fulfilling its educational obligation to provide qualified teachers to teach math and science courses. Therefore, the Commission denies the Board's request for a restraint of arbitration, but retains jurisdiction so that if the arbitrator finds a contractual violation, the Board may reactivate its petition within 30 days after the award is issued if it believes that the award significantly interferes with its educational obligation to provide qualified teachers to teach math and science courses.

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P.E.R.C. NO. 2001-50

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MT. LAUREL BOARD OF FIRE COMMISSIONERS,  
DISTRICT ONE,

Petitioner,

-and-

Docket No. CU-H-98-22

IAFF LOCAL 3091-O (SUPERVISORY),

Employee Representative.

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MT. LAUREL BOARD OF FIRE COMMISSIONERS,  
DISTRICT ONE,

Respondent,

-and-

Docket No. CO-H-98-375

IAFF LOCAL 3091-O (SUPERVISORY),

Charging Party.

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SYNOPSIS

The Public Employment Relations Commission grants a petition for clarification of unit filed by the Mt. Laurel Board of Fire Commissioners District One. The Board seeks to clarify the unit represented by IAFF Local 3091-O to exclude a firefighter who holds a hybrid Department of Personnel title "Business Manager, UFD." The Board asserts that the business manager is a managerial executive and confidential employee. The Commission grants the Board's request given the employer's representation that this employee will evaluate negotiations proposals and share negotiations confidences in future negotiations.

The Commission finds that the employer violated the New Jersey Employer-Employee Relations Act when, during negotiations in 1998, its chief negotiator threatened to demote or terminate the Business Manager, UFD unless he resigned from the IAFF.

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