

P.E.R.C. NO. 2002-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX (DEPARTMENT OF
HEALTH AND REHABILITATION),

Petitioner,

-and-

Docket No. SN-2001-57

JNESO, DISTRICT COUNCIL 1,
IUOE/AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the County of Essex (Department of Health and Rehabilitation) for a restraint of binding arbitration of a grievance filed by JNESO, District Council 1, IUOE/AFL-CIO. The grievance contests the assignment of medical chart review duties to floor nurses. The Commission restrains arbitration to the extent the grievance contests the employer's right to assign JCAHO medical chart review duties to floor nurses. Whether nurses are contractually entitled to additional compensation for these duties and the method of assigning these duties may be pursued through arbitration.

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. 2002-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF PARAMUS,

Petitioner,

-and-

Docket No. SN-2001-23

PARAMUS P.B.A. LOCAL 186,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Borough of Paramus for a restraint of binding arbitration of a grievance filed by Paramus P.B.A. Local 186. The grievance contests the denial of a request for an exchange of tours. The Commission restrains arbitration to the extent the grievance seeks to enforce a tour exchange policy that would result in a detective from Adult or BCI serving for a full tour in Juvenile without a detective regularly assigned to that section. The Commission declines to restrain arbitration to the extent the grievance protests the shift exchange policy relating to tours exchanges between detectives in BCI and Adult Bureaus.

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P.E.R.C. NO. 2002-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF TEANECK,

Petitioner,

-and-

Docket No. SN-2001-45

AFSCME, COUNCIL 52, LOCAL 820,
AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Teaneck for a restraint of binding arbitration of a grievance filed by AFSCME, Council 52, Local 820, AFL-CIO. The grievance alleges that the Township violated contractual procedures when it hired a senior clerk typist. The Commission holds that notice and posting requirements are mandatorily negotiable and that the Township has offered no reason why a different result should be reached here. The Township may argue before the arbitrator that the senior clerk typist position was a new title that did not fall within the contractual posting provision. The Commission also rejects the Township's argument that the grievance is not legally arbitrable because it raises issues of anti-union discrimination. An arbitrator's jurisdiction to hear the contractual merits of otherwise negotiable disputes is not displaced because the Commission's unfair practice jurisdiction could be invoked to review an aspect of those claims.

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P.E.R.C. NO. 2002-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PLEASANTVILLE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-56

PLEASANTVILLE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Pleasantville Board of Education for a restraint of binding arbitration of a grievance filed by the Pleasantville Education Association. The grievance contests the withholding of a teaching staff member's increments for the 2000-2001 school year. The Commission concludes that one unscheduled parent meeting and the teacher's response triggered the withholding and that the discipline for this alleged misconduct did not predominately involve the evaluation of teaching performance.

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P.E.R.C. NO. 2002-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WALL,

Petitioner,

-and-

Docket No. SN-2001-61

WALL TOWNSHIP PBA LOCAL 234,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Wall for a restraint of binding arbitration of a grievance filed by Wall Township PBA Local 234. The grievance alleges that the Township violated the parties' collective negotiations agreement when it promoted one officer over another to the rank of corporal. The Commission holds that while promotional criteria are not mandatorily negotiable, promotional procedures are. An employer may normally agree to promote employees in the order they are listed on a promotional list developed by applying its own unilaterally-set criteria to the eligible candidates. Accordingly, the PBA's claim that the employer deviated from its announced promotional list is legally arbitrable. The PBA's claim that the employer violated the contract by not posting the promotional list is also a legally arbitrable promotional procedure.

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P.E.R.C. NO. 2002-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2001-65

TRENTON POLICE SUPERIOR
OFFICERS' ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the City of Trenton's request for a restraint of binding arbitration of a grievance filed by the Trenton Police Superior Officers' Association. The grievance contests the City's policy concerning the filling of temporary vacancies and payment for out-of-title work. The Commission grants a restraint to the extent the grievance implicates the City's prerogative to decide whether and when to fill a temporary vacancy. The Commission declines to restrain arbitration of the claim that the City is contractually obligated to compensate officers who have been directed formally or informally to fill in for a higher ranking officer.

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P.E.R.C. NO. 2002-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX (DEPARTMENT
OF CITIZENS SERVICES),

Petitioner,

-and-

Docket No. SN-2001-50

PUBLIC EMPLOYEES SUPERVISORS UNION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the County of Essex (Department of Citizens Services) for a restraint of binding arbitration of a grievance filed by the Public Employees Supervisors Union. The grievance alleges that the County violated the parties' collective negotiations agreement by changing a past practice where employees were given the opportunity to avoid docking for tardiness, with an appropriate excuse. The Commission restrains arbitration to the extent PESU seeks to arbitrate aspects of the tardiness guidelines that do not relate to the terms and conditions of employment of PESU-represented employees. The request is otherwise denied.

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