

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF OCEAN,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket Nos. CI-H-99-35
	:	CI-H-99-72
BONNIE SUE KROHN,	:	
	:	
Charging Party.	:	
	:	
_____ :	:	
	:	
COUNTY OF OCEAN,	:	
	:	
Respondent,	:	DOP Docket No. 1999-4423
	:	
-and-	:	OAL Docket No. CSV 4436-00
	:	
BONNIE SUE KROHN,	:	
	:	
Appellant.	:	

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the County of Ocean. The Complaint was based on unfair practice charges filed by Bonnie Sue Krohn alleging that the County violated the New Jersey Employer-Employee Relations Act by retaliating against Krohn for engaging in protected activity. Krohn also filed an appeal with the Merit System Board alleging that her resignation from the County was the result of duress and/or coercion by the employer. The Complaint and the Merit System Board appeal were consolidated for hearing before an Administrative Law Judge. The Judge recommended dismissing the Complaint. He also recommended rescission of Krohn's resignation and reinstatement to her former position. Neither party excepted to the dismissal of the Complaint and, accordingly, the Commission adopts the ALJ's factual considerations and legal conclusions that the County did not violate the Act.

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. 2002-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FAIRVIEW,

Petitioner,

-and-

Docket No. SN-2001-66

P.B.A. LOCAL NO. 45,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Fairview for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 45. The grievance alleges that the adoption of an ordinance concerning hiring civilian dispatchers and a clerk violated the parties' agreement. The Commission finds that the Borough civilianized primarily for the purpose of improving the department's effectiveness and performance and impairing that decision would substantially limit the employer's governmental policymaking powers. The Commission rejects the PBA's procedural claim that the employer's failure to challenge the negotiability of a replacements clause during interest arbitration bars it from challenging the arbitrability of this grievance. The Commission also rejects the PBA's agreement that the arbitrator can consider the grievance because there may be remedies for a violation that do not impair the employer's managerial prerogative to civilianize.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-H-2001-123

NEWARK COUNCIL NO. 21,
NJCSA, IFPTE, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants a motion for summary judgment filed by Newark Council No. 21, NJCSA, IFPTE, AFL-CIO. The Commission finds that the City of Newark violated the New Jersey Employer-Employee Relations Act when it implemented a new work schedule for police aides represented by Council No. 21. The union alleges that since the City did not file an Answer, the allegations set forth in its unfair practice charge are deemed to be admitted to be true. The Commission denies the City's request that its statement of position be accepted as its Answer. The Commission finds that the City has not offered any good cause for not deeming the allegations in the Complaint to be true. The Commission further concludes that there is no genuine issue of material fact because the City has not submitted any evidence by way of affidavit or document to sustain a judgment in its favor and that the charging party is entitled to its requested relief as a matter of law. Work hours are generally mandatorily negotiable and the employer has not submitted any evidence to show that negotiations over work hours would have significantly interfered with governmental policy determinations.

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P.E.R.C. NO. 2002-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RINGWOOD,

Petitioner,

-and-

Docket No. SN-2002-3

P.B.A. LOCAL 247,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Ringwood for a restraint of binding arbitration of a grievance filed by P.B.A. Local 247. The grievance challenges a denial of union leave. The PBA also filed an unfair practice charge alleging that the Borough violated the New Jersey Employer-Employee Relations Act when it denied an officer paid time off to attend PBA executive board and collective bargaining committee meetings and then advised him that he would not be given any time off for any PBA business or conventions. The PBA's request to hold the processing of the unfair practice charge in abeyance pending arbitration proceedings was granted. The Borough seeks to stay arbitration and have this matter proceed in the unfair practice forum. The Commission denies the Borough's request. It holds that union leave is mandatorily negotiable and that the PBA is not required to litigate as an unfair practice its otherwise arbitrable claim that the Borough breached the parties' contract by denying union leave.

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P.E.R.C. NO. 2002-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MILLBURN,

Petitioner,

-and-

Docket No. SN-2001-63

P.B.A. LOCAL 34,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Millburn for an order directing that the interest arbitration proceedings for superior officers precede the rank and file interest arbitration proceedings. The Commission also denies the Township's request to specify that any PBA or SOA work schedule proposals must incorporate the Township's proposals concerning the holiday reassignment of one officer and the schedules of deputy captain and evening shift officers. The Commission concludes that the arbitrator considering the PBA work schedule proposal must take into account the principles announced in Teaneck Tp., P.E.R.C. No. 2000-33, 25 NJPER 450 (¶30199 1999), app. pending App. Div. Dkt. No. A-001850-99T1, but Teaneck poses no barrier to the PBA proceeding to arbitration first, especially in view of the PBA's representation that it will agree to make any schedule change contingent upon the same schedule being awarded to the SOA. The Commission further holds that both parties may submit their evidence and arguments to the arbitrator on the effect of a new work schedule on the issues of holiday assignments, deputy captain assignments, evening shift officer assignment, roll call procedures and training opportunities. An arbitrator may evaluate those arguments and evidence based on a full record.

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P.E.R.C. NO. 2002-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH BERGEN TOWNSHIP
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TO-H-2000-2

NORTH BERGEN FEDERATION OF TEACHERS,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the North Bergen Township Board of Education for a stay of P.E.R.C. No. 2002-12, 27 NJPER 370 (¶32135 2001), pending appeal. In that decision, the Commission found that the Board violated the Act by transferring Louise Peterkin between work sites for disciplinary reasons and ordered the Board to restore the status quo.

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P.E.R.C. NO. 2002-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOWELL TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-55

HOWELL TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies, in part, the request of the Howell Township Board of Education for a restraint of binding arbitration of a grievance filed by the Howell Township Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement when it switched a maintenance employee from the first shift to the second shift. The Commission denies the restraint to the extent the grievance challenges the failure to return the employee to the first shift after completion of a special assignment on the second shift. The arbitrator may consider whether the employee had a contractual right to work on the first shift. If not, the Commission need not consider whether the employer had a prerogative to deviate from that shift bidding system. The arbitrator may also consider whether the employer had just cause to reassign the employee and if it did, the Commission need not consider whether the reassignment was disciplinary. The Commission will retain jurisdiction should the arbitrator find that the initial reassignment violated the parties' contract. The facts found by the arbitrator will aid the Commission in determining the validity of the parties' negotiability claims.

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P.E.R.C. NO. 2002-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MORRIS and
MORRIS COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-2001-67

MORRIS COUNTY CORRECTIONS
PBA LOCAL NO. 298,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the County of Morris and Morris County Sheriff for a restraint of binding arbitration of a grievance filed by Morris County Corrections P.B.A. Local No. 298. The grievance alleges that the implementation of a chronic and excessive absenteeism policy violated the parties' collective negotiations agreement. The restraint is granted to the extent the grievance challenges the employer's right to monitor sick leave after six and one half days per year. The restraint is otherwise denied.

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