

P.E.R.C. NO. 2002-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY HEALTH SERVICES
CENTER,

Petitioner,

-and-

Docket No. SN-2002-11

AFSCME, COUNCIL 71, LOCAL 2307,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Camden County Health Services Center. The County seeks a determination that establishing call-in procedures for sick leave is a managerial prerogative not subject to negotiations with AFSCME, Council 71, Local 2307. The Commission finds that there is no demand to arbitrate, there is no proposal in dispute during negotiations for a successor agreement, and the employer has not set forth any special circumstances warranting the exercise of the Commission's scope of negotiations jurisdiction. The petition is dismissed without prejudice to the filing of another petition in the event of an actual dispute.

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. 2002-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2000-20

AFSCME, COUNCIL 52, LOCAL 2299,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by AFSCME, Council 52, Local 2299. The grievance contests the denial of six days of vacation leave. The Commission finds that vacation leave is mandatorily negotiable and employees may arbitrate the reasonableness of vacation denials.

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P.E.R.C. NO. 2002-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WESTFIELD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-6

WESTFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Westfield Board of Education for a restraint of binding arbitration of a grievance filed by the Westfield Education Association. The grievance contests an increase in the number of teaching periods assigned to an English teacher. The Commission grants a restraint of arbitration to the extent the Association seeks the hiring of a Basic Skills teacher and a directive that Project 79 students have writing conferences. These decisions are managerial prerogatives. The Commission denies the request for a restraint over the workload and compensation claims.

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P.E.R.C. NO. 2002-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF PARAMUS,

Petitioner,

-and-

Docket No. SN-2001-36

PARAMUS EMPLOYEES ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Paramus for a restraint of binding arbitration of a grievance filed by the Paramus Employees Association. The grievance contests the termination of a building/plumbing inspector. Although the Commission concludes that a layoff made in good faith for reasons of economy cannot be set aside in arbitration, it finds that there is a factual dispute as to whether this termination was a good faith layoff or a termination for disciplinary reasons. Thus, the Commission cannot say at this stage whether there is a legally arbitrable disciplinary dispute. The Commission retains jurisdiction so that if the arbitrator finds that the layoff/termination was made without just cause, it may review the arbitrator's factual findings and determine whether the Township was exercising a managerial prerogative to engage in a good faith layoff for reasons of economy.

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P.E.R.C. NO. 2002-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLINGBORO TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2000-242

WILLINGBORO EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Willingboro Education Association to issue a Complaint on an amendment to an unfair practice charge filed by the Association against the Willingboro Township Board of Education. The Director of Unfair Practices had dismissed the amendment as untimely, but issued a Complaint based on the allegations in the original unfair practice charge. The Commission concludes that the allegations in the amendment relate back to the original charge. The Commission concludes that permitting this amendment before hearing makes more sense than litigating the same issue without an amendment and having to amend the Complaint to conform to the evidence or to consider the issue without an amendment. The Director of Unfair Practices shall amend the Complaint accordingly.

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P.E.R.C. NO. 2002-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER COUNTY PROSECUTOR,

Petitioner,

-and-

Docket No. SN-2002-18

SUPERIOR OFFICERS ASSOCIATION OF
THE GLOUCESTER COUNTY PROSECUTOR'S
OFFICE,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal made by the Superior Officers Association of the Gloucester County Prosecutor's Office for inclusion in a successor collective negotiations agreement with the Gloucester County Prosecutor. The proposal is entitled senior officer differential. The Commission finds that the proposal is a mandatorily negotiable proposal to increase compensation and does not address whether such compensation is creditable for pension purposes. That issue is for the Division of Pensions. The Commission also concludes that the proposal does not usurp the Prosecutor's managerial authority in that it creates new salary grades, not new ranks.

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