

P.E.R.C. NO. 2002-50

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 denies the request of P.B.A. Local No. 45 for reconsideration of P.E.R.C. No. 2002-27. In that case, the Commission granted the request of the Borough of Fairview for a restraint of binding arbitration of a PBA grievance. The grievance alleged that the adoption of an ordinance concerning the hiring of civilian dispatchers and a clerk violated the parties' agreement. The Commission concludes that there are not extraordinary circumstances to warrant reconsideration.

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. 2002-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DIVISION
OF STATE POLICE),

Petitioner,

-and-

Docket No. SN-2002-19

STATE TROOPERS NON-COMMISSIONED
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey (Division of State Police) for a restraint of binding arbitration of a grievance filed by the State Troopers Non-Commissioned Officers Association. The grievance contests the delay of a promotion pending an investigation. The Commission concludes that the circumstances in this case are no different than those in State of New Jersey (Div. of State Police), P.E.R.C. No. 2000-61, 26 NJPER 98 (¶31040 2000), recon. den. P.E.R.C. No. 2000-80, 26 NJPER 206 (¶31083 2000). There the Commission held that the employer's interest in knowing the results of internal investigations before permanently promoting employees outweighs the employees' interests in being promoted.

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P.E.R.C. NO. 2002-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY BOARD
OF CHOSEN FREEHOLDERS,

Petitioner,

-and-

Docket No. SN-2002-10

P.B.A. LOCAL 249
(CORRECTION OFFICERS),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Burlington County Board of Chosen Freeholders for a restraint of binding arbitration of grievances filed by P.B.A. Local #249 (Correction Officers). The grievances contest the deputy warden's decision to designate as female-only a post in the female housing unit of the Corrections and Work Release Center. The Commission concludes that precluding the employer from making this designation would substantially limit governmental policymaking powers in deciding how best to accommodate the security needs of the center; the employment rights of the guards, and the privacy rights of inmates.

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P.E.R.C. NO. 2002-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-H-97-389

UNIVERSITY OF MEDICINE AND DENTISTRY
OF NEW JERSEY COUNCIL OF AMERICAN
ASSOCIATION OF UNIVERSITY PROFESSORS
CHAPTERS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint which was based on an unfair practice charge filed by the University of Medicine and Dentistry of New Jersey Council of American Association of University Professors Chapters against the University of Medicine and Dentistry of New Jersey. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act when it unilaterally reduced the patient service component of Dr. Stanley Weiss's salary. Under the circumstances, including the fact that the employer acted in accordance with the way it had acted in the past and the AAUP did not offer any evidence that it sought negotiations once it was notified of the reduction in Weiss's salary, the Commission concludes that the AAUP failed to meet its burden of proving that the employer acted in bad faith.

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P.E.R.C. NO. 2002-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF HARRISON,

Petitioner,

-and-

Docket No. SN-2002-15

HARRISON FMBA LOCAL 22,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Town of Harrison for a restraint of binding arbitration of a grievance filed by Harrison FMBA Local 22. The grievance contests the assignment of a firefighter to multiple tasks during a shift. The Commission concludes that arbitration over the dual assignments would substantially limit the Town's governmental policymaking. The Commission does not restrain arbitration over any issues of employee health and safety that may be severable from the staffing and assignments decisions. Should an arbitrator issue an award that the employer believes substantially limits its governmental policymaking powers, it may refile its petition.

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P.E.R.C. NO. 2002-55

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF UNION,

Respondent,

-and-

Docket No. CO-2002-152

FMBA LOCAL NO. 46,

Charging Party.

TOWNSHIP OF UNION,

Respondent,

-and-

Docket No. CO-2002-153

FMBA LOCAL NO. 246,

Charging Party.

TOWNSHIP OF UNION,

Respondent,

-and-

Docket No. CO-2002-163

PBA LOCAL NO. 69,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Township of Union's motion for reconsideration, motion to supplement the record, and request for a stay of I.R. No. 2002-7. The Commission also denies PBA Local No. 69's cross-motion for reconsideration. In that case, a Commission designee found that the change in health insurance carrier would demonstrably change the network of participating providers so as to constitute a change in employee benefits. The Commission finds no extraordinary circumstances to supplement the record or reconsider the designee's decision. The Commission denies the request for a stay of the order pending emergent review in the Appellate Division because it is not convinced that the harm to the employer in implementing an interim program outweighs the harm to employees who may face up-front costs and balance billing. The Commission also denies the cross-motion for reconsideration. Given her findings, the Commission assumes that the designee should have found that the change in carriers was mandatorily negotiable, but the interim program she ordered maintains the level of benefits pending a final determination.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CLIFTON,

Appellant,

-and-

Docket No. IA-99-69

CLIFTON FIREMEN'S MUTUAL BENEVOLENT
ASSOCIATION, LOCAL 21,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms, with a modification, an interest arbitration award issued to resolve negotiations between the City of Clifton and Clifton Firemen's Mutual Benevolent Association, Local 21. The Township asks the Commission to vacate the award which granted the FMBA's proposal for a 24/72 schedule for a one-year trial period. The award provided that at the end of the trial period the City could petition this arbitrator to eliminate the 24/72 schedule and if the FMBA objected, the arbitrator would hold a hearing, after which he would determine whether the City had shown "reasonable cause" to revert to the 10/14 schedule.

The Commission concludes that the arbitrator comprehensively analyzed the evidence and arguments; gave due weight to the relevant statutory factors; and reached a reasonable determination that the FMBA had met its burden of justifying the schedule change for a one-year trial period. The Commission, however, modifies the trial period portion of the award. The Commission concludes that the best and least complicated mechanism for evaluating the 24/72 schedule, absent the parties' agreement to continue or discontinue the work schedule, is during the post-contract expiration interest arbitration process, where another arbitrator will be appointed. The Commission also concludes that requiring the City to establish "reasonable cause" to revert to the 10/14 schedule is not consistent with Teaneck Tp., P.E.R.C. No. 2000-33, 25 NJPER 450 (¶30199 1999), app. pending App. Div. Dkt. No. A-001850-99T1. Under Teaneck, the burden is again on the FMBA to justify the schedule, not for the City to show that the new schedule should not be continued.

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STATE OF NEW JERSEY
BEFORE THE MERIT SYSTEM BOARD
AND
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of	:	
	:	
MATILDA ENDRESS,	:	JOINT ORDER
	:	ON CONSOLIDATION AND
Appellant,	:	PREDOMINANT INTEREST
	:	
-and-	:	OAL Docket No. CSV 8330-00
	:	
BURLINGTON COUNTY,	:	
	:	
Respondent.	:	
_____	:	
	:	
BURLINGTON COUNTY,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-2001-98
	:	
COMMUNICATIONS WORKERS OF	:	
AMERICA, LOCAL 1034.	:	
	:	
Charging Party.	:	

SYNOPSIS

The Chair of the Public Employment Relations Commission and the Merit System Board entered a joint order consolidating an unfair practice charge filed with the Commission and a disciplinary appeal filed with the Merit System Board. The consolidated case will be heard by an Administrative Law Judge. The Judge's initial decision and the record will be forwarded to the Commission first to determine whether Endress's suspension was motivated by hostility towards activity protected by the New Jersey Employer-Employee Relations Act. The case will then be transferred to the Merit System Board to determine whether the suspension was for legitimate business reasons and whether it was otherwise warranted under Merit System law. If necessary, the case will then be returned to the Commission for the issuance of any specialized relief.

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