

P.E.R.C. NO.2003-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WASHINGTON,

Petitioner,

-and-

Docket No. SN-2002-14

P.B.A. LOCAL 318,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants reconsideration of P.E.R.C. No. 2002-80. In that decision, the Commission partially granted the request of the Township of Washington for a restraint of binding arbitration of grievances filed by P.B.A. Local 318. The request was granted to the extent the grievances allege that the Township is required to negotiate with the PBA concerning the content of promotional test questions and to comply with certain provisions of a sidebar agreement concerning promotions. The Commission grants reconsideration and modifies the order to permit binding arbitration over promotions of officers who allegedly agreed to hold their promotions pursuant to the certified list in abeyance with the alleged understanding that they would be promoted within 24 months.

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. 2003-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUNTERDON COUNTY,

Respondent,

-and-

Docket No. PD-2003-1

CWA LOCAL 1034,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission orders Hunterdon County to institute a payroll deduction of the representation fee in lieu of dues from the wages or salaries of the negotiations unit employees who are not members of CWA Local 1034, the majority representative. Local 1034 filed the first petition under a new law, L. 2002, c. 45, entitling majority representatives to have representation fees deducted from paychecks of non-members provided certain statutory conditions are met. The Commission concludes that those conditions have been met. The Commission also orders the County to post a Notice To Employees which explains the investigation process and informs employees that fees will now be deducted.

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P.E.R.C. NO. 2003-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BRICK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2003-21

TRANSPORT WORKERS UNION LOCAL 225,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Brick Board of Education violated the New Jersey Employer-Employee Relations Act when it changed the pay dates for employees represented by Transport Workers Union, Local 225, Branch 4. The Commission concludes that timing of paychecks is negotiable and that the Board had an obligation to negotiate with the union prior to changing a 15-year practice.

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P.E.R.C. NO. 2003-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF KENILWORTH,

Public Employer,

-and-

MICHAEL MAURO,

Docket No. RD-2002-11

Petitioner,

-and-

UNION COUNCIL NO. 8,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies Union Council No. 8's motion for reconsideration of the Chair's decision not to consider a request for review of D.R. No. 2003-4. The Chair noted several defects in the request, including that it was untimely. The Commission concludes that there are no extraordinary circumstances warranting reconsideration of the Chair's decision.

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P.E.R.C. NO. 2003-27

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-2002-73

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 contested an assignment to the position of Assistant Unit Head on the New Jersey Turnpike. The Commission concludes that transferring or reassigning a public employee based on an assessment of relative qualifications is preeminently a policy determination. The Commission restrains binding arbitration over the challenge to the scoring, ranking and rating system used to determine the assignment.

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P.E.R.C. NO. 2003-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LAKEHURST BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2002-352

LAKEHURST EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Lakehurst Education Association for reconsideration of I.R. No. 2003-6. In that decision, a Commission designee denied the Association's request for interim relief based on an unfair practice charge filed against the Lakehurst Board of Education. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act, by unilaterally extending the work year of four child study team members during successor contract negotiations. The designee found that requiring the team members to work an extended work year may have been the exercise of a managerial prerogative and that therefore, the Association had not demonstrated that it had a substantial likelihood of prevailing in a final Commission decision. The Commission concludes that there are no extraordinary circumstances warranting reconsideration of that decision and that the Association may pursue its claim for relief through the regular unfair practice proceedings.

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P.E.R.C. NO. 2003-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLEN RIDGE SCHOOL PERSONNEL
ASSOCIATION AND NEW JERSEY
EDUCATION ASSOCIATION,

Respondents,

-and-

Docket No. CI-H-96-32

KENNETH T. TUCKER, JR.,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a motion for reconsideration filed by Kenneth T. Tucker, Jr. of P.E.R.C. No. 2002-72. In that decision, the Commission ordered the Glen Ridge School Personnel Association and the New Jersey Education Association to comply with their duty of fair representation under N.J.S.A. 34:13A-5.3 by reimbursing Kenneth T. Tucker, Jr. at reasonable and customary rates for the attorney of his choice to represent him in his grievance arbitration proceeding. In his motion, Tucker argues that the Commission should also have issued relief on a civil rights claim. The Commission dismisses the motion, which was filed more than a month late and after the time to appeal had run, as untimely.

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P.E.R.C. NO. 2003-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HOWELL,

Petitioner,

-and-

Docket No. SN-2002-24

TRANSPORT WORKERS UNION OF
AMERICA, LOCAL 225, BRANCH 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Howell for a restraint of binding arbitration of a grievance filed by the Transport Workers Union of America, Local 225, Branch 4. The grievance contests the transfers of three clerical employees. The employer has not provided any reasons for the reassignments and the union contends that the reassignments are disciplinary. The Commission concludes that an arbitrator can decide whether there were any procedural violations and can decide in the first instance whether two of the transfers were disciplinary, and if so, whether they were for cause. Should the arbitrator find that the transfers were not disciplinary and issue an award which the employer believes would significantly interfere with its prerogative to transfer based on an assessment of relative qualifications, the employer may refile its petition. The Commission restrains binding arbitration over the claim that a confidential employee was transferred for disciplinary reasons.

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P.E.R.C. NO. 2003-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JERSEY CITY STATE-OPERATED
SCHOOL DISTRICT,

Petitioner,

-and-

Docket No. SN-2002-22

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
LOCAL 2262, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Jersey City State-Operated School District for a restraint of binding arbitration of a grievance filed by the American Federation of State, County and Municipal Employees, Local 2262, AFL-CIO. The grievance alleges that the termination of a security guard was discriminatory. The Commission restrains arbitration to the extent, if any, the grievance seeks to have the security guard placed in a permanent position. The request is otherwise denied.

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P.E.R.C. NO. 2003-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MORRIS,

Respondent,

-and-

Docket No. CO-H-2002-39

COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 1040, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the County of Morris violated the New Jersey Employer-Employee Relations Act when it refused to provide the Communications Workers of America, Local 1040, AFL-CIO with the addresses of all employees in Local 1040's negotiations unit. The Commission concludes that the union has a right under the New Jersey Employer-Employee Relations Act to request and receive a list of home addresses of temporary assistance employees in its negotiations unit.

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P.E.R.C. NO. 2003-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF UNION,

Appellant,

-and-

Docket No. IA-2001-46

UNION COUNTY CORRECTIONS OFFICERS,
PBA LOCAL NO. 199,

Respondent.

SYNOPSIS

The Public Employment Relations Commission vacates and remands an interest arbitration award issued to resolve negotiations between the County of Union and Union County Corrections Officers PBA Local No. 199. The Commission remands the award to the arbitrator for reconsideration and issuance of a new opinion and award no later than 60 days from this decision, absent an extension for good cause shown. The County appealed the award, contending that the arbitrator violated N.J.S.A. 34:13A-16d(2), N.J.S.A. 34:13A-16g and N.J.S.A. 2A:24-8 because he did not provide a reasoned analysis; consider the pattern of settlement in the County; individually analyze the County's operational proposals; or calculate the net annual economic changes for each year of the agreement. It also argued that the arbitrator made a mistake of fact in awarding the contract term and that, contrary to Commission case law, he presumed that interest arbitration was an inappropriate forum for considering the County's health benefits and operational proposals. The Commission concludes that the award must be vacated and remanded for reconsideration because, first, by emphasizing that the health benefits changes sought were best achieved in negotiations, the arbitrator appears to have applied an improper presumption that the proposals should not be awarded in interest arbitration. Second, the arbitrator did not fully discuss, or explain how he analyzed and weighed, the parties' arguments and evidence concerning internal settlements. A remand is also required because the arbitrator did not analyze the County's operational proposals and did not explain his salary award.

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