

P.E.R.C. NO. 2004-1

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP  
FIRE DISTRICT #1,

Public Employer,

-and-

Docket No. RO-2003-15

IAFF LOCAL 4204-B,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2003-84, 29 NJPER 221 (¶66 2003), filed by the Washington Township Fire District #1. In that decision, the Commission denied the District's request for review of D.R. No. 2003-16, which directed that an election be conducted among regularly employed superior fire officers including all captains. The Commission finds no extraordinary circumstances warranting reconsideration and reiterates that any conflict of interest issues that might arise post-certification can be addressed through its unfair practice jurisdiction.

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. 2004-2

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMILTON TOWNSHIP BOARD  
OF EDUCATION,

Respondent,

-and-

Docket No. TO-2002-1

HAMILTON TOWNSHIP EDUCATION  
ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a Petition for Contested Transfer Determination filed by the Hamilton Township Education Association. The petition alleges that the Hamilton Township Board of Education transferred a food service employee between work sites for disciplinary reasons in violation of N.J.S.A. 34:13A-25. The Commission concludes that the petition was filed more than 90 days from the date of the notice of transfer. The Commission therefore dismisses the petition as untimely pursuant to N.J.A.C. 19:18-2.3.

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P.E.R.C. NO. 2004-3

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF SECAUCUS,

Respondent,

-and-

Docket No. CI-H-2000-45

DAVID C. McADAM,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint which was based on an amended unfair practice charge filed by David C. McAdam. The amended charge alleges that the Town violated the New Jersey Employer-Employee Relations Act by retaliating against the charging party for filing a grievance. Specifically, McAdam alleges that he was demoted, lost overtime opportunities, and suffered adverse working conditions as a result of his filing a grievance. The Commission concludes that McAdam did not prove that his grievance was a substantial or motivating factor in any adverse personnel actions.

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P.E.R.C. NO. 2004-4

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LEONIA BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2003-60

LEONIA ASSOCIATION OF  
SCHOOL SERVICE PERSONNEL,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Leonia Board of Education for a restraint of binding arbitration of a grievance filed by the Leonia Association of School Service Personnel. The grievance asserts that the Board violated the parties' contract when it required a custodian to submit documentation verifying a bereavement leave. The Commission concludes that once the parties have agreed that personal leave may only be used for certain specified reasons at certain specified times, the employer has a managerial prerogative to require some verification of the proper use of such leave.

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P.E.R.C. NO. 2004-5

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MILLVILLE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2003-50

MILLVILLE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Millville Board of Education for a restraint of binding arbitration of a grievance filed by the Millville Education Association. The grievance contests the reassignments of two teachers for the 2002-2003 school year. The Commission concludes that reassignments and transfers are generally mandatorily negotiable and that allegations that a managerial prerogative was exercised discriminatorily must be litigated through an unfair practice proceeding, not binding arbitration.

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P.E.R.C. NO. 2004-6

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-2003-39

PATERSON POLICE P.B.A. LOCAL 1  
and SUPERIOR OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the City of Paterson for a restraint of binding arbitration of grievances filed by Paterson Police P.B.A. Local 1 and the Superior Officers Association. The Commission grants the restraint of arbitration to the extent the grievances contest the City's decisions to assume administration of the off-duty employment program and to require the Public Safety Director's approval of any off-duty employment calling for police officers to perform policy-type services in police uniforms. The request is otherwise denied.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN,

Petitioner,

-and-

Docket No. SN-2003-45

CAMDEN COUNTY CORRECTIONS,  
P.B.A. LOCAL 351,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of contract proposals submitted by Camden County Corrections, P.B.A. Local 351, for inclusion in a successor collective negotiations agreement with the County of Camden. The Commission finds the following to be mandatorily negotiable: a preservation of rights clause so long as it does not seek to set any employment conditions of employees outside the PBA's unit; a proposal to delete a fully-bargained clause in a contract; proposals to include longevity and holiday pay in base pay for compensation purposes; a portion of a proposal on legal representation to the extent, if any, it seeks to have applicable portions of the Law Enforcement Officers Protection Act and the parties' contract apply to terms and conditions of employment; a proposal concern vacation scheduling; a proposal that minor disciplinary matters be included in the grievance procedure; a proposal which changes the first step of the grievance procedure from being heard by the warden to being heard by the chief of investigations, and a proposal concerning work rules.

The Commission finds the following to be not mandatorily negotiable: a portion of a proposal on legal representation to the extent, if any, it seeks to have the Law Enforcement Protection Act and the parties' contract apply to circumstances beyond the terms of that statute or the terms and conditions of employment of corrections officers; and a proposal concerning discipline because it permits binding arbitration of major disciplinary disputes involving corrections officers, including suspensions of six days or more.

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P.E.R.C. NO. 2004-8

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2003-59

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 74,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Elizabeth for a restraint of binding arbitration of a grievance filed by the Service Employees International Union, Local 74. The grievance alleges that the City should appoint six senior mechanics in accordance with a memorandum of agreement entered into between Local 74 and the City. The Commission concludes that a public employer has a non-negotiable right to determine whether and when to fill vacancies and that a union cannot enforce through binding arbitration an alleged agreement to create and fill positions.

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P.E.R.C. NO. 2004-9

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2003-64

ELIZABETH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Elizabeth Board of Education for a restraint of binding arbitration of a grievance filed by the Elizabeth Education Association. The grievance contests the Board's decision to institute block scheduling for 9th and 10th grade teachers and seeks compensation for increased instructional time. The Commission grants the restraint of arbitration to the extent the grievance challenges the implementation of block scheduling. The restraint is denied to the extent the grievance challenges an alleged uncompensated increase in teacher workload.

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