

P.E.R.C. NO. 2004-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MATAWAN-ABERDEEN REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-10

S.E.I.U. LOCAL 74,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Matawan-Aberdeen Regional Board of Education for a restraint of binding arbitration of a grievance filed by SEIU Local 74. The grievance contests the Board's decision to subcontract cafeteria services for the 2003-2004 school year. The Commission concludes that under Local 195, IFPTE v. State, 88 N.J. 393 (1982), a public employer need not negotiate over a decision to subcontract with a private sector company to have that company take over governmental services.

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.

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P.E.R.C. NO. 2004-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2004-13

F.O.P. LODGE 12,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Newark for a restraint of binding arbitration of a grievance filed by FOP Lodge 12. The grievance contests the City's decision not to re-arm an officer. The Commission concludes that the decision whether or not to arm a police officer is a policy decision not subject to mandatory negotiations and an arbitration award requiring the City to re-arm an officer would substantially limit the city's policymaking power to determine the conditions under which it is proper for its police officers to be armed.

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P.E.R.C. NO. 2004-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WESTWOOD REGIONAL SCHOOL
DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-8

WESTWOOD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Westwood Regional School District Board of Education for a restraint of binding arbitration of a grievance filed by the Westwood Education Association. The grievance contests the Board's decision to assign guidance counselors to administer the S.A.T. test on two Saturdays during the school year. The Commission concludes that this duty is extracurricular under N.J.S.A. 34:13A-23 and that compensation for the assignment is negotiable as is the assignment itself, subject to the Board's right to assign in-district guidance counselors should the negotiated selection procedures not produce a qualified person from within the district and should it be unable to employ a qualified out-of-district counselor. The request is otherwise denied.

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P.E.R.C. NO. 2004-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GINGER L. NATHANSON,

Petitioner,

-and-

Docket No. TI-2004-001

SPARTA BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses as moot a petition for contested transfer determination filed by Ginger L. Nathanson against the Sparta Board of Education. The petition alleged that Nathanson was transferred from the high school to the Sparta Middle School for disciplinary reasons in violation of N.J.S.A. 34:13A-25. The Commission concludes that since Nathanson was returned to her former work site before the start of the school year, the petition is moot. Any challenge to a change in working conditions within the high school must be pursued through another type of proceeding.

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P.E.R.C. NO. 2004-39

STATE OF NEW JERSEY
BEFORE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY POLICE
DEPARTMENT LAYOFFS,

Respondent,

-and-

PBA LOCALS 51 & 51A,

Petitioners.

OAL DOCKET NO.

CSV 9166-97

COUNTY OF HUDSON,

Respondent,

-and-

PBA LOCALS 51 & 51A,

Charging Party.

PERC DOCKET NOS.

CO-H-97-58 and

CO-H-97-59

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2004-14 filed by the County of Hudson. In that decision, the Commission remanded a consolidated matter to an Administrative Law Judge to issue findings of fact and conclusions of law on whether the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by transferring unit work to non-unit employees of the same public employer and whether the employer laid off union employees represented by PBA Locals 51 and 51A in retaliation for the exercise of rights protected by the Act. The Commission concludes that there are no extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2004-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WINSLOW,

Petitioner,

-and-

Docket No. SN-2004-14

WINSLOW TOWNSHIP POLICE
ASSOCIATION (SERGEANTS),

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of proposals which the Winslow Township Police Association (Sergeants) seeks to submit to interest arbitration for inclusion in a successor collective negotiations agreement with the Township of Winslow. The Commission concludes that a proposal concerning salary guide credit for prior service in other jurisdictions; a proposal relating to lump sum payments for unused sick leave time; a modified proposal relating to health benefits upon retirement; a proposal to increase life insurance, and a proposal concerning clothing allowance are all mandatorily negotiable.

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P.E.R.C. NO. 2004-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT CORPORATION,

Respondent,

-and-

Docket No. CO-H-2002-309

NEW JERSEY TRANSIT PBA LOCAL NO. 304,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint based on an unfair practice charge filed by New Jersey Transit PBA Local No. 304 against New Jersey Transit Corporation. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act by failing to permit a probationary officer to have a union representative present during an investigatory interview where the officer had been designated as a witness; re-designating the officer as a subject or principal of the investigation in retaliation for a union representative informing the officer of his rights; implementing a "blanket rule" that employees designated as witnesses are not entitled to union representation during interviews; and for comments made to the union representative by the investigator. The Commission dismisses the Complaint finding that, based on a record consisting only of admissions in the employer's Answer and the testimony of one witness without first-hand knowledge of the incident, the charging party did not prove its allegations.

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