

P.E.R.C. NO. 97-93

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONMOUTH COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-96-109

MONMOUTH COUNTY SHERIFF'S
OFFICERS, PBA LOCAL 314,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Monmouth County Sheriff for a restraint of binding arbitration of a grievance filed by the Monmouth County Sheriff's Officers, PBA Local 314. The grievance contests two and three day suspensions imposed on two sheriff's officers. The Commission finds that a recent amendment to N.J.S.A. 34:13A-5.3 provides specifically for binding arbitration of minor discipline for all public employees except State troopers.

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. 97-94

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HOBOKEN,

Petitioner,

-and-

Docket No. SN-97-27

HOBOKEN POLICEMEN'S BENEVOLENT
ASSOCIATION, LOCAL NO. 2,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Hoboken for a restraint of binding arbitration of a grievance filed by the Hoboken Policemen's Benevolent Association, Local 2. The grievance contests a police officer's three-day suspension. The Commission finds that a recent amendment to N.J.S.A. 34:13A-5.3 provides specifically for binding arbitration of minor discipline for all public employees except State troopers.

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P.E.R.C. NO. 97-95

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RUTHERFORD,

Petitioner,

-and-

Docket No. SN-96-28

RUTHERFORD PBA LOCAL NO. 300,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Rutherford's motion for reconsideration of P.E.R.C. No. 97-12. In that decision, the Commission denied the Borough's request for a restraint of binding arbitration of a grievance filed by Rutherford PBA Local No. 300. The grievance alleges that the Borough violated the parties' collective negotiations agreement when it announced that minimum staffing requirements for Saturdays would continue to be based on shifts of five officers on the morning shift and six officers on the afternoon shift, but that vacation scheduling for Saturdays would continue to be based on shifts of five officers on the morning shift and six officers on the afternoon shift. The Commission finds no extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 97-96

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FAIRVIEW,

Respondent,

-and-

Docket No. CO-97-206

FAIRVIEW LOCAL 45 (FAIRVIEW UNIT),

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Fairview's request for reconsideration and a stay of a Commission designee's order that the Borough restore weekly paychecks to employees represented by Fairview Local 45 (Fairview Unit). The Commission finds that no extraordinary circumstances warrant review of the designee's interim relief determination.

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P.E.R.C. NO. 97-97

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF STANHOPE,

Respondent,

-and-

Docket No. IA-96-102

PBA LOCAL 138,

Appellant.

SYNOPSIS

The Public Employment Relations Commission vacates an interest arbitration award, remands it to the arbitrator, and directs him to apply the Police and Fire Public Interest Arbitration Reform Act, P.L. 1995, c. 425, with disputed issues to be resolved by conventional arbitration.

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. 97-98

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT
OF THE CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-96-139

JERSEY CITY ADMINISTRATORS AND
SUPERVISORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State-Operated School District of the City of Jersey City for a restraint of binding arbitration of a grievance filed by the Jersey City Administrators and Supervisors Association. The grievance contests the withholding of a school psychologist's salary increment for the 1995-1996 school year. The Commission finds that this increment withholding is not based predominantly on an evaluation of teaching performance but on the grievant's compliance with applicable policies and regulations concerning outside employment and does not involve any review of subjective performance assessments. Accordingly, it can be considered by an arbitrator.

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P.E.R.C. NO. 97-99

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST WINDSOR-PLAINSBORO
REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-50

WEST WINDSOR-PLAINSBORO
SERVICE ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the West Windsor-Plainsboro Regional Board of Education for a restraint of binding arbitration of a grievance filed by the West Windsor-Plainsboro Service Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it allegedly reprimanded a secretary without just cause. The Commission holds that the memorandum is predominantly evaluative.

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P.E.R.C. NO. 97-100

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GREATER EGG HARBOR REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-8

OAKCREST-ABSEGAMI TEACHERS' ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Greater Egg Harbor Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Oakcrest-Absegami Teachers Association. The grievance asserts that comments in a teachers' year-end evaluation constituted discipline without just cause. The Commission finds that, on balance, this dispute predominately involves the Board's right to observe and evaluate its teachers.

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P.E.R.C. NO. 97-101

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WOODBRIDGE,

Petitioner,

-and-

Docket No. SN-97-10

PBA LOCAL NO. 38,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Woodbridge for a restraint of binding arbitration of a grievance filed by PBA Local No. 38. The grievance protests the denial of a sergeant's request for compensatory time off and, as filed, sought specific remedies, including rescission of an order requiring that division commanders rather than shift commanders approve requests for time off. The restraint is granted except to the extent, if any, the grievance seeks compensation for time off that was unreasonably denied.

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P.E.R.C. NO. 97-102

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MARLBORO TOWNSHIP,

Petitioner,

-and-

Docket No. SN-97-13

COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 1044,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Marlboro for a restraint of binding arbitration of a grievance filed by the Communications Workers of America, Local 1044. The grievance seeks additional compensation on behalf of unit members who were required to remain at work when other employees were dismissed early without loss of pay. The Commission finds that this grievance is legally arbitrable because it does not claim a contractual right to a benefit negotiated by other units, but instead seeks compensation for employees required to work when other employees were dismissed early.

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P.E.R.C. NO. 97-103

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STAFFORD TOWNSHIP,

Petitioner,

-and-

Docket No. SN-96-60

AFSCME COUNCIL 71, LOCAL 3304A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds mandatorily negotiable a contract provision proposed by AFSCME Council 71, Local 3304 during successor contract negotiations with Stafford Township. The provision concerns paid disability leave for an off-duty injury or illness. The Commission finds that N.J.S.A. 40A:9-7 does not remove the parties' discretion to negotiate over paid leave for non-work injuries for non-police.

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P.E.R.C. NO. 97-104

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMILTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-96-118

HAMILTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Hamilton Township Board of Education for a restraint of binding arbitration of a grievance filed by the Hamilton Township Education Association. The grievance alleges that the Board violated a contractual obligation to form a joint committee and discuss alternative insurance plans. The Commission finds that a joint committee to review and discuss alternative insurance plans does not restrict the Board's ultimate power to select a carrier.

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P.E.R.C. NO. 97-105

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-96-140

STATE TROOPERS FRATERNAL
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 grievances pressed by the State Troopers Fraternal Association ("STFA"). The grievances assert that the employer violated the parties' collective negotiations agreement when three state troopers holding the rank of Trooper II were not advanced to the rank of Trooper I at the same time as the other members of their recruit class. The STFA does not seek to have the three troopers advanced in grade, but instead asserts that they are entitled to be compensated at the Trooper I pay rate retroactive to the date of the advancement of other members of their recruit class. The Commission finds that there is no alleged right to increased compensation independent of a promotion under Article VIII.

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P.E.R.C. NO. 97-106

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(DEPARTMENT OF HUMAN SERVICES),

Respondent,

-and-

Docket No. CO-H-96-8

COMMUNICATIONS WORKERS OF AMERICA,

Charging Party.

STATE OF NEW JERSEY
(DEPARTMENT OF HUMAN SERVICES),

Petitioner,

-and-

Docket No. SN-97-11

COMMUNICATIONS WORKERS OF AMERICA,

Respondent.

SYNOPSIS

In a consolidated unfair practice and scope of negotiations proceeding, the Public Employment Relations Commission denies the request of the State of New Jersey (Department of Human Services) for a restraint of binding arbitration of a grievance filed by the Communications Workers of America. The grievance seeks automatic pay upgrades for teachers who have performed satisfactorily for three years from the title of teacher 2 to the title of teacher 1. Applying its precedents to the circumstances of this case, and stressing that the job duties of the two titles are the same, the Commission holds that movement from teacher 2 to teacher 1 presents a mandatorily negotiable issue which is not preempted by any Civil Service statute or regulation.

The Commission dismisses certain allegations in a Complaint that the State violated the New Jersey Employer-Employee Relations Act. The Complaint, based on an unfair practice charge filed by CWA, alleges that the employer violated the Act when it changed employment conditions in the Department of Human Services. The Commission dismisses allegations concerning automatic pay upgrades

for nurses; vacation leave for unclassified teachers holding 12 month assignments; proof of an emergency when administrative leave is taken for that reason; alleged repudiations of negotiated employment conditions, alleged violations of subsection 5.4(a)(3); and alleged independent violations of subsection 5.4(a)(1).

The Commission defers to arbitration allegations concerning automatic pay upgrades for teachers; every other weekend off for certain DHS employees; and forced use of vacation for employees who are not unclassified teachers holding 12 month assignments.

Since all allegations in the Complaint were either dismissed or deferred to arbitration, the Commission vacates the order to hold a hearing. It remands the case to the Director of Unfair Practices for the purpose of carrying out the deferral to arbitration rulings and retaining jurisdiction of the deferral allegations pending submission to and completion of the grievance arbitration process.

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P.E.R.C. NO. 97-107

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT
OF THE CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-97-31

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State-Operated School District of the City of Paterson for a restraint of binding arbitration of a grievance filed by the Paterson Education Association. The grievance contests a directive that employees indicate the time they sign in and sign out of work. The Commission finds that the employer has a managerial prerogative to implement timekeeping procedures.

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P.E.R.C. NO. 97-108

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY HIGHWAY AUTHORITY,

Respondent,

-and-

Docket No. CO-H-96-10

GARDEN STATE PARKWAY CREW
SUPERVISORS AND EQUIPMENT
TRAINERS UNION, LOCAL 193C,
IFPTE, AFL-CIO, CLC

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint, based on an unfair practice charge filed by Garden State Parkway Crew Supervisors and Equipment Trainers Union, Local 193C, IFPTE, AFL-CIO, CLC, against the New Jersey Highway Authority. The Complaint alleges that the Authority violated the New Jersey Employer-Employee Relations Act by ordering unit members, under threat of discipline, to distribute a copy of an Order to Show Cause and Temporary Restraining Order issued by the Superior Court of New Jersey, Chancery Division, against Local 196, IFPTE. The order related to a strike by Local 196. The Commission finds that the Authority had a legitimate and substantial business reason to require Local 193C unit members to distribute the order, it was not motivated by anti-union animus, and did not act to interfere with negotiations.

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P.E.R.C. NO. 97-109

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK HOUSING AUTHORITY,

Respondent,

-and-

Docket No. CO-H-95-275

SKILLED TRADES ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands a Complaint based on an unfair practice charge filed by the Skilled Trades Association against the Newark Housing Authority. The Complaint alleges that the Housing Authority violated the New Jersey Employer-Employee Relations Act by transferring the Association president in retaliation for his protected activities. The Commission finds discrepancies over the timing of the transfer and therefore over the level of protected activity and hostility to that activity that might have contributed to the transfer decision. The Commission remands the case so that the timing and motivation for the transfer can be revisited based on all the evidence.

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