

P.E.R.C. NO. 98-117

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SPORTS ARENA EMPLOYEES, LOCAL 137
and NEW JERSEY SPORTS & EXPOSITION
AUTHORITY,

Respondents,

-and-

Docket Nos. CI-98-14
CI-98-15

EUGENE M. COOKE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies an appeal of the dismissal of unfair practice charges filed by Eugene M. Cooke against the Sports Arena Employees, Local 137 and the New Jersey Sports & Exposition Authority. The charges allege that the Authority and the Union violated the New Jersey Employer-Employee Relations Act by not making available to Cooke and the union membership a finalized copy of the agreement that was ratified by the Authority and Local 137. The Commission finds the Charging Party had an opportunity to amend his factual allegations before his charges were dismissed and ten days to appeal that dismissal. The Commission dismisses the appeal as untimely.

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. 98-118

STATE OF NEW JERSEY
BEFORE the PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FORT LEE,

Respondent,

-and-

Docket No. CO-H-96-269

FORT LEE POLICE ADMINISTRATORS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Borough of Fort Lee violated the New Jersey Employer-Employee Relations Act by refusing to negotiate with the Fort Lee Police Administrators. The Commission finds that the Borough has never denied the allegations in the Complaint in the manner required by N.J.A.C. 19:14-3.1; the scheduling difficulties raised by the Borough occurred nearly one year after the FLPA's request to negotiate; and the Borough never indicated that the Complaint was to be held in abeyance pending resolution of a clarification of unit petition. The Commission orders the Borough to immediately commence negotiations with the FLPA and post a notice of its violations.

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P.E.R.C. NO. 98-119

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC CITY BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-95-122

ATLANTIC CITY EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Atlantic City Board of Education violated the New Jersey Employer-Employee Relations Act by transferring three teachers in retaliation for their activities on behalf of the Atlantic City Education Association. The Commission further finds that the Board violated the Act by sending a retaliatory notice to staff disclaiming liability for personal information released to the Association in connection with the Association's charge and by denying the three teachers union representation at interviews they reasonably believed might result in discipline. The Commission orders the Board to offer the three teachers the option to transfer to the Atlantic City High School with substantially the same hours of work and employment responsibilities as they had immediately before the transfers.

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P.E.R.C. NO. 98-120

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN COUNTY UTILITIES AUTHORITY,

Public Employer,

-and-

Docket No. CU-C-94-38

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 14, AFL-CIO,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a clarification of unit petition filed by the Office and Professional Employees International Union, Local 14, AFL-CIO. The petition seeks to add the new title of regulatory compliance officer to either OPEIU's negotiations unit of white collar employees of the Ocean County Utilities Authority or its negotiations unit of the Authority's supervisors. The Commission concludes that the regulatory compliance officer exercises Authority-wide decisional powers and is a managerial executive under N.J.S.A. 34:13A-3(f).

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P.E.R.C. NO. 98-121

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HACKENSACK,

Petitioner,

-and-

Docket No. SN-98-43

IUPCPE, LOCAL 911,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Hackensack for a restraint of binding arbitration initially demanded by RWDSU Local 29 on behalf of Craig Anderson, a sanitation worker. On December 22, IUPCPE Local 911 was certified as the new majority representative of the negotiations unit which represents sanitation workers. Accordingly, Local 911 appears on behalf of Anderson. The demand seeks arbitration of a 15-day suspension imposed on Anderson by the City. The City is a civil service jurisdiction. The Merit System Board reviews appeals of major disciplinary actions arising in Civil Service jurisdictions. Thus, the Commission concludes that any appeal of this 15-day suspension must be made to the Merit System Board.

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P.E.R.C. NO. 98-122

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BURLINGTON,

Respondent,

-and-

Docket No. CO-H-97-220

POLICEMEN'S BENEVOLENT ASSOCIATION,
LOCAL 249,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the County of Burlington violated the New Jersey Employer-Employee Relations Act by unilaterally transferring work historically performed by correction officers represented by the PBA in the ID section to non-unit employees. The Commission concludes, on this record, that the County had an obligation to negotiate before transferring the disputed duties to non-unit personnel. The Commission orders the County to restore all **IDATE** Section duties to employees represented by the PBA pending negotiations over any transfer of those duties to County employees outside that negotiations unit.

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P.E.R.C. NO. 98-123

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF ALLENDALE,

Appellant,

-and-

Docket No. IA-95-071

ALLENDALE PBA LOCAL 217,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award issued to resolve negotiations between the Borough of Allendale and PBA Local No. 217. The Commission remanded a previous award to permit the Borough to submit a new final offer and issue a new opinion based on the Borough's revised offer and the PBA's original offer. The Borough appealed the arbitrator's award on remand, contending that the arbitrator did not explain the basis for his award, did not apply the criteria in N.J.S.A. 34:13A-16g, and awarded excessive wage increases. The Borough also maintains that the arbitrator erred in taking arbitral notice of statistics showing changes in the average wages of private sector jobs in New Jersey during calendar year 1996. The Commission finds that the arbitrator's consideration of the Commission's annual report on private-sector wage increases was a proper subject of arbitral notice, the Legislature clearly intended the survey would be used in arbitration proceedings; and an arbitrator has discretion to rely on independent research. The Commission concludes, after consideration of each of the Borough's arguments, that the arbitrator adequately analyzed the evidence presented on the relevant statutory factors and reached conclusions supported by substantial credible evidence in the record.

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P.E.R.C. NO. 98-124

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EDISON,

Appellant,

-and-

Docket No. IA-97-88

IAFF, LOCAL 1197,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Edison for special permission to appeal an arbitrator's interlocutory order during interest arbitration proceedings between the Township and IAFF, Local 1197. The arbitrator granted the IAFF's motion and directed the Township to produce budget worksheets prepared by its auditor in connection with the consideration and adoption of the Township budget. The Commission finds that the arbitrator correctly ruled that Local 1197 could have a right to the worksheets even if a member of the public might not be able to obtain them under statutes and case law governing access to public records. The Commission is also satisfied that the arbitrator's order was consistent with administrative and judicial rules concerning the production and admission of evidence. The Commission concludes that there are not sufficient extraordinary circumstances to grant special permission to appeal.

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P.E.R.C. NO. 98-126

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
DEPARTMENT OF HUMAN SERVICES
(GREYSTONE PARK PSYCHIATRIC HOSPITAL),

Respondent,

-and-

Docket No. CO-H-96-337

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the State of New Jersey, Department of Human Services (Greystone Park Psychiatric Hospital). The Complaint was based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act when it twice suspended a CWA shop steward in retaliation for filing grievances. The Commission concludes that CWA has not proven that the employer was hostile towards the employee for filing grievances.

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P.E.R.C. NO. 98-127

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-95-277

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the University of Medicine and Dentistry of New Jersey. The Complaint was based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO. The charge alleges that UMDNJ violated the New Jersey Employer-Employee Relations Act when it laid off and did not reemploy an employee allegedly in retaliation for her participation in CWA's organizing campaign and ensuing negotiations. The charge also alleges that UMDNJ refused to negotiate in good faith with CWA. The Commission concludes that there is no evidence of anti-union animus in connection with the reemployment process.

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. 98-129

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF TENAFLY,

Respondent,

-and-

Docket No. CO-H-96-253

TENAFLY PBA LOCAL 180,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Borough of Tenafly violated the New Jersey Employer-Employee by misleading Tenafly PBA Local 180 about whether a memorandum of agreement had been ratified at a Borough Council work session; inducing the PBA to withdraw its interest arbitration petition; presenting the memorandum of agreement to a second work session for consideration rather than a vote at a public meeting; and not having the head of its negotiations team continue to support the agreement after reorganization. The Commission orders the Borough to present the parties' memorandum of agreement to the Borough Council for a vote at its next open public meeting; notify any member of the Council who signed the memorandum of agreement and who is now on the Council that he or she must vote for that agreement; if the Council votes to reject the memorandum of agreement and if the PBA refiles its interest arbitration petition, proceed to interest arbitration under the law in effect when the PBA withdrew its initial petition.

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P.E.R.C. NO. 98-128

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF EGG HARBOR CITY,

Petitioner,

-and-

Docket No. SN-97-129

MAINLAND PBA LOCAL #77,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Egg Harbor City for a restraint of binding arbitration of a grievance filed by Mainland PBA Local #77. The grievance asserts that the City violated the parties' collective negotiations agreement when it transferred work from full-time police officers within Local 77's negotiations unit to part-time police officers outside Local 77's negotiation unit. The Commission finds that the City's desire to provide coverage at reduced cost does not, as a matter of law, permit the City to abrogate an alleged contractual commitment to use full-time police officers to perform police duties.

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P.E.R.C. NO. 98-125

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF EGG HARBOR CITY,

Petitioner,

-and-

Docket No. SN-97-110

MAINLAND PBA LOCAL #77,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Egg Harbor City for a restraint of binding arbitration of a grievance filed by Mainland PBA Local #77. The grievance asserts that the City violated the parties' collective negotiations agreement when it changed its scheduling of police officers from steady shifts to rotating shifts. The Commission finds that if the employer did agree to maintain steady shifts, abiding by an agreement during the life of the contract would not substantially limit the City's governmental policymaking powers.

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. 98-130

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEPTUNE TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-93-139

NEPTUNE TOWNSHIP EDUCATION ASSOCIATION,

Charging Party.

DECISION

The Public Employment Relations Commission dismisses a Complaint against the Neptune Township Board of Education. The Complaint alleges that the Board violated the New Jersey Employer-Employee Relations Act when it abolished the position of teacher programmer held by Neptune Township Education Association President Lucille Alfano and other employees in retaliation against Alfano for her Association activity and when it unilaterally reassigned teacher programmer duties to non-unit employees. The Commission finds that the superintendent's ultimate recommendation to eliminate the teacher programmer positions appears to have been made independently of the anti-union sentiments expressed by certain Board members. The decision to study the district organization arose from an independent State review team. The final recommendations to eliminate the teacher programmer positions came from the independent consultant and the superintendent, neither of whom was motivated by anti-union animus.

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