

P.E.R.C. NO. 98-131

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY COMMUNITY COLLEGE
ADMINISTRATORS' ASSOCIATION, OPEIU,
LOCAL 153,

Respondent,

-and-

Docket No. CI-H-92-28

RUTH B. WASILEWSKI,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against Passaic County Community College Administrators Association, OPEIU, Local 153. The Complaint was based on an unfair practice charge filed by Ruth Wasilewski. The charge alleges that Local 153 violated the New Jersey Employer-Employee Relations Act when it failed to represent Wasilewski when she was directed to vacate her office, threatened with termination, denied leave time and, ultimately, terminated. The Commission finds that Local 153 did not breach its duty of fair representation.

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. 98-132

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GALLOWAY TOWNSHIP,

Petitioner,

-and-

Docket No. SN-98-14

MAINLAND PBA LOCAL #77 (SOA),

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Galloway Township for a restraint of binding arbitration of a grievance filed by Mainland PBA Local #77 (SOA). The grievance asserts that the Township violated the parties' collective negotiations agreement by miscalculating a retiring officer's terminal leave payments. The Commission finds that this dispute concerns the hourly rate to be used to calculate the amount of lump sum payments for unused leave and is mandatorily negotiable and not preempted by the cited pension statute or regulation.

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P.E.R.C. NO. 98-133

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF GALLOWAY,

Petitioner,

-and-

Docket No. SN-98-10

MAINLAND PBA LOCAL 77,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of several contractual provisions of an expired collective negotiations agreement between the Township of Galloway and Mainland PBA Local #77. The Township asserts that these provisions are preempted by certain statutes or regulations. The Commission finds two sections of a Policemen's Rights provision concerning advice of rights and civilian complaints not to be preempted by statute. The Commission finds only the first sentence of the provision on polygraph tests to be preempted. The Commission also finds a terminal leave/pay provision and a longevity provision not to be preempted.

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P.E.R.C. NO. 98-134

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ABSECON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-98-31

ABSECON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Absecon Board of Education for a restraint of binding arbitration of a grievance filed by the Absecon Education Association. The grievance contests a custodian's suspension and termination, allegedly without just cause. The Commission finds that contractual tenure for custodians is mandatorily negotiable and that this grievance can be submitted to arbitration.

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P.E.R.C. NO. 98-135

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF KENILWORTH,

Petitioner,

-and-

Docket No. SN-98-51

UNION COUNCIL NO. 8,
NJCSA, IFPTE, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Kenilworth for a restraint of binding arbitration of a grievance filed by Union Council No. 8, NJCSA, IFPTE, AFL-CIO. The grievance contests a laborer's termination. N.J.S.A. 34:13A-5.3 requires negotiations over disciplinary disputes and disciplinary review procedures. Section 5.3 specifies that negotiated disciplinary review procedures may provide for binding arbitration. There are two exceptions which do not apply since this employee does not have an alternate statutory appeal procedure and he is not a police officer. Therefore, the Commission finds that this dispute can be submitted to binding arbitration.

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P.E.R.C. NO. 98-136

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MANALAPAN,

Petitioner,

-and-

Docket No. SN-98-53

MANALAPAN TOWNSHIP POLICE
SUPERIOR OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a contract provision concerning dental benefits for retirees in an expired agreement between the Township of Manalapan and the Manalapan Township Police Superior Officers Association. The Commission finds that the proposal is not mandatorily negotiable to the extent it requires payment of retiree dental premiums to retirees who do not meet the age and service requires of N.J.S.A. 40A:10-23. However, the Commission finds the SOA's proposal to modify the provision to conform to these requirements to be mandatorily negotiable. The Commission does not have jurisdiction to determine the validity of the Township's overall health benefits system or decide whether the SOA may be treated differently from other employee groups.

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P.E.R.C. NO. 98-138

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FRANKLIN,

Petitioner,

-and-

Docket No. SN-98-60

FRANKLIN FOP LODGE 57,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals of the Borough of Franklin and the Franklin FOP Lodge 57 made during interest arbitration proceedings for a successor collective negotiations agreement. The Commission finds not mandatorily negotiable the FOP's proposal that there be two patrol officers on a shift at all times. The Commission finds mandatorily negotiable the FOP's proposal that whenever officers work alone they be compensated at the overtime rate for the first four hours and at the double time rate after that and the FOP's proposal that an employee be released from the midnight shift at least six hours before a scheduled court appearance the next day. The Commission declines to decide the negotiability of the Borough's work schedule proposal since the Borough does not propose precise contractual language, but instead proposes a statement of future intent to propose an unidentified modification of the current work schedule.

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P.E.R.C. NO. 98-139

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 grants the request of the County of Burlington for reconsideration of the decision in P.E.R.C. No. 98-122. In that decision, the Commission had held that the County violated the New Jersey Employer-Employee Relations Act by unilaterally transferring work historically performed by corrections officers represented by Policemen's Benevolent Association, Local 2149 to non-unit employees. The Commission had declined to consider a January 7, 1998 New Jersey Department of Personnel (DOP) letter submitted by the County because it was not included in the record before the Hearing Examiner. The Commission grants reconsideration and finds that the County has not shown that the duties referred to in the DOP letter are the duties transferred from PBA members to civilians and the Commission will not assume that "peripheral duties" referred to by DOP are the duties of money card holder, bail officer and desk officer. The Commission sustains its decision.

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P.E.R.C. NO. 98-140

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PERTH AMBOY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-98-55

PERTH AMBOY ADMINISTRATORS AND
SUPERVISORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Perth Amboy Board of Education for a restraint of binding arbitration of a grievance filed by the Perth Amboy Administrators and Supervisors Association. The grievance alleges that the Board violated the parties' collective negotiations agreement by issuing directives that there be an administrator in each building until all students have left and that no administrator may leave the building during the workday without the superintendent's permission. The Commission restrains arbitration over the challenge to the requirement that an administrator stay in the building until all students have left or are participating in supervised activities. The Board's request is otherwise denied.

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