

P.E.R.C. NO. 2000-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONTCLAIR BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-68

MONTCLAIR SUPERVISORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Montclair Board of Education for a restraint of binding arbitration of a grievance filed by the Montclair Supervisors Association. The grievance alleges that the Board lacked just cause to withhold the athletic director's salary increments for the 1997-98 school year. The Board's reason for the withholding was the director's alleged failure to follow proper administrative procedures regarding the collection of gate receipts at wrestling meets. The Commission concludes that the basis for the withholding does not predominately relate to an evaluation of the director's performance in overseeing the delivery of educational 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.

P.E.R.C. NO. 2000-2

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SPRINGFIELD,

Petitioner,

-and-

Docket No. SN-99-75

P.B.A. LOCAL 76,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Township of Springfield. The Township had sought a restraint of binding arbitration of a grievance filed by P.B.A. Local 76. The grievance contested the reassignment of two DARE officers to the day shift. A Commission designee denied the Township's application for a stay of arbitration and an arbitration award issued denying the grievance. The Township seeks a determination that it had a managerial prerogative to reassign two DARE officers to the day shift and to have the Commission restrain the PBA from arbitrating disputes relating to the shift assignment of DARE officers. Since the parties are not involved in negotiations for a successor contract, there are no other pending demands for arbitration concerning this matter, and no special circumstances exist warranting the exercise of its scope of negotiations jurisdiction, the Commission dismisses the petition. N.J.S.A. 34:13A-5.4(d); N.J.A.C. 19:13-2.2(a)(4).

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P.E.R.C. NO. 2000-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF CLINTON,

Petitioner,

-and-

Docket No. SN-99-72

CLINTON P.B.A. LOCAL 329,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal which Clinton P.B.A. Local 329 has submitted to interest arbitration for inclusion in a successor collective negotiations agreement with the Township of Clinton. The Commission concludes that the PBA's revised work schedule proposal is facially valid. Given the judicial recognition and legislative directive that work hours are generally negotiable, the Commission cannot say, on this record, that the proposal should be declared non-negotiable. The parties may develop a full record enabling the interest arbitrator to evaluate their concerns in light of the public interest and all the statutory criteria.

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P.E.R.C. NO. 2000-4

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BELMAR,

Petitioner,

-and-

Docket No. SN-99-45

P.B.A. LOCAL 50,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Belmar for a restraint of binding arbitration of a grievance filed by P.B.A. Local 50. The grievance contests the denial of a light duty assignment to an injured police officer. The Commission concludes that since this employer acknowledges that it has made light duty available to some officers in the past, arbitration over whether it applies to off-duty injuries, or whether a light duty post is presently available would not substantially limit any policy goal.

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P.E.R.C. NO. 2000-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PEMBERTON,

Petitioner,

-and-

Docket No. SN-99-67

PEMBERTON TOWNSHIP POLICEMEN'S
BENEVOLENT ASSOCIATION, LOCAL 260,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals which the Pemberton Township Policemen's Benevolent Association, Local 260 has submitted to interest arbitration for inclusion in a successor collective negotiations agreement with the Township of Pemberton. The Commission finds that the PBA's proposals relating to health benefits for retirees are not mandatorily negotiable unless modified to clarify that they do not take effect until the uniformity requirements of N.J.S.A. 40A:10-23 are met.

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P.E.R.C. NO. 2000-6

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT,

Public Employer,

-and-

Docket No. CU-H-97-10

PBA Local 304,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a clarification of unit petition filed by PBA Local 304 seeking to add an investigator and a senior investigator to its collective negotiations unit of police officers employed by New Jersey Transit. The Commission finds, under the circumstances, a clarification of unit petition is untimely and not the appropriate mechanism for adding the titles to the PBA's unit.

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P.E.R.C. NO. 2000-7

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WANAQUE BOROUGH BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-65

WANAQUE BOROUGH EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Wanaque Borough Board of Education for a restraint of binding arbitration of a grievance filed by the Wanaque Borough Education Association. The grievance alleges that teachers were reprimanded without just cause. The Commission concludes that a memorandum sent to teachers simply reminded them that students should not be released from classrooms until 3:00 p.m. The Commission holds that the memorandum was not punitive and did not threaten future discipline and may not be contested through binding arbitration.

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P.E.R.C. NO. 2000-8

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PASSAIC,

Petitioner,

-and-

Docket No. SN-99-78

P.B.A. LOCAL 14,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds not mandatorily negotiable a contract provision that P.B.A. Local 14 seeks to submit to interest arbitration for inclusion in a successor agreement with the City of Passaic. The provision is a typical unit work clause. The Commission holds that this type of clause is mandatorily negotiable in the abstract, but for police officers, the clause must specify that it is subject to the employer's right to civilianize for demonstrated governmental policy reasons.

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P.E.R.C. NO. 2000-9

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Petitioner,

-and-

Docket No. SN-99-69

P.B.A. LOCAL 44,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds not mandatorily negotiable, sick leave verification provisions that P.B.A. Local 44 has submitted to interest arbitration for inclusion in a successor collective negotiations agreement with the Township of Maplewood. The Commission holds that the employer generally need not negotiate over proposals to justify a home check by a "valid compelling reason," to limit home checks to "normal day time business hours," to prohibit all home checks in the middle of the night, and to limit home confinement to when a treating physician has so ordered.

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P.E.R.C. NO. 2000-10

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Respondent,

-and-

Docket No. CO-H-97-106

JERSEY CITY POLICE SUPERIOR
OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the City of Jersey City. The Complaint was based on an unfair practice charge filed by the Jersey City Police Superior Officers Association. The charge alleged that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by unilaterally shifting certain law enforcement unit work to non-unit civilian employees. Applying City of Jersey City v. Jersey City P.O.B.A., 154 N.J. 555 (1998), the Commission finds that the City acted for primarily operational reasons and had no obligation to negotiate before transferring two superior officers and filling their former posts with civilian employees.

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