

P.E.R.C. NO. 2000-13

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF WEST NEW YORK,

Respondent,

-and-

Docket No. CO-99-357

WEST NEW YORK PBA LOCAL NO. 361,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Town of West New York for reconsideration of an order of a Commission designee. The designee ordered the Town to rescind an order categorically denying any request for vacation in excess of two weeks during the summer vacation period. West New York PBA Local No. 361 claimed that employees had previously been able to submit vacation requests and have them decided case-by-case. Commission designees act on the Commission's behalf and decisions of designees will not be reconsidered absent extraordinary circumstances. The Commission finds no such circumstances present.

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. 2000-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF EAST ORANGE,

Respondent,

-and-

Docket Nos. CO-H-99-23,
CO-H-99-30, CO-H-99-31,
CO-H-99-32, CO-H-99-35

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO; EAST ORANGE FIRE OFFICERS
ASSOCIATION; PBA LOCAL NO. 16;
EAST ORANGE SUPERIOR OFFICERS'
ASSOCIATION; AND FMBA LOCAL NO. 23,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission finds that the City of East Orange violated the New Jersey Employer-Employee Relations Act when, without negotiations, it reduced the rate at which it paid workers' compensation benefits from 100% to 70% of the injured employee's average weekly wages. The Communications Workers of America, AFL-CIO, East Orange Fire Officers Association, PBA Local No. 16, East Orange Superior Officers' Association, and FMBA Local No. 23 filed unfair practice charges and moved for summary judgment. The Commission affirms a Hearing Examiner's decision granting summary judgment and orders the City to restore the previous level of the workers' compensation benefits and negotiate before reducing them again.

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P.E.R.C. NO. 2000-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-99-77

ELIZABETH SUPERIOR OFFICERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Elizabeth for a restraint of binding arbitration of a grievance filed by the Elizabeth Superior Officers Association. The grievance alleges that the City violated the parties' collective negotiations agreement when it reorganized the Operations Bureau resulting in some junior officers being assigned preferred shifts and senior officers being assigned less desirable shifts. The Commission determines that public employers have a non-negotiable prerogative to assign employees to meet the governmental policy goal of matching the best qualified employees to particular positions. Although the contract provides that employees assigned to the patrol division will be scheduled on a seniority basis, the employer needed special skills and characteristics to staff the new Community Policing/Quality of Life Task Force.

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P.E.R.C. NO. 2000-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-99-83

POLICEMEN'S BENEVOLENT ASSOCIATION,
ELIZABETH LOCAL NO. 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the City of Elizabeth for a restraint of binding arbitration of a grievance filed by Policemen's Benevolent Association, Elizabeth Local No. 4. The grievance alleges that the City violated the parties' collective negotiations agreement by eliminating a shift for the Patrol Division and using that shift for a new Community Policing/Quality of Life Task Force. The Commission concludes that the employer had a managerial prerogative to establish the Task Force and to assign employees to that task force by matching the best qualified employees to particular positions. The Commission concludes that an arbitrator may not second-guess those assessments. To the extent the grievance contests the elimination of the 9:45 a.m. to 8:45 p.m. shift for the Patrol Division, arbitration is not restrained.

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P.E.R.C. NO. 2000-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BRADLEY BEACH,

Petitioner,

-and-

Docket No. SN-99-55

BRADLEY BEACH PBA LOCAL NO. 50,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Bradley Beach for a restraint of binding arbitration of a grievance filed by Bradley Beach PBA Local No. 50. The grievance contests the Borough's denial of health benefits coverage to the widow of a retired police officer. The Commission finds that the grievance is legally arbitrable. The Commission concludes that the PBA has a cognizable interest in seeking enforcement of the Borough's alleged contractual agreement to adhere to governing regulations in providing health benefits to eligible retirees and their surviving spouses. The Commission also concludes that the arbitrator is being asked to apply a regulation that, through a Township resolution, is incorporated in the parties' agreement, and would not be required to interpret contract language that itself extended additional benefits to current retirees or their surviving spouses. Finally, the Commission concludes that neither N.J.S.A. 34:13A-18 nor its case law precludes an arbitrator from determining whether a grievant comes within the terms of the 1993 resolution, simply because the construction of that resolution may also require an interpretation of SHBP regulations.

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P.E.R.C. NO. 2000-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WASHINGTON,

Petitioner,

-and-

Docket No. SN-99-91

TEAMSTERS LOCAL 866,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Washington for a restraint of binding arbitration of a grievance filed by Teamsters Local 866. The grievance alleges that the Township violated the parties' collective negotiations agreement when it did not call employees in the order specified by an on-call list to work during a snow emergency. Although the allocation of overtime opportunities among qualified employees is generally mandatorily negotiable, the Commission concludes that the Township had a managerial prerogative to deviate from established overtime arrangements to respond to an emergency as quickly as possible.

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P.E.R.C. NO. 2000-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Petitioner,

-and-

Docket No. SN-99-70

JNESO, DISTRICT COUNCIL 1, IUOE,
AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the County of Essex for a restraint of binding arbitration of a grievance filed by JNESO, District Council 1, IUOE, AFL-CIO. The grievance contests the transfer of a nurse instructor from the evening shift to the day shift. The Commission concludes that the County had a managerial prerogative to transfer a nurse instructor position from the night shift to the day shift. It finds that the County's interest in improving its educational programs by making more day-shift instruction available outweighs the interest of evening-shift staff in having a nurse instructor available as a resource person. The Commission declines to restrain arbitration over JNESO's allegation that in-person training and education on the evening shift has since been assigned to a non-unit confidential aide rather than to a negotiations unit employee.

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P.E.R.C. NO. 2000-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-99-99

P.B.A. LOCAL 177, SOMERSET
COUNTY CORRECTIONS OFFICERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Somerset County Sheriff for a restraint of binding arbitration of a grievance filed by P.B.A. Local 177, Somerset County Corrections Officers. The grievance asserts that the Sheriff violated the parties' collective negotiations agreement by denying two female corrections officers their preferred shifts and regular days off and permitting less senior male officers to choose those shifts and days off. The Commission grants a restraint to the extent the grievances, if sustained, would compromise the Sheriff's right to have at least one female correction officer on every shift. The request for a restraint is otherwise denied.

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P.E.R.C. NO. 2000-12

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT, AFL-CIO,

Petitioner,

-and-

Docket No. SN-99-30

STATE OF NEW JERSEY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that a proposal made by the Council of New Jersey State College Locals, AFT, AFL-CIO, during negotiations for a successor agreement with the State of New Jersey is mandatorily negotiable. The Council represents adjunct faculty at the State colleges. The Council's proposes that the State contribute a specified amount to a union health and welfare fund for purposes of providing health benefits to fund participants. The Commission concludes that no statute or regulation bars negotiations over the proposed benefit. The Commission further holds that under Teamsters Local 331 v. Atlantic City, 191 N.J. Super. 404 (Ch. Div. 1981), aff'd o.b. 191 N.J. Super. 394 (App. Div. 1983), a public employer may legally make payments to a union-administered health insurance fund.

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