

P.E.R.C. NO. 2000-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PARSIPPANY-TROY HILLS
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-15

PARSIPPANY-TROY HILLS
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Parsippany-Troy Hills Board of Education for a restraint of binding arbitration of a grievance filed by the Parsippany-Troy Hills Education Association. The grievance asserts that a teacher was unjustly disciplined when the Board withheld his increment for the 1999-2000 school year. The Commission concludes that this withholding predominately relates to teaching performance concerns including classroom management, organization of lesson plans, instruction, and communication with students. Any challenge to the withholding must be made by an appeal to the Commissioner of Education.

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. 2000-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-99-96

NEWARK FIRE OFFICERS UNION,
LOCAL 1860, IAFF, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of proposals made by the Newark Fire Officers Union Local 1860, IAFF, AFL-CIO for inclusion in a successor collective negotiations agreement with the City of Newark. The Commission concludes that a proposal to include clothing allowance and hazardous duty pay in base pay is mandatorily negotiable. A proposal concerning transfer procedures is also mandatorily negotiable.

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P.E.R.C. NO. 2000-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2000-4

NEWARK DEPUTY POLICE CHIEFS
ASSOCIATION,

Respondent

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of two contract proposals made by the Newark Deputy Police Chiefs Association for inclusion in a successor collective negotiations agreement with the City of Newark. The Commission finds a proposal that would require the City to waive its right to file a clarification of unit petition is not mandatorily negotiable. A proposal concerning the conversion of vacation days into accrued compensatory time is mandatorily negotiable.

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P.E.R.C. NO. 2000-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Public Employer,

-and-

Docket No. CU-H-97-12

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 68, AFL-CIO,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a clarification of unit petition filed by the International Union of Operating Engineers, Local 68, AFL-CIO. The petition seeks to add four employees holding the title Supervisor Utility Operations to a unit of non-supervisory employees of Rutgers, the State University. The Commission concludes that employees in the title of Supervisor Utility Operations are supervisors within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. and cannot be included in a negotiations unit with non-supervisory employees.

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P.E.R.C. NO. 2000-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-99-87

STATE LAW ENFORCEMENT CONFERENCE
OF THE NEW JERSEY STATE POLICEMEN'S
BENEVOLENT ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey for a restraint of binding arbitration of a grievance filed by the State Law Enforcement Conference of the New Jersey State Policemen's Benevolent Association. The grievance alleges that the employer violated the parties' collective negotiations agreement concerning verification of sick leave. The Commission holds that arbitration would substantially limit the employer's prerogative right to adopt a 12-month period for counting sick leave days authorized by Civil Service regulations.

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. 2000-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF TEANECK,

Appellant,

-and-

Docket No. IA-97-45

TEANECK FIREMEN'S MUTUAL
BENEVOLENT ASSOCIATION,
LOCAL NO. 42

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms, with a modification, an interest arbitration award issued to resolve negotiations between the Township of Teaneck and Teaneck Firemen's Mutual Benevolent Association, Local No. 42. The Township appeals, contending that the removal of the originally appointed arbitrator violated Commission rules and was contrary to the Interest Arbitration Reform Act's policy of encouraging mediation efforts by arbitrators. It also contends that the arbitrator erred in awarding a 24/72 work schedule; that a 2% stipend for unit members with EMT/EMS certification is not supported by substantial credible evidence; and that the arbitrator did not properly analyze the statutory factors in awarding salary increases.

The Commission first concludes that the Director of Arbitration had the authority to approve the original arbitrator's request to withdraw. The Commission next concludes that the arbitrator's award of a proposal that will result in different work schedules for fire officers and firefighters raises serious supervision concerns and therefore modifies the award to provide that the schedule shall not be implemented unless and until a 24/72 schedule is agreed to or awarded with respect to the fire officers' unit. The Commission approves of the arbitrator's decision to award the 24/72 schedule on a trial basis, but clarifies that unless the parties agree, the 24/72 schedule will not become the status quo for successor contract negotiations. The Commission next concludes that the salary increases and the 2% stipend for EMT/EMS certification awarded are supported by substantial credible evidence in the record as a whole. With respect to the EMT/EMS certification stipend, the Commission notes that if the Township assumes an additional salary obligation by a large number of firefighters obtaining a certification, it may seek to remove the stipend in future agreements.

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P.E.R.C. NO. 2000-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,

Docket No. RO-H-94-91
(Section Chiefs - Department
of Environmental Protection)

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State of New Jersey for reconsideration of the Commission's decision in P.E.R.C. No. 99-59. In that decision, the Commission found that section chiefs in the State's Department of Environmental Protection represented by the Communications Workers of America, AFL-CIO, are not managerial executives within the meaning of the New Jersey Employer-Employee Relations Act. The Commission declines to reconsider its decision which comprehensively articulates, analyzes, and applies the relevant criteria concerning the issue of managerial executive status.

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P.E.R.C. NO. 2000-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,

Docket No. RO-H-94-91
(Chief Investigators and
Assistant Chief Investigators-
Office of the Public Defender)

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State of New Jersey for reconsideration of the Commission's decision in P.E.R.C. No. 99-60. The State also requested to reopen the record to take more evidence concerning the State's distinction between chief investigators and assistant chief investigators subordinate to them. In that decision, the Commission found that chief investigators and assistant chief investigators in the State's Office of the Public Defender, who are represented by the Communications Workers of America, AFL-CIO, are not managerial executives within the meaning of the New Jersey Employer-Employee Relations Act. The Commission declines to reconsider its decision which comprehensively articulates, analyzes, and applies the relevant criteria concerning the issue of managerial executive status. The Commission also refuses to reopen the record since no specific or new facts have been proffered to show why a different result would be warranted if the record were reopened.

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