

P.E.R.C. NO. 2005-24

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY  
(OCEAN VICINAGE),

Petitioner,

-and-

Docket No. SN-2004-70

PROBATION ASSOCIATION OF NEW JERSEY,  
PROFESSIONAL CASE-RELATED UNIT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the New Jersey State Judiciary (Ocean Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey, Professional Case-Related Unit. The grievance asserts that the Vicinage violated the parties' collective negotiations agreement when it required employees who had exceeded 15 days of sick leave in a 12-month period to provide doctors' notes for any future sick leave. The Commission grants a restraint to the extent the grievance challenges the employer's power to require employees absent more than 15 days (or 105 hours) in a 12-month period to submit doctors' notes for future absences. The request for a restraint is denied to the extent, if any, the grievance addresses the issue of payment for doctors' notes.

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. 2005-25

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY  
(OCEAN VICINAGE),

Petitioner,

-and-

Docket No. SN-2004-71

PROBATION ASSOCIATION OF NEW JERSEY,  
PROFESSIONAL SUPERVISORS UNION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the New Jersey State Judiciary (Ocean Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey, Professional Supervisors Union. The grievance asserts that the Vicinage violated the parties' collective negotiations agreement when it required employees who had exceeded 15 days of sick leave in a 12-month period to provide doctors' notes for any future sick leave. The Commission grants a restraint to the extent the grievance challenges the employer's power to require employees absent more than 15 days (or 105 hours) in a 12-month period to submit doctors' notes fo future absences. The request for a restraint is denied to the extent, if any, the grievance addresses the issue of payment for doctors' notes.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WARREN HILLS REGIONAL  
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2003-002

WARREN HILLS REGIONAL HIGH  
SCHOOL EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Warren Hills Regional Board of Education violated the New Jersey Employer-Employee Relations Act by subcontracting its regular bus routes and terminating its full-time and regular part-time bus drivers and mechanic in retaliation for the bus drivers' electing to have the Warren Hills Regional High School Education Association represent them. The Commission orders the Board to offer reinstatement to all terminated bus drivers and the mechanic, make all terminated employees whole for all salary and benefits due from their termination date to the present, less mitigation with interest at the rate set by court rules, and negotiate in good faith with the Association on demand over the terms and conditions of employment for the bus drivers and mechanic.

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P.E.R.C. NO. 2005-27

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY  
(DEPARTMENT OF CORRECTIONS),

Petitioner,

-and-

Docket No. SN-2004-069

F.O.P. LODGE 200,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State of New Jersey (Department of Corrections) for a restraint of binding arbitration of a grievance filed by F.O.P. Lodge 200. The grievance asserts that the employer improperly denied paid military leave to a correction officer. The Commission concludes that leaves of absence are generally mandatorily negotiable and rejects the employer's argument that this grievance is preempted by a statute granting military leave for permanent employees or full-time employees. The parties' disagreement over whether the officer is a "permanent" employee cannot be resolved in a scope of negotiations proceeding.

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P.E.R.C. NO. 2005-28

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2005-001

P.B.A. LOCAL #243,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Atlantic County Sheriff's Office for a restraint of binding arbitration of a grievance filed by P.B.A. Local #243. The grievance alleges that the employer violated the parties' collective negotiations agreement by denying a sheriff's officer certain procedural protections during an interrogation and by suspending her contrary to civil service guidelines and without just cause. The Commission grants a restraint to the extent the grievance challenges a suspension of more than five days or contests an order to take a psychological examination. The Commission denies a restraint with respect to the PBA's procedural claims finding that none would substantially limit the employer's right to require a fitness for duty examination or to suspend an employee it deems unfit for duty. The Commission also denies a restraint concerning the PBA's claims that the employer did not comply with civil service requirements that have been incorporated into the parties' agreement.

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P.E.R.C. NO. 2005-29

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2005-003

F.O.P. LODGE 12,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Newark for a restraint of binding arbitration of a grievance filed by F.O.P. Lodge No. 12. The grievance alleges that a police lieutenant violated a departmental policy when he split up two officers assigned to one patrol car and ordered one officer to complete a burglary report and ordered the other officer to handle an accident report. The Commission concludes that upholding this grievance would substantially limit management's prerogatives to determine staffing levels and to deploy officers as it deems best given the number of officers available to handle the simultaneous receipt of multiple service calls.

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P.E.R.C. NO. 2005-30

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LOWER,

Petitioner,

-and-

Docket No. SN-2005-011

P.B.A. LOCAL 59,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Township of Lower. The petition seeks a determination that the implementation of a prior police work schedule for employees represented by P.B.A. Local 59 is a non-negotiable managerial prerogative. The Commission holds that this petition is untimely under N.J.A.C. 19:16-5.5(c).

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P.E.R.C. NO. 2005-31

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ORANGE TOWNSHIP,

Petitioner,

-and-

Docket No. SN-2004-078

ORANGE POLICE SUPERIOR OFFICERS  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of proposals or articles sought to be included in a successor collective negotiations agreement between the City of Orange Township and the Orange Police Superior Officers Association. The Commission does not address the City's health benefits proposal since both parties agree that the employer cannot implement premium sharing for dependents that does not meet the uniformity requirements under the State Health Benefits Program. The Commission finds the proposal to have overtime paid by separate check to be not mandatorily negotiable. The Commission finds a training proposal to be mandatorily negotiable to the extent it concerns course work separate from and in addition to the employer's mandatory training courses.

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