

P.E.R.C. NO. 2006-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PBA LOCAL 136,

Respondent,

-and-

Docket No. CI-2003-036

BARRY WIESER,

Charging Party.

SYNOPSIS

_____The Public Employment Relations Commission denies a motion for summary judgment filed by PBA Local 136 seeking dismissal of an unfair practice charge filed by Barry Wieser. The Commission finds that the PBA has not supported its motion with any affidavits or certifications. The Commission also determines that the PBA's arguments that the allegations in the charge are facially insufficient to support a claim of discrimination is in essence an appeal of the Director of Unfair Practice's decision to issue a Complaint. No timely request was filed under N.J.A.C. 19:14-2.3(c) and the Commission does not consider those arguments. The matter is remanded to hearing.

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. 2006-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

THOMAS DERBY,

Petitioner/Charging Party,

-and-

OAL Dkt. No. EDU-8516-01

EDU Dkt. No. 437-10/01

PERC Dkt. No. CI-2002-43

CAMDEN BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission remands to a Hearing Examiner an unfair practice charge filed by Thomas Derby against the Camden Board of Education. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act by retaliating against Derby for engaging in protected activity as chairperson of the Association - Administration Liaison Committee in his building. Derby also filed a petition with the Commissioner of Education alleging that the Board violated his tenure and seniority rights. An Administrative Law Judge granted summary judgment finding that the Board did not violate Derby's tenure and seniority rights, but the ALJ did not rule on the allegations in the unfair practice charge. The Commissioner adopted the ALJ's decision on the seniority and tenure claims, but declined to rule on the mootness of the charge and forwarded the remaining issues to the Commission. The Commission concludes that further proceedings are needed to decide the merits of the unfair practice claims and remands the charge to the Hearing Examiner for further proceedings.

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. 2006-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY PROSECUTOR'S OFFICE,

Respondent,

-and-

Docket No. CO-2005-225

CAMDEN COUNCIL NO. 10,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants Camden Council No. 10's motion for summary judgment and denies the Camden County Prosecutor's cross-motion for summary judgment. Camden Council 10 filed an unfair practice charge and amended charge against the Camden County Prosecutor's Office alleging that the public employer violated the New Jersey Employer-Employee Relations Act when it repudiated an agreement to pay a \$500 bonus to unit members in December 2004. The Commission, having found no valid defense to the allegation that the Prosecutor repudiated an agreement to provide \$500 bonuses for 2004, orders the Prosecutor to take steps necessary to make those payments within 30 days. The Commission also orders prejudgment interest.

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. 2006-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBURY BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TI-2004-003

GLORIA HOLMES,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a petition for contested transfer determination filed by Gloria Holmes. The petition alleges that Holmes was transferred between work sites for disciplinary reasons in violation of N.J.S.A. 34:13A-25. The petitioner has since retired and is now collecting a pension. The Commission concludes that the petition is moot since the remedy in contested transfer matters is to return the employee to the former work site.

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. 2006-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY and
NEW JERSEY STATE CORRECTIONS
OFFICERS ASSOCIATION/FOP
LODGE 200,

Respondents,

-and-

Docket No. CO-2005-092

STATE CORRECTIONS OFFICERS PBA
LOCAL 105 and NEW JERSEY STATE
PBA and INDIVIDUALS,

Charging Parties.

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. CI-2005-014

JOSEPH MARTIN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the State of New Jersey's motion for summary judgment and dismisses a Complaint with regard to the allegation that the August 12, 2004 representation fees were deducted before the establishment of a demand and return system. The Commission grants the summary judgment motion of certain named Individuals as to the requirement that nonmembers be afforded the information described in N.J.A.C. 19:17-3.3 at least 30 days prior to the commencement of fee deductions. The motion is otherwise denied. The Commission orders the New Jersey State Corrections Officers Association/FOP Lodge 20 to refund the August 12 and August 26 and September 9, 2004 representation fees to the named charging parties.

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. 2006-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SPRINGFIELD,

Petitioner,

-and-

Docket No. SN-2005-074

SPRINGFIELD SUPERIOR OFFICERS
ASSOCIATION, P.B.A. LOCAL 76A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Springfield for a restraint of binding arbitration of a grievance filed by the Springfield Superior Officers Association, P.B.A. Local 76A. The grievance asserts that the unilateral creation of two new shifts for two lieutenants violates the parties' agreement. The Commission grants a restraint to the extent the grievance challenges the employer's prerogative to require new shifts for lieutenants in order to implement its new command structure. The Commission denies a restraint to the extent the grievance seeks to enforce an alleged contractual obligation to have the SOA and the Township develop work schedules consistent with the new command structure.

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. 2006-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF OXFORD,

Petitioner,

-and-

Docket No. SN-2006-002

P.B.A. LOCAL 280,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal made by P.B.A. Local 280 during negotiations for a successor collective negotiations agreement with the Township of Oxford. That proposal seeks to make Easter Sunday a paid holiday for all negotiations unit employees. The Commission concludes that the proposed addition to the list of holidays is not limited to religious employees. The Commission concludes that the proposal is mandatorily negotiable. An interest arbitrator may determine whether the increase in the value of the holiday pay provision is warranted by the evidence.

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. 2006-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2005-066

JERSEY CITY POLICE SUPERIOR
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Jersey City for a restraint of binding arbitration of a grievance filed by the Jersey City Police Superior Officers Association. The grievance contests the transfer of a sergeant and the corresponding change in his working conditions. The Commission concludes public employers have a non-negotiable prerogative to assign employees to meet the governmental policy goal of matching the best qualified employees to particular jobs. The Commission concludes that a transfer based on the assessment of an employee's skills or qualifications is not subject to binding arbitration simply because it has a concomitant effect on working conditions.

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.

