

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2005-073

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

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 the Newark Fire Officers Union, IAFF Local 1860, AFL-CIO. The grievance alleges that the City violated the parties' collective negotiations agreement when it changed the schedule for closing fire companies so that it corresponds with the work schedule of firefighters rather than the work schedule of fire officers. As a result, fire officers have to report to a different fire house once every eight-day cycle. The Commission concludes that a fire officer's occasional reassignment to another company does not appear to change any negotiable employment condition and the Commission accepts the chief's assurance that reassigned captains do not have to share command or perform administrative responsibilities or additional duties. The Commission thus concludes that these reassignments are not mandatorily negotiable. The Commission also determines that even though the issue is not mandatorily negotiable, enforcement of the Union's claim would place substantial limitations on government's policymaking powers. The Commission holds that neither it nor an arbitrator can second-guess the City's belief that it would be more efficient and leads to more seamless accountability to reassign individual fire captains rather than groups of firefighters. That is a governmental policy determination that remains outside the scope of collective negotiations.

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. 2006-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-2006-007

IAFF LOCAL 1064,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the City of Jersey City for a restraint of binding arbitration of a grievance filed by IAFF Local 1064. The grievance asserts that the City violated the parties' collective negotiations agreement when it refused to reassign a captain to the Arson Unit and when it allegedly excluded or removed documents from the captain's personnel file. The Commission grants a restraint to the extent the grievance contests the City's decision not to reassign the grievant to the Arson Unit. The Commission denies a restraint of arbitration to the extent the grievance asserts that documents have been excluded for removed from the grievant's personnel file.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ENGLEWOOD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-011

ENGLEWOOD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Englewood Board of Education for restraint of binding arbitration of a grievance filed by the Englewood Teachers Association. The Association claims that the Board violated contractual requirements that it give a teacher written notice of the alleged cause for an increment withholding and an opportunity to correct problems. The Commission grants a restraint of arbitration to the extent, if any, the grievance challenges the merits of the withholding. The Commission concludes, however, that procedures associated with the withholding of increments of teaching staff members are mandatorily negotiable, so long as the procedures do not significantly interfere with the substantive right to withhold an increment. The Commission concludes that there is no showing that compliance with alleged procedural requirements to notify teachers of deficiencies and provide an opportunity to correct problems would significantly interfere with the Board's asserted prerogatives.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ENGLEWOOD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-012

ENGLEWOOD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Englewood Board of Education for restraint of binding arbitration of a grievance filed by the Englewood Teachers Association. The Association claims that the Board violated contractual requirements that it give a teacher written notice of the alleged cause for an increment withholding and an opportunity to correct problems. The Commission grants a restraint of arbitration to the extent, if any, the grievance challenges the merits of the withholding. The Commission concludes, however, that procedures associated with the withholding of increments of teaching staff members are mandatorily negotiable, so long as the procedures do not significantly interfere with the substantive right to withhold an increment. The Commission concludes that there is no showing that compliance with alleged procedural requirements to notify teachers of deficiencies and provide an opportunity to correct problems would significantly interfere with the Board's asserted prerogatives.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ENGLEWOOD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-018

ENGLEWOOD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Englewood Board of Education for restraint of binding arbitration of a grievance filed by the Englewood Teachers Association. The Association claims that the Board violated contractual requirements that it give a teacher written notice of the alleged cause for an increment withholding and an opportunity to correct problems. The Commission grants a restraint of arbitration to the extent, if any, the grievance challenges the merits of the withholding. The Commission concludes, however, that procedures associated with the withholding of increments of teaching staff members are mandatorily negotiable, so long as the procedures do not significantly interfere with the substantive right to withhold an increment. The Commission concludes that there is no showing that compliance with alleged procedural requirements to notify teachers of deficiencies and provide an opportunity to correct problems would significantly interfere with the Board's asserted prerogatives.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ENGLEWOOD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-019

ENGLEWOOD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Englewood Board of Education for restraint of binding arbitration of a grievance filed by the Englewood Teachers Association. The Association claims that the Board violated contractual requirements that it give a teacher written notice of the alleged cause for an increment withholding and an opportunity to correct problems. The Commission grants a restraint of arbitration to the extent, if any, the grievance challenges the merits of the withholding. The Commission concludes, however, that procedures associated with the withholding of increments of teaching staff members are mandatorily negotiable, so long as the procedures do not significantly interfere with the substantive right to withhold an increment. The Commission concludes that there is no showing that compliance with alleged procedural requirements to notify teachers of deficiencies and provide an opportunity to correct problems would significantly interfere with the Board's asserted prerogatives.

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P.E.R.C. NO. 2006-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT CORPORATION,

Petitioner,

-and-

Docket No. SN-2006-021

P.B.A. LOCAL 304,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of New Jersey Transit Corporation for a restraint of binding arbitration of a grievance filed by P.B.A. Local 304. The grievance alleges that NJT violated the parties' collective negotiations agreement when it created a new uniformed patrol unit and made assignments to that unit without allowing seniority bidding. The Commission concludes that the chief has a non-negotiable prerogative to select the officers he believes are best suited for team assignments and that bidding for these assignments is neither mandatorily nor permissively negotiable because it would substantially limit the employer's prerogative to select team members based on management's assessment of employee qualifications.

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P.E.R.C. NO. 2006-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FORT LEE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2006-022

FORT LEE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal made by the Fort Lee Education Association during negotiations for successor collective negotiations agreements with the Fort Lee Board of Education. The Association seeks to retain sick leave clauses in successor agreements. N.J.S.A. 18A:30-6 mandates that when absence exceeds the annual and accumulated sick leave allotment, a school board may grant extended sick leave, but it must do so on a case-by-case basis rather than by a negotiated rule. The Commission holds that that rule governs this case and therefore the extended sick leave provisions are not mandatory negotiable.

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P.E.R.C. NO. 2006-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY
(CAMDEN VICINAGE),

Petitioner,

-and-

Docket No. SN-2006-024

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

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey Judiciary (Camden Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey (Case-Related Professional Unit). The grievance challenges a training requirement that probation officers who carry oleoresin capsicum (OC), popularly called pepper spray, be exposed to the spray. The Commission concludes that an employer's prerogative to determine what training is required to ensure that officers can do their jobs effectively outweighs the officers' health and safety interests in not being sprayed. The Commission points out that probation officers may opt out of OC exposure and may ask for alternate protection measures if they elect not to carry OC spray.

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P.E.R.C. NO. 2006-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CHERRY HILL TOWNSHIP
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. IA-2005-086

FRATERNAL ORDER OF POLICE,
LODGE 28,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a motion made by the Cherry Hill Township Board of Education to dismiss a Petition to Initiate Compulsory Interest Arbitration filed by the Fraternal Order of Police, Lodge 28. The Board objected to the processing of the petition on the ground that the Board was not covered by the interest arbitration statute, N.J.S.A. 34:13A-15. The Commission concludes that the Board has a public police department and that the Legislature did not intend to exclude its campus police officers from interest arbitration. The Commission remands the case to the Director of Arbitration for processing.

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