

P.E.R.C. NO. 2007-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

NEW JERSEY TRANSIT CORPORATION,

Respondent,

-and-

Docket No. CO-2006-067

FOP LODGE 37 (SUPERIORS),

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies New Jersey Transit Corporation's motion for summary judgment and FOP Lodge 37's cross-motion for summary judgment. The FOP filed an unfair practice charge alleging that NJT violated the New Jersey Employer-Employee Relations Act when it unilaterally decided to transmit discipline cases expected to warrant more than a five-day suspension to the Office of Administrative Law for hearing. The dispute now centers on the FOP's claim that the employer breached its obligation to negotiate notice provisions. The Commission finds that no statute or regulation preempts negotiations over the pre-disciplinary notice issues raised by the FOP and therefore denies NJT's summary judgment motion. At this juncture, the Commission cannot find that NJT refused to negotiate in good faith over the specific notice issues raised by the FOP and therefore denies the FOP's cross-motion. The Commission dismisses as moot the issue concerning the direction of minor disciplinary matters to a three-member hearing panel since NJT has rescinded that directive.

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. 2007-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT CORPORATION,

Petitioner,

-and-

Docket No. SN-2007-014

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 contests the continuing assignment of two police officers to temporary undercover duty. The Commission holds that this dispute is not about procedures for selecting officers for temporary assignments, but about the substantive decision to assign two officers based on their individual qualifications for undercover work. The Commission holds that an arbitrator may not second-guess that decision.

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P.E.R.C. NO. 2007-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2006-091

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 617,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by the Service Employees International Union, Local 617. The grievance contests the City's decision to end a provisional employee's longevity payments and to recoup previous payments. The Commission holds that longevity payments are, in general, a mandatorily negotiable form of compensation. The Commission concludes that Department of Personnel statutes do not preempt arbitration over longevity payments nor an agreement over longevity for provisional employees.

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P.E.R.C. NO. 2007-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BERKELEY,

Respondent,

-and-

Docket No. SN-2007-007

BERKELEY TOWNSHIP POLICE S.O.A.,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission determines that a proposal made by the Township of Berkeley during negotiations with the Berkeley Township Police S.O.A. is not mandatorily negotiable and may not be submitted to interest arbitration. The proposal modifies a health benefits provision to include premium sharing for dependent coverage similar to a provision negotiated with other Township unions. The Commission holds that the cost of dependent coverage is mandatorily negotiable unless preempted by statute or regulation. The Commission concludes that this proposal is preempted by a State Health Benefits Program requirement that any employer who elects to pay any portion of the cost for dependent coverage must pay the same proportion of the cost of such coverage for all employees. The regulation does not give the Township the discretion to pay different proportions of the cost of dependent coverage depending on the employee's date of hire or years of service.

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