

P.E.R.C. NO. 2008-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF UNION,

Respondent,

-and-

Docket No. CO-2006-025

PBA LOCAL 9,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Township of Union violated the New Jersey Employer-Employee Relations Act when it refused to supply a list of jobs-in-blue program vendors to PBA Local 9 and when it conducted surveillance of off-duty PBA members. The PBA had filed amended unfair practice charges alleging that the Township violated the Act by refusing to supply the list of vendors and by conducting surveillance of off-duty PBA members in retaliation for their advocacy in favor of continuing the jobs-in-blue program and their criticism of Township officials. The Commission holds that an employer must supply information if there is a probability that the information is potentially relevant and that it will be of use to the representative in carrying out its statutory duties. The Commission concludes that the issue in this case centers on a program required by the existing contract and directly affecting the officers' income levels and the PBA's legitimate representational interests in seeking to have the program continued. The Commission also finds that the employer's surveillance interfered with protected rights and that there was no legitimate business justification for the surveillance. The Commission orders the Township to cease and desist from refusing to supply the names and contact information of the jobs-in-blue vendors and to cease and desist from conducting unjustified surveillance of PBA members.

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. 2008-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF ROCKAWAY,

Petitioner,

-and-

Docket No. SN-2007-054

FRATERNAL ORDER OF POLICE,
LODGE NO. 31,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Rockaway for a restraint of binding arbitration of a grievance filed by the Fraternal Order of Police, Lodge No. 31. The grievance alleges that the Township violated the parties' collective negotiations agreement when it implemented co-pay increases established by the State Health Benefits Commission for NJPLUS and HMO office visits and therefore allegedly violated a contractual obligation to provide medical benefits equal to or better than the existing plan. The Commission declines to restrain arbitration on whether there is a change in the negotiated level of benefits. The Commission holds that an arbitrator may determine whether the parties made such an agreement and whether the employer violated the agreement, but an arbitrator cannot order the employer to continue the previous co-pay levels since the SHBC has exercised its authority to set higher levels. The Commission does not decide whether an arbitrator can issue a remedial order requiring the employer to reimburse employees for the higher co-pay expenses since that question is pending in an appeal before the SHBC. The Commission concludes that should the arbitrator find a contractual violation and a dispute arise over the negotiability of any remedy issued, the Township may re-file its scope petition.

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P.E.R.C. NO. 2008-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF UPPER SADDLE RIVER,

Petitioner,

-and-

Docket No. SN-2007-070

NEW JERSEY POLICEMEN'S BENEVOLENT
ASSOCIATION, LOCAL 218,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of three issues in dispute between the Borough of Upper Saddle River and the New Jersey Policemen's Benevolent Association, Local 218 during negotiations for a successor collective negotiations agreement. The issues involve retiree health benefits, a 12-hour work schedule, and stipends for four titles. The Commission holds that, on this record, all three issues are mandatorily negotiable.

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P.E.R.C. NO. 2008-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RUTHERFORD,

Petitioner,

-and-

Docket No. SN-2007-072

RUTHERFORD PBA LOCAL NO. 300,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Borough of Rutherford for a restraint of binding arbitration of a grievance filed by Rutherford P.B.A. Local No. 300. The grievance alleges that the Borough violated the parties' collective negotiations agreement by ignoring seniority when making annual shift assignments. The Commission concludes that the PBA may not seek to arbitrate a challenge to the overall mix of officer qualifications, expertise and experience on each shift.

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P.E.R.C. NO. 2008-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2007-078

ATLANTIC COUNTY PROSECUTOR'S
SUPERIOR OFFICERS, P.B.A. LOCAL #77,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Atlantic County Prosecutor's Office for a restraint of binding arbitration of a grievance filed by the Atlantic County Prosecutor's Superior Officers, P.B.A. Local #77. The grievance contests the Prosecutor's decision to create a temporary 3:00 p.m. to midnight shift to deal with an investigation of multiple homicides. The Commission restrains arbitration to the extent the grievance challenges the decision to temporarily assign investigators to work from 5:30 p.m. to midnight. The Commission declines to restrain arbitration over any claim that the employer violated contractual overtime provisions.

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P.E.R.C. NO. 2008-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2007-080

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 617,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that an arbitration award issued to resolve a grievance filed by the Service Employees International Union, Local 617 against the City of Newark does not conflict with N.J.S.A. 40A:9-154.1. The City sought a declaration that N.J.S.A. 40A:9-154.1 preempts an arbitration award finding that a school crossing guard was terminated without just cause and reinstating her to a one-year term. The Commission agrees that the statute limits appointments of school crossing guards to one-year terms, but concludes that the award does not conflict with the statute.

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P.E.R.C. NO. 2008-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MERCER COUNTY VOCATIONAL/TECHNICAL
SCHOOLS BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2008-002

MERCER COUNTY VOCATIONAL EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Mercer County Vocational/Technical School Board of Education for a restraint of binding arbitration of a grievance filed by the Mercer County Vocational Education Association. The grievance contests the withholding of an increment from a teaching staff member. The Commission concludes that the reasons for the withholding predominately relate to an evaluation of teaching performance and any challenge to the withholding must be filed with the Commissioner of Education.

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