

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND DENTISTRY
OF NEW JERSEY,

Respondent,

-and-

Docket Nos. CO-2005-220
CO-2007-271

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY
COUNCIL OF AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS CHAPTERS,

Charging Party.

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY
COUNCIL OF AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS CHAPTERS,

Respondent,

-and-

Docket No. CE-2006-003

UNIVERSITY OF MEDICINE AND DENTISTRY
OF NEW JERSEY,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the University of Medicine and Dentistry violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it unilaterally reduced the faculty practice or clinical components of the salary of certain faculty represented by the American Association of University Professors. The Hearing Examiner recommend dismissal of the complaint finding that there was no change in the status quo as UMDNJ had acted consistent with its past practice of unilaterally setting and modifying supplemental salaries and AAUP had sought to negotiate limits on UMDNJ's discretion, but withdrew its proposal.

The Commission holds that UMDNJ was required to negotiate with the AAUP because the AAUP had not clearly and unmistakably waived its right to negotiate upon request over supplemental salaries either through negotiations or acquiescence.

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. 2010-13

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(DIVISION OF STATE POLICE),

Respondent,

-and-

Docket No. RO-2006-087

NEW JERSEY STATE TROOPER
CAPTAINS ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission adopts, with modification, a Hearing Officer's report and recommended decision in a representation petition filed by the New Jersey State Troopers Captain's Association seeking to represent a collective negotiations unit of state police captains employed by the State of New Jersey (Division of State Police). The employer opposed the petition asserting that all of the captains are managerial executives or confidential employees ineligible for inclusion in any negotiations unit pursuant to the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The Commission affirms the Hearing Officer's recommendation that some of the captains are managerial executives or confidential and some are eligible for inclusion in the unit. The Commission rejected the Hearing Officer's finding that the executive officers have a conflict of interest and holds that most of the executive officers are eligible for inclusion in the unit with the exception of those in confidential or managerial executive positions.

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P.E.R.C. NO. 2010-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FOP LODGE 12,

Respondent,

-and-

Docket No. CI-2008-015

SHARON DAVIS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the FOP Lodge 12's motion for summary judgment seeking dismissal of an unfair practice charge filed by Sharon Davis. The charge alleges that the FOP violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it refused to provide satisfactory legal counsel or union representation throughout disciplinary proceedings that resulted in Davis' termination. The FOP submitted a certification that Davis was not treated differently than other members assigned legal counsel. Davis did not respond to the FOP's motion. The Commission holds that the FOP's position is undisputed and grants the FOP's motion.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Respondent/Public Employer,

-and-

Docket No. CI-2009-025

HAMIDA B. KONECKO/LATONGIA A. TAYLOR,

Charging Parties.

AFSCME COUNCIL 52
(FOR AFSCME LOCAL 2306),

Respondent/Employee Representative,

-and-

Docket No. CI-2009-026

HAMIDA B. KONECKO/LATONGIA A. TAYLOR,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practice's refusal to issue complaints based on unfair practice charges filed by Hamida B. Konecko and Latongia A. Taylor against the County of Hudson and AFSCME Council 52 (for AFSCME Local 2306). The charge against the County alleges it violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it required the charging parties to perform duties not required by their Civil Service titles; refused to process their grievances contesting work assignments; and required them to commence a Civil Service process that would allegedly negate the Commission's jurisdiction in this matter. The charge against AFSCME alleges it violated the Act when charging parties' grievances alleging out-of-title work were not addressed at steps one or two of the grievance procedure and a step 3 hearing was conducted even though it was not provided for in the grievance procedure. Charging parties sought to have their grievance arbitrated. The Commission holds that charging parties do not have standing to assert a violation of 5.4a(5) and even if they did, there is no factual basis for an allegation the County violated the Act. The Commission also holds that there are no allegations that the charging parties were adversely impacted by the way their grievances were processed and finds no factual allegations that AFSCME acted arbitrarily, discriminatorily or in bad faith.

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P.E.R.C. NO. 2010-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS COUNTY SHERIFF'S OFFICE AND
COUNTY OF MORRIS,

Respondents,

-and-

Docket No. CO-2009-118

MORRIS COUNTY POLICEMEN'S BENEVOLENT
ASSOCIATION, LOCAL 298,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the Morris County Policemen's Benevolent Association, Local 298's cross-motion for summary judgment on an unfair practice charge it filed against the Morris County Sheriff's Office and County of Morris. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it issued a directive providing that staff who are assigned to positions normally closed on the weekend will no longer be permitted to work those positions on a holiday. The Commission denies the County's cross-motion on this unfair practice charge. The Commission holds that because the employer announced the change during the pendency of interest arbitration proceedings, it violated the Act. The Commission denies the PBA's motion on the ground that the employer repudiated the parties' contract.

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P.E.R.C. NO. 2010-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FORT LEE,

Appellant,

-and-

Docket No. IA-2007-087

PBA LOCAL NO. 245,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award on remand. The Commission had remanded the initial award to the arbitrator to address comparability to private and public sector employees in general, as well as the \$1 million the arbitrator projected in savings to the Borough from his award of a new salary schedule given the Borough's hiring freeze. The Arbitrator issued a supplemental award finding no basis to modify the terms of his initial award and the Borough appealed. The Commission holds that in his second decision, the arbitrator provided a reasoned analysis and affirms the award.

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P.E.R.C. NO. 2010-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN,

Petitioner,

-and-

Docket No. SN-2009-075

CAMDEN COUNTY COUNCIL NO. 10,

Respondent.

CITY OF CAMDEN,

Respondent,

-and-

Docket No. CO-2009-132

CAMDEN COUNTY COUNCIL NO. 10,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission addresses whether N.J.S.A. 52:27BBB-1 (Municipal Rehabilitation and Economic Recovery Act "MRERA") preempts negotiations in a scope of negotiations proceeding filed by the City of Camden for a restraint of binding arbitration of a grievance filed by Camden County Council No. 10. The grievance contests layoff procedures. The Commission holds that the answer to whether the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., is preempted by MRERA and thus preempts negotiations over layoff procedures is intertwined with a related question pending before the Superior Court and grants the City's request for a restraint of binding arbitration. The Commission also grants Camden Council 10's motion for summary judgment in a related unfair practice proceeding. The charge challenges the City's refusal to supply information in connection with a layoff. The Commission holds that nothing in MRERA absolves the City from complying with the duty of an employer to supply information. The Commission also grants the City's cross-motion for summary judgment on the aspect of the unfair practice charge that alleges a duty to negotiate over layoff procedures.

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P.E.R.C. NO. 2010-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2009-049

NEWARK SUPERIOR OFFICERS' ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the City of Newark's request for a restraint of binding arbitration of a grievance filed by the Newark Superior Officers' Association. The grievance asserts that the City violated the parties' agreement when it gave an officer a ten-day suspension for an infraction that warranted minor discipline and when it processed what should have been minor discipline before a Trial Board. The grievance also contests the composition of the Trial Board and the denial of the opportunity to the grievant to use vacation time during his suspension. The Commission grants the City's request to restrain binding arbitration to the extent the grievance challenges the decision to bring major discipline. The remaining issues are legally arbitrable.

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P.E.R.C. NO. 2010-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2009-068

FIREMEN'S MUTUAL BENEVOLENT
ASSOCIATION, LOCAL NO. 6,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City of Trenton's petition for a scope of negotiations determination that Firemen's Mutual Benevolent Association, Local No. 6 may not submit a proposal for a 24/72 work schedule to interest arbitration because the superior officers are on a 10/14 schedule. The Commission holds that the proposal is mandatorily negotiable and may be submitted to the interest arbitration for consideration in accordance with the Teaneck standards.

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P.E.R.C. NO. 2010-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF GLOUCESTER,

Respondent,

-and-

Docket No. RO-2008-066

NEW JERSEY STATE FIREMEN'S
MUTUAL BENEVOLENT ASSOCIATION,

Petitioner,

-and-

COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 1085,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission grants the New Jersey State Firemen's Mutual Benevolent Association's request for review and remands a representation matter to the Director of Representation for further investigation as to whether the FMBA has an interest or claim in the representation of a new unit of EMS employees in the County of Gloucester. The Commission holds that if the new EMS unit was the product of regionalization or consolidation of services, further consideration will need to be given as to whether the EMS employees appropriately accreted into the Communications Workers of America broad-based unit.

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