

P.E.R.C. NO. 2011-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(OFFICE OF THE PUBLIC DEFENDER),

Respondent,

-and-

Docket No. CO-2006-155

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,

Charging Party.

STATE OF NEW JERSEY
(OFFICE OF THE PUBLIC DEFENDER),

Respondent,

-and-

Docket No. CO-2007-152

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, LOCAL 1037

SYNOPSIS

The Public Employment Relations Commission adopts the decision of a Hearing Examiner dismissing the Complaint issued in a consolidated unfair practice case filed by the Communications Workers of America against the State of New Jersey Office of the Public Defender. The charges allege that the OPD violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it disciplined a CWA shop steward in retaliation for filing grievances and other protected activity. The Commission rejects CWA's exceptions and holds that the OPD proved it had legitimate business justifications for the discipline and that such discipline would have been imposed regardless of any protected activity.

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. 2011-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUNTERDON COUNTY SHERIFF'S
OFFICE,

Petitioner,

-and-

Docket No. IA-2009-103

FOP LODGE NO. 94,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Hunterdon County Sheriff's motion for reconsideration of a decision issued by the Commission Chair dismissing an appeal of an interest arbitration award involving the Sheriff's Office and FOP Lodge No. 94. The Commission finds that extraordinary circumstances exist to reconsider the decision when the County presented evidence that it received erroneous advice from Commission staff regarding the appeal deadline.

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P.E.R.C. NO. 2011-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF WALDWICK,

Petitioner,

-and-

Docket No. IA-2010-058

PBA LOCAL 217,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Borough of Waldwick's request for special permission to appeal an interlocutory ruling of an interest arbitrator. The arbitrator ruled that he had jurisdiction to continue formal interest arbitration proceedings between the Borough and PBA Local 217 pursuant to his appointment through mutual selection in March 2010. The Commission holds that the parties' one-year contract settlement expiring on December 31, 2010 prevented the interest arbitrator from conducting hearings for a successor contract effective January 1, 2011 as the recently amended interest arbitration statute bars mutual selection of an arbitrator. Based on the record, the Commission did not find that the parties agreed to continue the hearing in January 2011 based on the prior statutory language.

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P.E.R.C. NO. 2011-69

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF GLOUCESTER,

Respondent

-and-

Docket Nos. RO-2008-066

RO-2010-027

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 Communications Workers of America, Local 1095's request for review of D.R. 2011-2 and denies the New Jersey State Firemen's Mutual Benevolent Association's request for review. In that decision, the Director found that the County and CWA agreed to include Emergency Medical Technicians in the County-wide broad-based CWA negotiations unit without following the Commission's established recognition or certification procedures. The Director dismissed the representation petitions filed by the FMBA citing the Commission's preference for broad-based units and gave CWA 90 days to file a representation petition to include the EMT title. The Commission holds that the CWA unit is the appropriate unit and that the CWA does not have to file a representation petition as the EMTs appropriately accreted into the unit.

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P.E.R.C. NO. 2011-70

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BLOOMINGDALE,

Petitioner,

-and-

Docket No. IA-2011-045

PBA LOCAL 354,

Respondent.

SYNOPSIS

The Chair of the Public Employment Relations Commission denies the request of the Borough of Bloomingdale for special permission to appeal an interest arbitrator's interlocutory ruling. The arbitrator ruled that the parties' last agreement expired December 31, 2010 and therefore N.J.S.A. 34:13A-16.7 did not apply to the current interest arbitration proceeding between the parties. The Chair finds the Borough's request to be untimely and the arbitrator's ruling is in conformance with the interest arbitration law.

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