

P.E.R.C. NO. 2012-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUNTERDON-VOORHEES
REGIONAL HIGH SCHOOL BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2011-063

NORTH HUNTERDON-VOORHEES
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the North Hunterdon-Voorhees Regional High School Board of Education for a restraint of binding arbitration of a grievance filed by the North Hunterdon-Voorhees Education Association. The grievance challenges the district's interpretation and application of P.L. 2010, c. 2, §13 and deduction of an 1.5% of base salary from the employees who are already contractually required to pay 10% of dependent health care premiums which is an amount greater than 1.5% of base salary. The Commission permits arbitration of the grievance because the statute does not preempt the issue of whether the employer was required to deduct 1.5% on top of the 10% of premium deductions.

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. 2012-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY PROSECUTOR'S
OFFICE,

Petitioner,

-and-

Docket No. IA-2009-059

PBA LOCAL 232,

Respondent.

SYNOPSIS

The Public Employment Relations Commission remands an interest arbitration award for clarification of the arbitrator's salary guide calculations. The Hudson County Prosecutor appealed the award alleging the arbitrator's calculations are inaccurate. The PBA responds that the award is correct. The Commission remands the dispute to the arbitrator for clarification.

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P.E.R.C. NO. 2012-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HIGHLAND PARK,

Petitioner,

-and-

Docket No. SN-2011-050

PBA LOCAL 64,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Highland Park's motion for reconsideration of its request to restrain binding arbitration of a grievance filed by PBA Local 64. The Commission took a vote on the Borough's request at its November 22, 2011 meeting. Three Commission members were recused from participating. Of the remaining four members, two voted in favor of restraining arbitration and two were opposed to granting a restraint. The tie vote effectively denied the request. As all members of the Commission eligible to vote had already done so, the motion for reconsideration was denied.

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P.E.R.C. NO. 2012-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2011-031

TRENTON FIRE OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Trenton for a restraint of binding arbitration of a grievance filed by the Trenton Fire Officers Association. The grievance asserts that the City violated the parties' collective negotiations agreement by not filling vacancies in the rank of Captain and not maintaining staffing levels. The Commission holds that an agreement mandating the filling of vacancies is unenforceable and that minimum staffing levels are not permissively negotiable.

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P.E.R.C. NO. 2012-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOWELL TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2011-058

HOWELL TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment relations Commission grants the request of the Howell township Board of Education for a restraint of binding arbitration of a grievance filed by the Howell Township Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement by assigning more than 30 students to physical education and health classes. The Commission holds that the class size is not mandatorily negotiable.

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P.E.R.C. NO. 2012-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF OAKLAND,

Petitioner,

-and-

Docket No. SN-2011-066

UNITED PUBLIC EMPLOYEES
UNION, LOCAL NO. 1,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that language in an expired collective negotiations agreement between the Borough of Oakland and United Public Employees Union Local No. 1 is not mandatorily negotiable. The disputed clause addresses continued medical coverage for employees who have separated from employment with the Borough. The Commission holds that the clause is preempted by N.J.S.A. 40A:10-20.

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P.E.R.C. NO. 2012-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY AND CAMDEN
COUNTY PROSECUTOR,

Respondent,

-and-

Docket No. CO-2009-076

CAMDEN COUNTY ASSISTANT
PROSECUTORS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms a decision of a Hearing Examiner dismissing the Complaint in an unfair practice charge filed by the Camden County Assistant Prosecutors Association against the Camden County Prosecutor and Camden County. The charge alleged that the Prosecutor violated the Act when the County began charging Association members for dental plans that had previously been provided for free, and did not implement a negotiated agreement to offer unit members an enhanced dental plan. The decision holds that the allegation of the Association is in essence a breach of contract claim, and, as a result, does not warrant the exercise of the Commission's unfair practice jurisdiction. Contract disputes must be resolved through negotiated grievance procedures.

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P.E.R.C. NO. 2012-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(KEAN UNIVERSITY),

Respondent,

-and-

Docket No. CO-2011-271

COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT, AFL-CIO,

Charging Party,

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Deputy Director of Unfair Practices, D.U.P. 2011-7, 37 NJPER 156 (¶48 2011), refusing to issue a Complaint in an unfair practice case filed by the Council of New Jersey State College Locals, AFT, AFL-CIO against the State of New Jersey (Kean University). The charge alleges that the State violated the New Jersey Employer-Employee Relations Act, N.J.S.A., 34:13a-5.4A(1) and (5), when it informed the Council President that the salary for a newly-created position of lecturer at Kean would be negotiated at the local level rather than through the Governor's Office of Employee Relations. The Commission holds that the State may designate an authorized representative of its choosing to negotiate the issue.

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