

P.E.R.C. NO. 2013-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY PROSECUTOR'S OFFICE,

Respondent,

-and-

Docket No. CO-2008-231

MACHINISTS AND AEROSPACE INTERNATIONAL
UNION DISTRICT 15,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's report and recommended decision that dismissed an unfair practice charge filed by the Machinists and Aerospace International Union District 15 against the Passaic County Prosecutors Office. The charge alleged that the Prosecutor violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13a-5.4a(1), (3) and (5) when he laid off two employees in retaliation for protected activity. The Commission dismisses the Union's exceptions finding that the evidence supports the Hearing Examiner's conclusion that the record did not establish that the employer was hostile to the employees 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. 2013-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
DEPARTMENT OF CORRECTIONS,

Respondent,

-and-

Docket No. CO-2010-124

PBA LOCAL 105 and
STACY GRANT,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommendation finding that the State of New Jersey, Department of Corrections violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4(a)(1) when it refused to allow a Senior Correction Officer the opportunity to speak with or be represented by a PBA representative prior to writing a report required by a superior officer. On the unique facts of this case, the Commission finds that the officer was entitled to a Weingarten representative during an investigatory interview.

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P.E.R.C. NO. 2013-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Respondent,

-and-

Docket No. CO-2010-399

IBEW LOCAL 1158,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the County of Essex's motion for summary judgment in an unfair practice case filed by IBEW Local 1158. The union did not oppose the motion.

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P.E.R.C. NO. 2013-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Public Employer,

-and-

Docket No. RO-2012-009

HUDSON COUNTY UNION,
LOCAL 1 AMALGAMATED,

Petitioner,

-and-

INTERNATIONAL UNION OF PAINTERS AND
ALLIED TRADES, DISTRICT COUNCIL 711,
LOCAL 1007,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission grants the request for review of D.R. No. 2012-6 filed by the International Union of Painters and Allied Trades, District Council 711, Local 1007. That decision certified Hudson County Union Local 1 Amalgamated as the majority representative of a unit of painters employed by Hudson County. Having found that a prejudicial error may have occurred in the conduct of the election, the Commission remands the case to the Director of Representation to conduct a new election.

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P.E.R.C. NO. 2013-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MORRIS and
MORRIS COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2011-092

PBA LOCAL 298,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denied the request of the County of Morris and Morris County Sheriff's Office for a restraint of binding arbitration of a grievance filed by PBA Local 298. The grievance asserts the employer violated the parties' most recent agreement when it did not pay salary increments to several correction officers at the commencement of the next salary year. The Commission holds that the issue of a compensation is mandatorily negotiable.

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P.E.R.C. NO. 2013-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SOUTH BRUNSWICK,

Petitioner,

-and-

Docket No. SN-2011-094

AFSCME COUNCIL 73, LOCAL 2242,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of South Brunswick for a restraint of binding arbitration of a grievance filed by AFSCME Council 73, Local 2242. The grievance contests the appointment of a non-unit member to the position of deputy court administrator. The Commission holds that the grievance is not a procedural dispute, but contests the selection of a non-unit member to fill the position. The Township has a managerial prerogative to select the most qualified applicant for the position.

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P.E.R.C. NO. 2013-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN,

Petitioner,

-and-

Docket No. SN-2012-009

CAMDEN COUNTY PARK POLICE,
NEW JERSEY FRATERNAL ORDER
OF POLICE, LODGE #76,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of language in an expired collective negotiations agreement between the County of Camden and Camden County Park Police, New Jersey Fraternal Order of Police, Lodge #76. The contract article concerns separation pay based on service longevity. The Commission holds that the language is mandatorily negotiable and may remain in the agreement to the extent it applies to situations where unit employees are permanently separated from their job.

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P.E.R.C. NO. 2013-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2012-010

UNION OF RUTGERS ADMINISTRATORS
AMERICAN FEDERATION OF TEACHERS,
LOCAL 1766, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denied, without prejudice, the request of Rutgers, The State University of New Jersey for a restraint of binding arbitration of a grievance filed by the Union of Rutgers Administrators, American Federation of Teachers, Local 1766, AFL-CIO. The grievance challenges the layoff/termination of a unit member. The Commission holds that there is a dispute of fact as to whether the employee was terminated for disciplinary reasons or as the result of a layoff that must be decided by the arbitrator.

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P.E.R.C. NO. 2013-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SOUTH BRUNSWICK,

Petitioner,

-and-

Docket No. SN-2012-013

AFSCME COUNCIL 73, LOCAL 2242,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of South Brunswick for a restraint of binding arbitration of a grievance filed by AFSCME Council 73, Local 2242. The grievance contests the application of a sick leave policy. The Commission finds that AFSCME did not establish that the application of the policy was intrusive and restrains arbitration based on the employer's managerial prerogative to verify illness.

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P.E.R.C. NO. 2013-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PLAINFIELD,

Petitioner,

-and-

Docket Nos. SN-2012-014

SN-2012-017

PLAINFIELD FIRE OFFICERS
ASSOCIATION, LOCAL NO. 207,

Respondent,

-and-

FMBA LOCAL 7,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses scope of negotiations petitions filed by the City of Plainfield seeking a negotiability determination as to language Plainfield Fire Officers Association, Local No. 207 and FMBA Local 7 seek to submit to interest arbitration for inclusion in a successor agreement. The Commission holds that the scope petitions were filed out-of-time. If a dispute arises regarding the language during the next agreement, the Township may file a petition seeking to restrain grievance arbitration.

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