

P.E.R.C. NO. 2013-73

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2008-339

FRATERNAL ORDER OF POLICE,
NEWARK LODGE NO. 12,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the City of Newark violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (5), when it refused to provide FOP Lodge 12 with documents that are potentially relevant to the FOP's evaluation of four grievances. The grievances involve alleged disparate treatment of unit officers who received sick leave counseling. The Commission granted the FOP's exception to the Hearing Examiner's decision that the City was not required to provide sick leave comparative information for non-unit employees. The Commission applied a relevance standard and orders the City to provide the FOP with the sick or injured leave records and the counseling forms for unit and non-unit employees in the 12 month period preceding the filing of the grievances.

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. 2013-74

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON STATE OPERATED SCHOOL DISTRICT,

Respondent,

-and-

Docket No. CO-2011-177

PATERSON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Hearing Examiner's report and recommended decision and expands the proposed remedy in an unfair practice case filed by the Paterson Education Association against the Paterson State Operated School District. That decision recommended the Commission find that the Paterson State Operated School District violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (3), by reprimanding the Association Vice President for his exercise of protected conduct, and by including language in grievance denials which had the tendency to interfere with the exercise of protected conduct. The Commission rejects the District's exceptions, finding: that the Hearing Examiner may decide the reprimand issue because it was fairly and fully tried despite not being specifically pleaded; that the Hearing Examiner's credibility determinations have ample support in the record; that the language with the tendency to interfere with protected activity (even without proof of actual interference, intimidation, restraint, coercion or motive) is sufficient to violate 5.4a(1) of the Act; and that the Hearing Examiner provided ample support for her decision to not allow six District witnesses to testify for reasons of irrelevance and potential prejudice. The Commission grants the Association's request that the District reproduce the grievance denial letters with the omission of language identified as having a tendency to interfere with protected activity.

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P.E.R.C. NO. 2013-75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RIDGEFIELD BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2011-494

RIDGEFIELD TEACHING ASSISTANTS
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Hearing Examiner's recommended decision in an unfair practice case filed by the Ridgefield Teaching Assistants Association against the Ridgefield Board of Education. That decision recommended the Commission find that the Ridgefield Board of Education did not violate the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it did not rehire four teaching assistants (who were Association officials) after a reduction in force. The Commission rejects the Association's exceptions, holding that the Hearing Examiner gave reasoned explanations for her credibility determinations, and her findings of fact were tightly tied to witness testimony and supported by precise citations to the record.

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P.E.R.C. NO. 2013-76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN & COUNTY OF
CAMDEN SHERIFF'S OFFICE,

Respondent,

-and-

Docket No. CO-2012-296

CAMDEN COUNTY SHERIFF'S
OFFICERS PBA LOCAL 277 &
SUPERIOR OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Camden County Sheriff's Officers PBA Local 277 and Superior Officers Association's motion for reconsideration of a Commission designee's denial of an application for interim relief (I.R. No. 2012-018) submitted with an unfair practice charge against the County of Camden and County of Camden Sheriff's Office. The Commission agrees with the designee that the PBA and SOA did not establish a substantial likelihood of prevailing in a final Commission decision.

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P.E.R.C. NO. 2013-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2012-059

SEIU LOCAL 617,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by SEIU Local 617. The grievance asserts that the City violated wage provisions of the parties' agreement when it failed to provide backpay to two employees who were reinstated after being improperly laid off. The Commission holds that compensation is mandatorily negotiable, and that Civil Service regulations cited by the City do not expressly, specifically, or comprehensively preempt the award of backpay for the time they were laid off.

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P.E.R.C. NO. 2013-78

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-2012-069

HUDSON COUNTY CORRECTIONS
PBA LOCAL 109A,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses the County of Hudson's scope of negotiations petition. The County disputes the negotiability of certain provisions that the Hudson County Corrections PBA Local 109A submitted to binding interest arbitration for inclusion in the parties' successor collective negotiations agreement. The Commission finds that pursuant to N.J.A.C. 19:13-3.2, no issues remain in dispute because the County has not appealed the interest arbitration award, the award does not include the issue asserted to be non-negotiable, and no special circumstances under N.J.A.C. 19:13-2.2(a)4iv have been asserted that would require processing of the scope petition.

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P.E.R.C. NO. 2013-79

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ATLANTIC CITY,

Appellant,

-and-

Docket No. IA-2013-011

ATLANTIC CITY POLICE SUPERIOR
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award establishing the terms of a successor agreement between the City of Atlantic City and the Atlantic City Superior Officers Association. The City appealed the award, arguing that the arbitrator failed to consider the statutory criteria when he did not award the City's proposal to freeze police captain salaries and reduce salary for newly hired officers. The Commission finds that the arbitrator considered all of the N.J.S.A. 34:13A-16g statutory factors, and that the award is supported by substantial credible evidence.

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P.E.R.C. NO. 2013-80

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF WALLINGTON,

Petitioner,

-and-

Docket No. SN-2012-071

PBA LOCAL 321,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Wallington for a restraint of binding arbitration of a grievance filed by PBA Local 321. The grievance asserts that the County violated the parties' agreement when it failed to maintain minimum staffing levels of five police officers per shift. The Commission holds that minimum staffing levels are neither mandatorily nor permissively negotiable and cannot be challenged through binding grievance arbitration. The Commission notes that the PBA's assertion that its grievance concerns the employee workload and safety impacts of the Borough's decision to operate beneath its minimum manpower standards was not supported by a certification of facts.

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