

P.E.R.C. NO. 2013-83

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL FIRE & RESCUE,

Respondent,

-and-

Docket No. CO-2011-153

NORTH HUDSON FIREFIGHTERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms a decision of a hearing examiner finding that the North Hudson Regional Fire & Rescue violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (5), when it unilaterally terminated a practice of paying terminal leave in one payment. The Commission rejects the Regional's exceptions, finding: that N.J.S.A. 40A:53(h) does not preempt the issue of lump sum versus installment payments; that receipt of terminal pay in installments instead of lump sum payments adversely affects firefighters' contractual rate of pay due to a substantial difference in availability and access to funds; that deferral to grievance arbitration is not appropriate; and that whether or not the Regional can afford terminal pay lump sum payments is not relevant to whether it violated its negotiations obligation under the Act. The Commission orders that the Regional restore the practice of lump sum terminal leave payment upon retirement, and negotiate in good faith over changes to the practice of offering retirees lump sum terminal leave payments.

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. 2013-84

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EDISON,

Respondent,

-and-

Docket No. CO-2011-301

INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL 1197,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the refusal of the Director of Unfair Practices to issue a Complaint on an unfair practice charge filed by the International Association of Firefighters, Local 1197 against the Township of Edison. The Director found the Township was not obligated to negotiate before transferring emergency medical services work from Local 1197 firefighters to civilian EMTs in another unit because the work had not been within the exclusive province of Local 1197. The Director also found that the allegation that the Township unlawfully instituted a sick leave verification policy was not pled with the specificity required by N.J.A.C. 19:14-1.3(a)(3).

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P.E.R.C. NO. 2013-85

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MONTCLAIR,

Petitioner,

-and-

Docket No. SN-2012-074

PBA LOCAL 53,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses the request of the Township of Montclair for a restraint of binding arbitration of a grievance filed by PBA Local 53. The Township sought restraint of further arbitration proceedings on a grievance that was sustained by the arbitrator, but later vacated by the Appellate Division and remanded to the arbitrator. Because the Court's opinion does not raise any issue as to whether the subject of the grievance is legally arbitrable, and did not order that the case be transferred to the Commission, the Commission dismisses the Township's petition because it was not filed before an arbitration award was issued.

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P.E.R.C. NO. 2013-86

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2013-002

FOP LODGE 39,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Somerset County Sheriff's Office for a restraint of binding arbitration of a grievance filed by FOP Lodge 39. The grievance asserts that the County violated its obligation to properly maintain a "hostile free" working environment with respect to the grievant. The Commission holds that the issue of whether a hostile work environment existed is legally arbitrable because it intimately and directly affects the work and welfare of public employees; is not preempted by statute or regulation; and does not significantly interfere with governmental policy.

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