

P.E.R.C. NO. 2013-88

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF GARFIELD,

Respondent,

-and-

Docket No. CO-2011-397

PBA LOCAL 46,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Hearing Examiner's recommended decision in an unfair practice case filed by PBA Local 46 against the City of Garfield. That decision recommended that the Commission find that the City of Garfield violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1), when the Chief of Police pressured the PBA Vice President to leave a labor-management meeting and threatened him if he did not leave. The Commission rejects the City's exceptions, finding that even accepting the City's version of the facts, the PBA Vice President was still engaged in protected activity during the incident and did not indefensibly threaten workplace discipline, order or respect. The Commission holds that the Hearing Examiner correctly held that intent to threaten is not required by the Act, and that the Chief's remarks had the tendency to interfere with the PBA Vice President's exercise of his rights under the Act.

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. 2013-89

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EDISON,

Petitioner,

-and-

Docket No. SN-2012-041

IAFF LOCAL 1197,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Edison for a restraint of binding arbitration of a grievance filed by IAFF Local 1197. The grievance asserts that the Township violated the parties' collective negotiations agreement by failing to pay shift differentials for performing EMS duties after the firefighter/EMT position was eliminated. The Commission holds that the issue of whether the unit members are performing EMS duties that qualify for the contractual firefighter/EMT rotation salary differential is a legally arbitrable compensation claim.

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P.E.R.C. NO. 2013-90

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY
(CAMDEN VICINAGE),

Petitioner,

-and-

Docket No. SN-2012-051

PROBATION ASSOCIATION OF NEW JERSEY
(PROFESSIONAL SUPERVISORS UNION),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the New Jersey State Judiciary (Camden Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey (Professional Supervisors Union). The grievance asserts that the Judiciary violated several provisions of the parties' agreement when it did not fill vacant positions, which resulted in changing staffing ratios and assignments for unit members. The Commission holds that the Judiciary has a non-negotiable managerial prerogative to set staffing levels and assign duties related to employees' normal job functions. The Commission finds that PANJ did not articulate any severable negotiable issues supporting its allegations that hours and safety provisions of the agreement were violated.

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P.E.R.C. NO. 2013-91

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY
(MONMOUTH VICINAGE),

Petitioner,

-and-

Docket No. SN-2012-054

PROBATION ASSOCIATION OF NEW JERSEY
(PROFESSIONAL SUPERVISORS UNION),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the New Jersey State Judiciary (Monmouth Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey (Professional Supervisors Union). The grievance asserts that the Judiciary violated several provisions of the parties' agreement when it did not fill vacant positions, which resulted in changing staffing ratios and assignments for unit members. The Commission holds that the Judiciary has a non-negotiable managerial prerogative to assign duties related to employees' normal job functions. The Commission finds that PANJ did not articulate any severable negotiable issues supporting its allegations that hours and safety provisions of the agreement were violated.

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P.E.R.C. NO. 2013-92

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RED BANK REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-068

RED BANK REGIONAL EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Red Bank Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Red Bank Regional Education Association. The grievance asserts that the Board has been making teaching assignments in excess of the contractual limit. The Commission holds that the dispute about workload limits is mandatorily negotiable.

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P.E.R.C. NO. 2013-93

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOPEWELL VALLEY REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-077

HOPEWELL VALLEY EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract clauses in an expired collective negotiations agreement between the Hopewell Valley Regional Board of Education and the Hopewell Valley Education Association. The disputed clause concerns the removal of derogatory materials from personnel files after three school years. The Commission holds that this clause is not mandatorily negotiable because an employer has an interest in maintaining a record of prior disciplinary actions for consideration in connection with future employment actions, and enforcement of this expungement clause would substantially limit the Board's policymaking powers.

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P.E.R.C. NO. 2013-94

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BEDMINSTER,

Petitioner,

-and-

Docket No. SN-2013-003

PBA LOCAL 366,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Bedminster for a restraint of binding arbitration of a grievance filed by PBA Local 366. The grievance asserts that the Township violated its past practice of scheduling shifts by seniority when it changed a senior officer from the day shift to the afternoon/night shift. The Commission holds that where no issue of special qualifications is present, or where the employer has not shown how governmental policy would be impeded, grievances asserting that seniority should govern shift reassignments are legally arbitrable.

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P.E.R.C. NO. 2013-95

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF JEFFERSON,

Petitioner,

-and-

Docket No. SN-2013-006

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 32,
BLUE COLLAR UNIT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Jefferson for a restraint of binding arbitration of a grievance filed by the Office and Professional Employees International Union, Local 32, Blue Collar Unit (Local 32). The grievance asserts that the Township violated several provisions of the parties' collective negotiations agreement when it failed to promote the most senior qualified applicant to Assistant Road Supervisor. The Commission holds that while parties may negotiate to fill vacancies on the basis of seniority where all qualifications are equal, employer determinations of the factors relevant to promotion remain a managerial prerogative. The Commission finds that in this case, the employer was not choosing from among equally qualified candidates, so the issue of seniority as a tie-breaker is not legally arbitrable.

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P.E.R.C. NO. 2013-96

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FREEHOLD REGIONAL HIGH SCHOOL DISTRICT
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-012

FREEHOLD REGIONAL HIGH SCHOOL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Freehold Regional High School District Board of Education for a restraint of binding arbitration of a grievance filed by the Freehold Regional High School Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement by implementing a science lab schedule which assigned more students per class than there were work stations available. The Commission holds that limiting class size to the number of fixed work stations is not mandatorily negotiable because it directly implicates the employer's non-negotiable class size decisions, and that the Board has a managerial prerogative to determine what supplies are necessary to fulfill its educational mission.

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