

P.E.R.C. NO. 2000-79

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ESSEX COUNTY SHERIFF'S DEPARTMENT,

Petitioner,

-and-

Docket No. SN-2000-17

ESSEX COUNTY SHERIFF'S OFFICERS,  
P.B.A. LOCAL 183,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Essex County Sheriff's Department for a restraint of binding arbitration of a grievance filed by the Essex County Sheriff's Officers, P.B.A. Local 183. The grievance alleges that the employer violated N.J.S.A. 40A:14-146.16b by assigning volunteer deputy sheriff's officers to patrol the County's parks on bicycles, thereby replacing full-time regular sheriff's officers. The grievance further alleges that the employer violated N.J.S.A. 40A:14-146.6 by requiring the volunteer officers to wear department-approved shirts which do not include the word "deputy." The Commission finds that the dispute has evolved since the grievance was filed and the PBA now agrees that N.J.S.A. 40A:9-117.2 prohibits the County from using any deputy sheriff's officers. The Commission concludes that because the PBA seeks to prevent the employer from using volunteers to perform any of the wide range of functions they currently perform, it is seeking to arbitrate issues that do not relate solely to negotiable terms and conditions of employment. The claims raised by the PBA are more appropriate for consideration by the courts and not an arbitrator. The Commission also finds that the determination of the daily police uniform is not mandatorily negotiable.

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. 2000-80

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

STATE OF NEW JERSEY (DIVISION OF  
STATE POLICE),

Petitioner,

-and-

Docket No. SN-2000-26

STATE TROOPERS NON-COMMISSIONED  
OFFICERS ASSOCIATION,

Respondent.

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STATE OF NEW JERSEY (DIVISION OF  
STATE POLICE),

Petitioner,

-and-

Docket No. SN-2000-27

STATE TROOPERS FRATERNAL  
ASSOCIATION OF NEW JERSEY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State Troopers Non-Commissioned Officers Association and the State Troopers Fraternal Association for reconsideration of P.E.R.C. No. 2000-61. In that decision, the Commission restrained arbitration over the decision of the State of New Jersey (Division of State Police) to hold promotions in abeyance pending the completion of internal investigations. The Commission concludes that the Associations have not presented any extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2000-81

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF IRVINGTON,

Respondent,

-and-

Docket No. CO-2000-182

NEW JERSEY STATE POLICEMEN'S BENEVOLENT  
ASSOCIATION, LOCAL NO. 29,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request of the New Jersey State Policemen's Benevolent Association, Local 29 for reconsideration of I.R. No. 2000-10. In that decision, a Commission designee denied the PBA's application for interim relief on its unfair practice charge against the Township of Irvington. The charge alleges that the Township violated the New Jersey Employer-Employee Relations Act by repudiating the vacation provision of the parties' collective negotiations agreement, unilaterally modifying terms and conditions of employment, unilaterally changing existing terms and conditions of employment during interest arbitration, negotiating in bad faith, and retaliating against the PBA for participating in interest arbitration. The Commission concludes that interim relief was properly denied and there are no extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2000-82

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HILLSBOROUGH,

Respondent,

-and-

Docket No. CO-H-98-231

PBA LOCAL 205,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Township of Hillsborough violated the New Jersey Employer-Employee Relations Act when it disciplined the president of PBA Local 205. The Commission concludes that the filing of disciplinary charges against the president alone had a tendency to interfere with the exercise of protected rights and discriminated against him in regard to a term and condition of employment based on his holding union office. The Commission concludes that the Township did not violate the Act when it initiated an investigation based on a police officer's complaint. The Commission further concludes that the Township did not violate the Act when it removed the PBA president from his supervisory position of corporal.

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P.E.R.C. NO. 2000-83

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Respondent,

-and-

Docket No. CO-H-94-310

RUTGERS COUNCIL OF AAUP CHAPTERS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against Rutgers, The State University. The Complaint was based on an unfair practice charge filed by Rutgers Council of AAUP Chapters alleging that Rutgers violated the New Jersey Employer-Employee Relations Act by refusing to negotiate over its decision to create a non-tenure track clinical faculty series. The AAUP also incorporated its allegations in an earlier unfair practice charge filed before the establishment of the new title series, and later amended the instant charge to allege that the employer refused to negotiate over the eligibility of employees in the clinical position to receive tenure and to be promoted to the Professor II rank and salary. The Commission concludes that given the University's unfettered right to set criteria for academic tenure, it cannot be forced to negotiate over making tenure available to employees without the requisite scholarship. The Commission further concludes that the decision to create the non-tenure clinical faculty series for nursing and pharmacy was non-negotiable. Given the holding that eligibility for tenure for these clinical faculty titles is not mandatorily negotiable, and the Commission's belief that the AAUP's demand to negotiate over job security is intertwined with its demand to negotiate over tenure, the Commission declines to find that Rutgers refused to negotiate in good faith. The Commission also dismisses that aspect of the Complaint concerning promotion to Professor II.

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P.E.R.C. NO. 2000-84

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF UNION CITY,

Petitioner,

-and-

Docket No. SN-2000-70

UNION CITY EMPLOYEES  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Union City for a restraint of binding arbitration of a grievance filed by the Union City Employees Association. The grievance alleges that the City violated the parties' collective negotiations agreement when it suspended an employee without just cause. The Commission concludes that inasmuch as the City is a civil service employer, the employee has an alternate statutory appeal procedure before the Merit System Board to seek review of this suspension.

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P.E.R.C. NO. 2000-85

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GREATER EGG HARBOR  
REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-40

OAKCREST-ABSEGAMI TEACHERS'  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Greater Egg Harbor Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Oakcrest-Absegami Teachers' Association. The grievance contests the withholding of a teaching staff member's salary increment for the 1999-2000 school year. The Commission concludes that the reasons for this withholding include comments on teacher evaluation reports which relate to an evaluation of teaching performance and must be reviewed by the Commissioner of Education.

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P.E.R.C. NO. 2000-86

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-74

MIDDLESEX EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Middlesex Board of Education for a restraint of binding arbitration of a grievance filed by the Middlesex Education Association. The grievance contests the withholding of a teaching staff member's salary increment for the 1999-2000 school year. The Commission concludes that this withholding was predominantly based on concerns arising from the staff member's inability to perform due to his absence and may be resolved through binding arbitration. The Board may raise all of its concerns about the absenteeism to the arbitrator.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of	:	
	:	
COUNTY OF BURLINGTON,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-99-10
	:	
COMMUNICATION WORKERS OF AMERICA,	:	
LOCAL 1034, AFL-CIO,	:	
	:	
Charging Party.	:	
	:	
_____ :	:	
	:	
COUNTY OF BURLINGTON,	:	
	:	
Respondent,	:	
	:	
-and-	:	OAL Docket No. CSV 8122-98S
	:	
COLLEEN FOX,	:	
	:	
Appellant,	:	

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the County of Burlington. The Complaint was based on an unfair practice charge filed by the Communications Workers of America, Local 1034, AFL-CIO. The charge alleges that the County violated the New Jersey Employer-Employee Relations Act when it suspended Colleen Fox, a registered nurse at Buttonwood Hospital, for six days and when the Director of Nursing told Fox at a disciplinary hearing that "the only reason you are here is because you chose to go to the union." Fox also appealed the suspension to the Merit System Board. An Administrative Law Judge issued a decision finding that the 6-day suspension for the offense was unjustified and he recommended that a written reprimand was the proper penalty. He also found that the Director of Nursing did not make such a statement and that the Complaint should be dismissed. The County filed exceptions with the Merit System Board and the Board issued a decision adopting the ALJ's findings and conclusion. Neither party filed exceptions with the Commission and the Commission accepts the ALJ's findings and dismisses the Complaint.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WARREN COUNTY PROSECUTOR'S OFFICE,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-96-41
	:	
COMMUNICATION WORKERS OF AMERICA,	:	
LOCAL 1032, AFL-CIO,	:	
	:	
Charging Party.	:	
	:	
_____ :	:	
	:	
WARREN COUNTY PROSECUTOR'S OFFICE,	:	
	:	
Respondent,	:	
	:	
-and-	:	OAL Docket No. CSV 9007-96
	:	
KATHERINE BERGMANN,	:	
	:	
Appellant,	:	

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Warren County Prosecutor's Office. The Complaint was based on an unfair practice charge filed by the Communications Workers of America, Local 1032, AFL-CIO. The charge alleges that the Prosecutor violated the New Jersey Employer-Employee Relations Act when he terminated Katherine Bergmann, a senior clerk stenographer, allegedly in retaliation for her activity as a member of CWA's negotiations team. Bergmann also appealed the termination to the Merit System Board. The charge and the appeal were consolidated for a hearing before an Administrative Law Judge. The ALJ issued a decision finding that the Prosecutor was not hostile to Bergmann's union activity and that her termination was not in retaliation for such activity. He also found that her termination did not violate civil service laws. The Commission adopts the ALJ's conclusions that Bergmann's union activity was not a motivating factor in her termination.

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convenience of the reader. It has been neither reviewed nor approved by the Commission.