

P.E.R.C. NO. 2001-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TEAMSTERS LOCAL 331,

Respondent,

-and-

Docket No. CI-2000-44

HOWARD CHARLES MCLAUGHLIN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands an amended unfair practice charge to the Director of Unfair Practices. The amended charge was filed by Howard Charles McLaughlin against Teamsters Local 331 and alleges that the union violated the New Jersey Employer-Employee Relations Act in connection with the negotiation and ratification of a collective negotiations agreement between Local 331 and the City of Atlantic City. McLaughlin appealed the Director's refusal to issue a Complaint. The Director found that the Commission did not have jurisdiction over the assertions that Local 331 violated by-laws concerning ratification procedures and dues increases. He also found that not having shop stewards attend meetings with the employer's attorney was an internal union decision. In addition, he found that the allegation that Local 331 favored some unspecified white collar employees did not support finding a breach of the duty of fair representation absent an allegation of discrimination or bad faith. The Commission concludes that the allegation that Local 331 violated its by-laws by increasing dues without calling a special meeting involves solely an alleged breach of a union by-law and does not implicate the duty of fair representation or any other possible unfair practice and was properly dismissed by the Director as outside the Commission's jurisdiction. Viewing the remaining allegations collectively, the Commission believes that they do not suffice to assert a breach of the duty of fair representation. The Commission finds that the amended charge does not set forth enough facts to support the allegations and affords McLaughlin a final opportunity to amend the charge to specify the facts underlying any perceived breach of the duty of fair representation.

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. 2001-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2000-114

UMDNJ COUNCIL OF AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the University of Medicine and Dentistry of New Jersey for a restraint of binding arbitration of a grievance filed by the UMDNJ Council of American Association of University Professors. The grievance alleges that when UMDNJ brought the base salaries of 63 faculty members up to the appropriate range, those who were receiving clinical and faculty practice supplements had the amount of those supplements reduced. The Commission does not consider UMDNJ's assertion that the AAUP waived its right to negotiate and arbitrate any issues concerning supplemental salaries since that is an issue of contractual arbitrability. The Commission, assuming, for purposes of this decision alone, that UMDNJ has a right to set supplemental salaries to attract faculty, does not believe that that right should be extended to include a prerogative to reduce supplemental salaries unilaterally. The Commission finds that UMDNJ has not articulated any educational policy reason for the reductions that outweighs the employees' interest in preserving that portion of their salaries.

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P.E.R.C. NO. 2001-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JERSEY CITY POLICE SUPERIORS
OFFICERS ASSOCIATION,

Petitioner,

-and-

Docket No. SN-2000-72

CITY OF JERSEY CITY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds that a grievance filed by the Jersey City Police Superior Officers Association against the City of Jersey City is not legally arbitrable. The grievance alleges that the City violated the parties' collective negotiations agreement when it denied sergeants overtime; changed the work schedules of lieutenants; and assigned lieutenants to work on a regular and overtime basis to fill in for sergeants in the Bureau of Criminal Identification (BCI). An arbitrator issued an award denying the grievance on May 3, 1999.

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P.E.R.C. NO. 2001-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2001-8

ELIZABETH SUPERIOR OFFICERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Elizabeth for a restraint of binding arbitration of a grievance filed by the Elizabeth Superior Officers Association (SOA). The grievance contests the City's requirement that a sergeant undergo a psychological examination before returning to work following a suspension. The Commission concludes that the right to challenge the application of a fitness for duty policy does not extend to trying to block an employer from determining whether an officer is fit. Arbitration would substantially limit the City's governmental policymaking powers.

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