

P.E.R.C. NO. 2001-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF RAHWAY,

Petitioner,

-and-

Docket No. SN-2001-20

LOCAL 32, OPEIU, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the City of Rahway for a restraint of binding arbitration of a grievance filed by Local 32, OPEIU, AFL-CIO. The grievance contests the City's refusal to allow an employee to participate in a sick leave bank. The Commission grants a restraint of arbitration to the extent the grievance seeks to have an arbitrator order the Board to reimburse the employee for sick bank days without a sick bank program having been approved by the Department of Personnel. The Commission finds that an arbitrator can decide whether a sick bank program exists, either by agreement or practice.

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. 2001-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-25

WARETOWN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Ocean Township Board of Education for a restraint of binding arbitration of a grievance filed by the Waretown Education Association. The grievance contests the replacement of a full-time cafeteria worker position with two three-hour positions. The Commission finds that the employees' interests in seeking to enforce the alleged agreement to maintain work hours, salaries and health benefits outweighs the employer's interest in seeking to change those employment conditions unilaterally.

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P.E.R.C. NO. 2001-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WEST ORANGE,

Petitioner,

-and-

Docket No. SN-2001-19

WEST ORANGE P.B.A. LOCAL NO. 25,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of West Orange for a restraint of binding arbitration of a grievance filed by West Orange P.B.A. Local No. 25. The grievance contests the unilateral implementation of a Traffic Code Enforcement Index, the adoption of a Career Development Program, and the reassignment of an officer from the midnight shift to the day shift. Inasmuch as the Traffic Code Enforcement Index has been rescinded and the PBA does not appear to be challenging the Township's right to establish the Career Development Program, the Commission does not issue rulings on those issues. The Commission holds that the allegation that the officer was transferred for disciplinary reasons must be restrained since police officers cannot arbitrate transfers, even if they are disciplinary.

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P.E.R.C. NO. 2001-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BURLINGTON,

Petitioner,

-and-

Docket No. SN-2001-33

BURLINGTON TOWNSHIP
F.O.P. LODGE 84,

Respondent.

SYNOPOSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Burlington for a restraint of binding arbitration of two grievances filed by a police officer represented by Burlington Township F.O.P. Lodge 84. The first grievance contests the procedures the officer had to follow when calling in sick while assigned to light duty after a job-related injury. The second grievance contests the assignment of the officer to an 8-hour shift rather than the normal 12-hour shift. The Commission holds that whether the employer violated the contract by requiring the officer to charge sick time despite his claim that his absence was job-related can be considered by an arbitrator. The Commission also holds that an arbitrator can consider an employee's claim that the employer discriminated by changing his hours during a light duty assignment when it allowed another employee to work her regular hours while on light duty. The Commission grants a restraint of arbitration to the extent the grievance seeks to contest the requirement that an absent employee complete Schedule Change Reports.

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P.E.R.C. NO. 2001-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FRANKLIN TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-27

FRANKLIN TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Franklin Township Board of Education for a restraint of binding arbitration of a grievance filed by the Franklin Township Education Association. The grievance contests the withholding of a teacher's increments for the 2000-2001 school year. The Commission concludes that this withholding is not based predominately on an evaluation of teaching performance but is limited to an alleged violation of Board policy prohibiting teachers from leaving students alone and general directives and policies concerning student supervision.

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P.E.R.C. NO. 2001-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-H-97-397

CWA, LOCAL 1031, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the University of Medicine and Dentistry of New Jersey violated the New Jersey Employer-Employee Relations Act when it demoted the president of CWA, Local 1031, AFL-CIO, in retaliation for his protected activity. The Commission concludes that even if the demotion was based on both lawful and unlawful motives, UMDNJ has not shown that it would have demoted the employee even absent the protected activity.

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