

P.E.R.C. NO. 2001-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Respondent,

-and-

Docket No. CO-2001-210

TRENTON PBA LOCAL NO. 11,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies Trenton P.B.A. Local No. 11's motion for reconsideration of I.R. No. 2001-8. In that decision, a Commission designee denied the PBA's request for interim relief based on an unfair practice charge it had filed against the City of Trenton. The PBA sought to enjoin the City from implementing a change in uniforms. The Commission finds no extraordinary circumstances warranting reconsideration of the designee's decision.

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. 2001-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2001-41

AFSCME, COUNCIL 73, LOCAL 2286,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Trenton for a restraint of binding arbitration of a grievance filed by AFSCME, Council 73, Local 2286. The grievance contests the alleged disparate application of a residency requirement to a Water System Distribution Technician. The Commission finds that the grievance challenges only the alleged uneven application of the exemption to the residency ordinance and does not challenge the decision to have and enforce a residency ordinance. Thus, the Commission holds that this narrow dispute is legally arbitrable since no statute or regulation eliminates the City's discretion to apply the exemption uniformly and the employees' interest in avoiding disparate treatment outweighs the employer's interest in not being bound to apply its exemption uniformly.

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P.E.R.C. NO. 2001-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLINGBORO BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-44

WILLINGBORO EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Willingboro Board of Education for a restraint of binding arbitration of a grievance filed by the Willingboro Education Association. The grievance contests the withholding of a teaching staff member's increment predominantly for allegedly inappropriate statements made to students in class. The Commission concludes that this withholding was based predominately on the evaluation of teaching performance and restrains arbitration over the substantive decision to withhold the increment. The Commission denies a restraint to the extent the grievance contests alleged procedural violations associated with the teacher's rights to be notified of and respond to complaints.

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P.E.R.C. NO. 2001-69

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY INSTITUTE OF TECHNOLOGY,

Petitioner,

-and-

Docket Nos. SN-2001-51 and
SN-2001-52

NEW JERSEY INSTITUTE OF TECHNOLOGY
SUPERIOR OFFICERS' ASSOCIATION and
FOP LODGE NO. 93,

Respondents.

SYNOPSIS

The Public Employment Relations Commission grants the request of the New Jersey Institute of Technology for a restraint of binding arbitration of grievances filed by the New Jersey Institute of Technology Superior Officers' Association and FOP Lodge No. 93. The grievances contest the termination of two officers. State v. State Troopers Fraternal Ass'n, 134 N.J. 292 (1993) precludes binding arbitration of major disciplinary disputes involving police officers. Accordingly, the Commission restrains arbitration of these grievances.

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