

P.E.R.C. NO. 2002-9

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT,

Public Employer,

-and-

Docket No. RO-H-2000-95

CWA, LOCAL 1032,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a representation petition filed by CWA, Local 1032 seeking to represent a unit of all permanent full-time regional supervisors employed by New Jersey Transit Bus Operations. The Commission concludes that regional supervisors are supervisors within the meaning 29 U.S.C. §152(11) of the NLRA and LMRA because they exercise independent judgment in suspending bus drivers; responsibly directing their work; and disciplining them.

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. 2002-10

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUMSON-FAIR HAVEN REGIONAL  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-62

RUMSON-FAIR HAVEN REGIONAL  
EMPLOYEES ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds that a grievance filed by the Rumson-Fair Haven Regional Employees Association was legally arbitrable. The grievance alleged that a teacher was disciplined by the Rumson-Fair Haven Regional Board of Education without just cause when his schedule was changed from teaching health and driver education classes to one consisting solely of physical education periods. An arbitrator issued an award sustaining the grievance. The Commission concludes that the assignments were disciplinary and that a grievance alleging that a schedule constituted discipline without just cause in violation of the agreement was legally arbitrable.

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. 2002-11

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MORRIS (MORRIS  
VIEW NURSING HOME),

Petitioner,

-and-

Docket No. SN-2001-54

DISTRICT 1199J, NATIONAL UNION OF  
HOSPITAL AND HEALTH CARE EMPLOYEES  
AFSCME, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the County of Morris (Morris View Nursing Home) for a restraint of binding arbitration of a grievance filed by District 1199J, National Union of Hospital and Health Care Employees AFSCME, AFL-CIO. The grievance contests the denial of a promotion. The Commission finds that this grievance involves the employer's managerial prerogative to assess promotional qualifications and select a candidate.

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. 2002-12

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH BERGEN TOWNSHIP  
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TO-H-2000-2

NORTH BERGEN FEDERATION OF TEACHERS,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission finds that the North Bergen Township Board of Education violated N.J.S.A. 34:13A-25 by transferring a switchboard operator represented by the North Bergen Federation of Teachers from the Board office to an elementary school for disciplinary reasons. The Commission orders the Board to return the switchboard operator to the position in the Board office at her regular work hours.

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. 2002-13

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LUMBERTON EDUCATION ASSOCIATION,

Charging Party,

-and-

Docket No. CO-H-99-229

LUMBERTON TOWNSHIP BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds that the Lumberton Township Board of Education violated the New Jersey Employer-Employee Relations Act when it adopted a Family/Medical Leave Policy; when it applied that policy to an employee who took a disability leave, immediately followed by a leave pursuant to the Family Medical Leave Act, 29 U.S.C.A. §2601 et seq; and when it refused to negotiate with the Lumberton Education Association concerning this subject. The Commission orders the Board to rescind the Family/Medical Leave Policy and restore the working conditions that governed such leaves which were in effect prior to the change and to negotiate in good faith with the Association if the Board seeks to establish a family/medical leave policy.

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. 2002-14

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY BOARD OF CHOSEN  
FREEHOLDERS and SOMERSET COUNTY  
PROSECUTOR,

Petitioner,

-and-

Docket No. SN-2001-58

SOMERSET COUNTY DETECTIVES  
UNIT, P.B.A. LOCAL NO. 307,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Somerset County Prosecutor/Somerset County Board of Chosen Freeholders for a restraint of binding arbitration of a grievance filed by Somerset County Prosecutor's Detective Unit, P.B.A. Local No. 307. The grievance contests the salary rate used to calculate payments for unused vacation days payable on retirement. The Commission concludes that compensation on retirement for unused leave is a negotiable term and condition of employment and a grievance seeking payment at the current rate is legally arbitrable. The Commission finds that the only question presented in this case is whether the contract, when read in light of relevant statutes and regulations, compels the employer to pay at the current rates. The Commission concludes that no managerial prerogative or statute bars the PBA from making that argument to an arbitrator.

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. 2002-15

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY BOARD OF CHOSEN  
FREEHOLDERS/SOMERSET COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-2001-59

SOMERSET COUNTY CORRECTIONS OFFICERS'  
POLICEMEN'S BENEVOLENT ASSOCIATION,  
LOCAL NO. 177,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of four proposals made by the Somerset County Corrections Officers' Policemen's Benevolent Association, Local No. 177 for inclusion in a successor collective negotiations agreement with the Somerset County Board of Chosen Freeholders/Somerset County Sheriff. A proposal concerning replacements is not mandatorily negotiable unless it is modified to state that the clause is subject to the employer's right to civilianize for demonstrated governmental policy reasons. A proposal to modify a minimum call-in article to provide that officers will only be required to perform the duty for which they were called in is mandatorily negotiable. An article concerning shift switches is mandatorily negotiable. An article concerning notice of shift change is not mandatorily negotiable unless modified to include language that recognizes the employer's right to deviate from seniority when necessary to preserve its managerial prerogative.

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. 2002-16

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PLEASANTVILLE BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-64

PLEASANTVILLE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Pleasantville Board of Education for a restraint of binding arbitration of a grievance filed by the Pleasantville Education Association. The grievance contests a directive that employees sign in and sign out during their lunch hour. The Commission concludes that a school board has a significant interest in knowing the whereabouts of its teachers and that on this record that interest is not outweighed by any inconvenience to teachers in having to sign out and sign in.

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. 2002-17

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF UNION,

Respondent,

-and-

Docket No. CO-2001-314

UNION COUNTY CORRECTION OFFICERS  
PBA LOCAL NO. 199,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of I.R. No. 2000-16 filed by the Union County Corrections Officers PBA Local No. 199. In that decision, a Commission designee denied the PBA's application for interim relief based on its unfair practice charge against the County of Union. The charge alleges that the employer unilaterally altered terms and conditions of employment by improperly excluding certain unit employees from the contractual shift and post bidding procedure. The Commission concludes that no extraordinary circumstances exist warranting reconsideration.

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.