

P.E.R.C. NO. 2002-75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON STATE-OPERATED SCHOOL
DISTRICT,

Petitioner,

-and-

Docket No. SN-2002-25

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Paterson State-Operated School District for a restraint of binding arbitration of a grievance filed by the Paterson Education Association. The grievance alleges that the District improperly deducted sick days for a work-related injury. The Commission concludes that worker's compensation laws do not bar majority representatives either from seeking to enforce a safety clause on behalf of all employees or from pursuing a contract remedy such as restoration of sick leave days. The Commission also concludes that nothing in N.J.S.A. 18A:30-2.1 would preclude an agreement to restore sick leave days to an employee who was absent for a short period of time because of an allergic reaction to pesticides used in the workplace.

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. 2002-76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY HIGHWAY AUTHORITY,

Petitioner,

-and-

Docket No. SN-2002-27

IFPTE, LOCAL 193 (TOLL SUPERVISORS
OF AMERICA), AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the New Jersey Highway Authority for a restraint of binding arbitration of a grievance filed by IFPTE, Local 193 (Toll Supervisors of America), AFL-CIO. The grievance contests the assignment of toll supervisors to relieve toll collectors during breaks on the midnight shift at the Toms River toll plaza. The Commission concludes that arbitration of this grievance would not significantly interfere with the Authority's governmental policy right to manage its operations.

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P.E.R.C. NO. 2002-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF KEARNY,

Petitioner,

-and-

Docket No. SN-2002-32

KEARNY F.M.B.A. LOCAL NO. 18,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of portions of existing contract articles and negotiations proposals made by Kearny F.M.B.A. Local No. 18 for inclusion in a successor collective negotiations agreement with the Town of Kearny. The Commission concludes that an article concerning conducting FMBA business on Town time is mandatorily negotiable; an article concerning the level of health benefits is mandatorily negotiable, but the identity of a carrier is permissively negotiable; the section of an article that would modify benefits under the State Health Benefits Program cannot be considered by an arbitrator; a proposal concerning shift exchanges is not mandatorily negotiable unless the contract also provides that exchanges are subject to the chief's approval, and an article which would establish a 30-month phase-out period for old uniforms is not mandatorily negotiable.

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P.E.R.C. NO. 2002-78

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DIVISION
OF STATE POLICE),

Petitioner,

-and-

Docket No. SN-2002-35

STATE TROOPERS NON-COMMISSIONED
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Commission grants the request of the State of New Jersey (Division of State Police) for a restraint of binding arbitration of four grievances filed by the State Troopers Non-Commissioned Officers Association. The Commission denies a request for a restraint of binding arbitration, in part, concerning a fifth grievance. The Commission finds that the superintendent's substantive decision to transfer or reassign a public employee is preeminently a policy determination and that characterizing a transfer or reassignment as disciplinary does not make that personnel action negotiable. The Commission declines to restrain binding arbitration of the fifth grievance to the extent it claims that the employer violated contractual procedures allegedly applicable to filling an acting unit head position. Arbitration of this grievance is restrained over any claim that the grievant was denied the position for discriminatory or political reasons.

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P.E.R.C. NO. 2002-79

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RAHWAY VALLEY SEWERAGE AUTHORITY,

Petitioner,

-and-

Docket No. SN-2002-30

PAPER, ALLIED-INDUSTRIAL, CHEMICAL
AND ENERGY WORKERS INTERNATIONAL
UNION, LOCAL 2-149,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Rahway Valley Sewerage Authority for a restraint of binding arbitration of a grievance filed by Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 2-149. The grievance contests an employee's temporary assignment to out-of-title work on a different shift. The Commission concludes that the employees' interests in not having to perform work outside their job description and title, their interest in working their normal negotiated hours of work, and their interest in negotiating over the allocation of work hours and overtime pay opportunities outweigh the employer's interests.

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P.E.R.C. NO. 2002-80

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WASHINGTON,

Petitioner,

-and-

Docket No. SN-2002-14

P.B.A. LOCAL 318,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Washington for a restraint of binding arbitration of grievances filed by P.B.A. Local 318. The request is granted to the extent the grievances allege that the Township is required to negotiate with the PBA concerning the content of test questions and to the extent the grievances seek to enforce provisions of a sidebar agreement that mandate promotions; grandfather current eligibles from any new examination requirement; direct that three individuals be added to the current list; specify the promotional process for those individuals; require future promotional examinations; set parameters for who may prepare, administer and evaluate examinations; require a threshold examination score; direct the content of interview questions; specify that weight be given to departmental seniority, time in grade, and seniority within a division; and specify what officers may apply for what positions.

The request for a restraint of binding arbitration is denied to the extent the grievances seek to enforce alleged obligations to provide timely notice of promotional examinations to eligible candidates; provide the PBA with a list of eligible candidates; and advise candidates of study material and specific sections of recommended texts. A restraint of binding arbitration is also denied to the extent the grievances seek to enforce an alleged obligation under the sidebar agreement that, absent notice of a change in promotional criteria, the Township is obligated to use the current promotional list to fill those vacancies that it chooses to fill, and to the extent the grievances maintain that an individual is entitled, absent a change in promotional criteria and in the circumstances outlined in the agreement, to revert to his prior position on the promotional list, as that position might be modified by promotions of other candidates. Finally, the request for a restraint of binding arbitration is denied to the extent the grievances seek to enforce alleged obligations under the last sentence of Section 8 or requirements that the chief interview all eligible candidates and to require current eligibles to submit an updated resume.

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