

P.E.R.C. NO. 2004-10

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL FIRE AND RESCUE,

Appellant-Respondent,

-and-

Docket No. IA-2000-53

NORTH HUDSON FIREFIGHTERS ASSOCIATION,

Appellant-Respondent.

SYNOPSIS

The Public Employment Relations Commission remands an interest arbitration award which establishes a first contract between the North Hudson Regional Fire and Rescue and the North Hudson Firefighters Association. The award is remanded to the arbitrator for the limited purpose of clarifying whether or not he intended firefighters from Union City and Weehawken to have any accumulated sick leave that carries over into the new agreement for sick leave use and, if appropriate, modifying any aspects of the award. The Commission retains jurisdiction.

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. 2004-11

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL  
FIRE & RESCUE DISTRICT,

Appellant-Respondent,

-and-

Docket No. IA-2000-36

NORTH HUDSON FIRE OFFICERS  
ASSOCIATION,

Appellant-Respondent.

SYNOPSIS

The Public Employment Relations Commission remands an interest arbitration award which establishes a first contract between the North Hudson Regional Fire and Rescue and the North Hudson Fire Officers Association. The award is remanded to the arbitrator for the limited purpose of clarifying whether or not he intended firefighters from Union City and Weehawken to have any accumulated sick leave that carries over into the new agreement for sick leave use and, if appropriate, modifying any aspects of the award. The Commission retains jurisdiction.

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P.E.R.C. NO. 2004-12

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOOD-RIDGE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-2002-80

WOOD-RIDGE EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Wood-Ridge Board of Education. The Complaint was based on an unfair practice charge filed by the Wood-Ridge Education Association. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act when it did not renew the employment contract of a custodian in retaliation for his activity as Association representative. The charges also alleges that this custodian was the third Association custodian representative to be terminated and that the Board's actions chilled employee rights. The Commission concludes that the Board has proven, by a preponderance of the evidence on the entire record, that it would not have renewed the custodian's contract even absent his protected activity. It further concludes that there was insufficient evidence in the record to find that the employer violated the Act by otherwise interfering with protected rights.

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P.E.R.C. NO. 2004-13

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF IRVINGTON,

Respondent,

-and-

Docket Nos. CO-2003-240

CO-2003-241

PBA LOCAL 29 and  
IRVINGTON POLICE SUPERIOR  
OFFICERS ASSOCIATION,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission denies the request of P.B.A. Local 29 and Irvington Polices Superior Officers Association for reconsideration of I.R. No. 2004-1. In that decision, a Commission designee denied the charging parties' application for interim relief based on unfair practice charges filed against the Township of Irvington. The Commission concludes that the designee analyzed the case law and applied its holdings to the parties' contractual provisions and finds no extraordinary circumstances to warrant reconsideration of the designee's determinations.

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P.E.R.C. NO. 2004-14

STATE OF NEW JERSEY  
BEFORE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY POLICE  
DEPARTMENT LAYOFFS,  
Respondent,

OAL DOCKET NO.  
CSV 9166-97

-and-

PBA LOCALS 51 & 51A,  
Petitioners.

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COUNTY OF HUDSON,  
Respondent,

PERC DOCKET NOS.  
CO-H-97-58 and  
CO-H-97-59

-and-

PBA LOCALS 51 & 51A,  
Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands a consolidated matter to the Administrative Law Judge to issue findings of fact and conclusions of law on whether the County of Hudson violated the New Jersey Employer-Employee Relations Act by transferring unit work to non-unit employees of the same public employer and whether the employer laid off union employees represented by PBA Locals 51 and 51A in retaliation for the exercise of rights protected by the Act. The Commission remands to the ALJ to apply In re Bridgewater Tp., 95 N.J. 235 (1984), and to make specific factual conclusions as to whether the unions met their burden of proving, by a preponderance of the evidence, that hostility toward the PBA's participation and success in interest arbitration proceedings was a substantial or motivating factor in the decision to eliminate the County police department and lay off its employees. The Commission also remands to the ALJ to make specific findings of fact as to whether the work traditionally performed by County police was transferred to non-unit employees of the same public employer.

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P.E.R.C. NO. 2004-15

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2003-62

FOP LODGE 12,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by FOP Lodge 12. The grievance alleges that officers were denied vacation days for the year 2001 in violation of the parties' collective negotiations agreement. The Commission holds that the City's objection that a contractual claim raised in the grievance has been resolved and is precluded by a settlement agreement does not present a negotiability question. The Commission finds that this dispute centers on whether the settlement agreement bars the officers from alleging that they did not receive vacation days for 2001 to which they were contractual entitled. A grievance over the mandatorily negotiable issue of vacation pay or entitlement does not become non-arbitrable because the arbitrator may be called on to construe a settlement agreement as well as a contract clause.

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P.E.R.C. NO. 2004-16

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2003-68

AFSCME, COUNCIL 73, LOCAL 2281,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Trenton for a restraint of binding arbitration of a portion of a grievance filed by AFSCME, Council 73, Local 2281. Among other things, the grievance seeks to have the City discipline an employee who brought charges against a non-unit supervisor. The Commission holds that a union may not negotiate or use a disciplinary review procedure to challenge discipline imposed on non-unit employees. The Commission restrains arbitration over that portion of the grievance which seeks to have the City discipline a non-unit employee.

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