

P.E.R.C. NO. 2004-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF KEANSBURG,

Respondent,

-and-

PBA LOCAL NO. 68,

Charging Party.

Docket Nos. CO-H-2001-92
CO-H-2001-243
CO-H-2002-59
CO-H-2002-147

SYNOPSIS

The Public Employment Relations Commission finds that the Borough of Keansburg violated the New Jersey Employer-Employee Relations Act by repudiating the grievance procedure it negotiated with P.B.A. Local No. 68 when it refused to implement grievance decisions sustained at steps one and two between August 2000 and November 2001, except for grievances sustained by the Chief of Police or Deputy Chief in favor of an immediate family member or grievances that were later withdrawn by the PBA and settled.

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. 2004-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY,

Petitioner,

-and-

Docket No. SN-2004-1

PROBATION ASSOCIATION OF NEW JERSEY
(Professional Case-Related Unit),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the New Jersey State Judiciary for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey (Professional Case-Related Unit). The grievance seeks to have vacation and sick days restored to a senior probation officer who had surgery as a result of an on-the-job injury. The Commission grants a restraint to the extent the grievance seeks to appeal the decision of the employer to deny the SLI benefits. The request is denied concerning the employer's alleged failure to comply with its contractual obligation to notify the employee of her SLI appeal rights.

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P.E.R.C. NO. 2004-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PARAMUS BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-7

EDUCATION ASSOCIATION OF PARAMUS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Paramus Board of Education for a restraint of binding arbitration of a grievance filed by the Education Association of Paramus. The grievance alleges that the withholding of a teacher's salary increment is in violation of the contract and without just cause. The Commission concludes that this increment withholding was based on an evaluation of teaching performance, including an alleged failure to develop lesson plans and allegedly inadequate classroom performance. Any appeal of this withholding must be filed with the Commissioner of Education

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P.E.R.C. NO. 2004-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF HARRISON,

Petitioner,

-and-

Docket No. SN-2003-69

HARRISON FIREMEN'S MUTUAL BENEVOLENT
ASSOCIATION, LOCAL NO. 22,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Town of Harrison for a restraint of binding arbitration of a grievance filed by the Firemen's Mutual Benevolent Association, Local No. 22. The FMBA asserts that the Town violated contractual provisions concerning vacations, overtime, maintenance of standards, and safety by not calling in a second officer on a shift. The Commission restrains arbitration to the extent the grievance challenges the employer's staffing levels, but the FMBA may arbitrate its safety concerns.

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P.E.R.C. NO. 2004-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MIDDLETOWN,

Petitioner,

-and-

Docket No. SN-2003-71

COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 1034, BRANCH 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Middletown for a restraint of binding arbitration of a grievance filed by the Communications Workers of America, Local 1034, Branch 4, formerly designated as IUE Local 417. The grievance alleges that the Township has not honored a portion of the contract's wage provision. The Commission grants a restraint of arbitration to the extent, if any, the grievance seeks to pursue an illegal parity claim. The union's claim that the contract requires the reopening of the wage provision because another unit received greater salary increases is legally arbitrable, but should an arbitrator interpret the contract to find that the disputed provision is a parity clause, he or she may not enforce its terms.

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P.E.R.C. NO. 2004-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HAWTHORNE,

Petitioner,

-and-

Docket No. SN-2004-3

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 74, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Borough of Hawthorne for a restraint of binding arbitration of a grievance filed by the Service Employees International Union, Local 74, AFL-CIO. The grievance concerns the assignment of the driver of the senior citizen bus operated by the Borough's public works department. The Commission restrains arbitration to the extent the grievance challenges the employer's decision whom to assign to senior citizen bus driving duties during regular work hours. The Commission denies a restraint of arbitration to the extent the grievance alleges a violation of the contractual overtime or job posting provisions.

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P.E.R.C. NO. 2004-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2004-6

S.E.I.U. LOCAL 74,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City of Elizabeth's request for a restraint of binding arbitration of a grievance filed by S.E.I.U. Local 74. The grievance alleges that the City violated the parties' contract when two employees were bypassed for promotion and two less senior employees were appointed. The Commission finds that the grievance is preempted by civil service regulations.

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