

P.E.R.C. NO. 2004-42

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 denies the New Jersey Judiciary's motion for reconsideration of P.E.R.C. No. 2004-28. In that decision, we held that a Judiciary employee represented by the Probation Association of New Jersey (PANJ) could not challenge a denial of Sick Leave Injury (SLI) benefits through binding arbitration. However, we permitted arbitration over a claim that the employer violated an alleged contractual obligation to notify the employee of her SLI appeal rights. The employer argues that Department of Personnel regulations govern procedural notice requirements and any alleged deviation can only be challenged in an appeal now pending before the Merit System Board. The Commission concludes that the motion is untimely and also that there are no extraordinary circumstances 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.

P.E.R.C. NO. 2004-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WARREN COUNTY POLLUTION CONTROL
FINANCING AUTHORITY,

Respondent,

-and-

Docket No. RD-2004-2

JOAN PLUTO,

Petitioner,

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 68, AFL-CIO,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies a request for review by the International Union of Operating Engineers, Local 68, AFL-CIO. Local 68 seeks review of the Director of Representation's ruling that only unit employees employed by the Warren County Pollution Control Financing Authority as of November 6, 2003 were eligible to vote in a decertification election. The Commission finds that the Director's determination was well within his authority and there is no basis to grant this request for review.

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P.E.R.C. NO. 2004-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HILLSBOROUGH,

Petitioner,

-and-

Docket No. SN-2004-18

P.B.A. LOCAL 205,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Hillsborough for a restraint of binding arbitration of a grievance filed by P.B.A. Local 205. The grievance contests the chief's refusal to allow a patrol officer to file criminal charges against a civilian who had filed an internal affairs complaint against him. The Commission concludes that under the particular circumstances of this case, the Township's policymaking powers would be substantially limited if a negotiated agreement could override the decision not to permit a police officer to bring criminal charges against a civilian for providing false information to a police department.

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P.E.R.C. NO. 2004-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF WALDWICK,

Petitioner,

-and-

Docket No. SN-2004-11

P.B.A. LOCAL 217,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that a longevity proposal made by the Borough of Waldwick for inclusion in a successor collective negotiations agreement with P.B.A. Local 217 is mandatorily negotiable. The proposal would eliminate longevity for new hires and provide that current employees would receive longevity until they retire. The Commission concludes that the Borough is proposing to eliminate longevity for new hires which is a mandatorily negotiable compensation issue. It further concludes that the proposal does not seek to prevent future changes through negotiations or arbitration.

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P.E.R.C. NO. 2004-46

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-2003-51

CAMDEN COUNTY SHERIFF'S OFFICERS
P.B.A. LOCAL 277 AND SOA LOCAL 277,

Respondents.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of several proposals made by the Camden County Sheriff's Officers, P.B.A. Local 277 and Camden County Sheriff's Superior Officers, P.B.A. Local 277 (SOA) during interest arbitration proceedings for a successor collective negotiations agreement with the Camden County Sheriff. The Commission concludes that the PBA's proposal for seniority in job bidding in event of merger; the PBA's job bidding proposal; the SOA's salary step at 20 years proposal; and the PBA/SOA's counsel's fees proposal are mandatorily negotiable.

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P.E.R.C. NO. 2004-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MATAWAN-ABERDEEN REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-20

MATAWAN REGIONAL TEACHERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Matawan-Aberdeen Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Matawan Regional Teachers Association. The grievance contests the withholding of a computer science teacher's salary increment for the 2003-2004 school year. The Commission concludes that this withholding was triggered by the conclusion that hacking by students into school computers and other student misconduct occurred during the teacher's class. The Commission finds that these reasons predominately involve an evaluation of teaching performance. Any appeal must be filed with the Commissioner of Education.

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P.E.R.C. NO. 2004-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL FIRE & RESCUE,

Respondent,

-and-

Docket No. CO-H-2000-254

NORTH HUDSON FIRE OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the North Hudson Regional Fire & Rescue. The Complaint was based on an unfair practice charge filed by the North Hudson Fire Officers Association alleging that the Regional violated the New Jersey Employer-Employee Relations Act by unilaterally modifying employee compensation during interest arbitration proceedings, thereby interfering with the administration of a new negotiations unit and chilling the rights of the Association. The Commission holds that this case is moot since it involved a dispute over the salary to be paid former Weehawken employees, who were promoted to a newly-created lieutenant position, pending the issuance of an interest arbitration award setting those salaries. That award has issued and has been affirmed by this Commission.

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P.E.R.C. NO. 2004-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

Docket No. RO-2003-77

NEW JERSEY CORRECTIONS ASSOCIATION, INC.,
AFFILIATED WITH THE FRATERNAL ORDER OF POLICE,

Petitioner,

STATE LAW ENFORCEMENT CONFERENCE OF THE
NEW JERSEY STATE POLICEMEN'S BENEVOLENT
ASSOCIATION,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission grants a request for review of the New Jersey Corrections Association, Inc., affiliated with the Fraternal Order of Police. The Director of Representation ordered a new mail ballot election because incorrect addresses resulted in disenfranchising enough voters to affect the outcome of the original election. The PBA requested cross-review of the dismissal of some of its objections. The commission finds that correct addresses were not supplied in time to allow the employees to vote and therefore that at least 120 eligible voters were disenfranchised. That number of disenfranchised voters could have affected the outcome of the election. The Commission sustains the Director's decision to set aside the election and direct a new election.

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