

P.E.R.C. NO. 97-143

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HADDONFIELD and  
TEAMSTERS LOCAL UNION NO. 676,

Respondents,

-and-

Docket No. CI-97-30

CARROLL E. GERKEY,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains a refusal to issue a Complaint on an unfair practice charge filed by Carroll E. Gerkey against the Borough of Haddonfield and Teamsters Local Union No. 676. The charge alleges that the employer wrongfully terminated Gerkey and that the union misled him about his right to initiate arbitration and his right to appeal to the Teamsters International Union. The Commission finds that the allegations against the employer were untimely and that nothing in the charge, amendment or affidavit alleges that the union's conduct was arbitrary, discriminatory, or taken in bad faith. Accordingly, there is no allegation that the union breached its duty of fair representation.

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. 97-144

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BURLINGTON,

Respondent,

-and-

Docket No. CO-H-95-251

COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1044,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO, Local 1044 against the County of Burlington. The charge alleges that the County violated the New Jersey Employer-Employee Relations Act when it laid off Dorothy Sharp, an employability specialist, allegedly because she filed grievances. The Commission finds that the union did not prove that the employer knew of Sharp's protected activity or was hostile towards Sharp or CWA in any way.

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. 97-145

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY  
(DEPARTMENT OF CORRECTIONS),

Respondent,

-and-

Docket No. CO-H-96-77

COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1040,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO, Local 1040 against the State of New Jersey (Department of Corrections). The charge alleges that the State violated the New Jersey Employer-Employee Relations Commission when it prohibited employees represented by CWA from wearing T-shirts stating "Don't Privatize, Manage Wise" within the inner perimeter of correctional facilities. The Commission concludes that special circumstances justified this prohibition.

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. 97-146

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CARTERET EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-H-95-28

SAAD RADWAN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint based on an unfair practice charge filed by Saad Radwan against the Carteret Education Association. The Complaint alleges that the Association deprived Radwan of access to the grievance procedure. The Commission finds that the Association declined in good faith to process Radwan's grievances and did not violate its duty to fairly represent him by not informing him that he could file grievances on his own.

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. 97-147

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF RAHWAY,

Petitioner,

-and-

Docket No. SN-97-47

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL UNION NO. 469,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Rahway for a restraint of binding arbitration of a grievance filed by the International Brotherhood of Teamsters, Local Union No. 469. The grievance contests an employee's layoff. The Commission finds that the contractual seniority provisions governing layoffs and recalls are inconsistent with and preempted by N.J.A.C. 4A:8-2.4(a) and that appeals involving the demotional/layoff rights of permanent Civil Service employees must be filed with the New Jersey Department of Personnel.

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. 97-148

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

IRVINGTON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-94-337

IRVINGTON ADMINISTRATORS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Irvington Board of Education violated the New Jersey Employer-Employee Relations Act when it required directors and supervisors represented by the Irvington Administrators Association to work on days when inclement weather forced schools to close. The Commission finds that the Board had an obligation to negotiate before changing its existing practice of not requiring any administrator to report for work on days when the schools were closed for inclement weather. The Commission orders the Board to negotiate with the Association over the issue of attendance by supervisors and directors during days when schools are closed due to inclement weather; compensate those supervisors and directors who reported to work by granting them additional leave or paying them on a pro rata basis; restore leave time to those supervisors and directors who did not report to work and were compelled to use leave; and to post a notice of the violations.

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. 97-149

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MONROE,

Petitioner,

-and-

Docket No. SN-97-72

UNITED FOOD & COMMERCIAL  
WORKERS UNION, LOCAL 1360,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Monroe for a restraint of binding arbitration of a grievance filed by the United Food & Commercial Workers Union, Local 1360. The grievance asserts that the Township violated the parties' collective negotiations agreement when it discontinued emergency medical service coverage on recognized holidays and instead relied on volunteer services. The Commission finds that the employer has made a decision to curtail operations on holidays and that the resulting reductions in overtime opportunities cannot be challenged through binding arbitration.

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. 97-150

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BELMAR,

Petitioner,

-and-

Docket No. SN-97-38

IUE, LOCAL 417,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Belmar for a restraint of binding arbitration of a grievance filed by IUE, Local 417. The grievance asserts that the Borough violated the parties' collective negotiations agreement by subcontracting unit work and failing to properly notify Local 417 of its decision. The Commission grants the restraint with respect to that portion of the grievance challenging the Borough's decision to subcontract.

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. 97-151

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL  
DISTRICT OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-97-55

JERSEY CITY EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State-Operated School District of Jersey City for a restraint of binding arbitration of a grievance filed by the Jersey City Education Association. The grievance alleges that the District violated the parties' collective negotiations agreement when it unilaterally increased the workload of high school staff by implementing a block schedule. The Commission grants the request to the extent the grievance seeks to prohibit the District from implementing block scheduling. The request is denied to the extent the grievance seeks compensation for increased workload.

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. 97-152

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FAIRVIEW,

Respondent,

-and-

Docket No. CO-H-97-206

FAIRVIEW PBA LOCAL 45 (FAIRVIEW UNIT),

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants Fairview PBA Local 45's motion for summary judgment of an unfair practice charge filed by the PBA against the Borough of Fairview. The charge alleges that the Borough violated the New Jersey Employer-Employee Relations Act when it unilaterally changed the pay period from weekly to biweekly. The Commission orders the Borough to restore the status quo and to negotiate with the union before changing payroll periods again.

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. 97-153

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-97-46

FRATERNAL ORDER OF POLICE,  
NEWARK LODGE NO. 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 the Fraternal Order of Police, Newark Lodge No. 12. The grievance asserts that the City violated its contract with the FOP when it directed certain police officers to turn in their portable, two-way radios. The Commission finds that given the employees' safety concerns, this dispute is at least permissively negotiable and may be arbitrated.

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. 97-154

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN COUNTY LIBRARY,

Petitioner,

-and-

Docket No. SN-97-56

OPEIU LOCAL 32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Ocean County Library for a restraint of binding arbitration of a grievance filed by OPEIU Local 32. The grievance contests a one-day and a two-day suspension without pay imposed upon a supervising librarian. The Commission finds that suspensions of five days or less constitute minor discipline and this employer could have legally agreed to negotiate procedures providing for binding arbitration of these minor disciplinary disputes.

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.