

P.E.R.C. NO. 98-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Public Employer,

-AND-

SEIU LOCAL 617,

Docket No. RO-96-109

Petitioner,

-and-

DISTRICT 6, INTERNATIONAL UNION
OF INDUSTRIAL, SERVICE, TRANSPORT
& HEALTH EMPLOYEES,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies SEIU Local 617's request for review of the Director of Representation's dismissal of its representation petition. The Director found that ratification of a collective negotiations agreement by the incumbent majority representative, District 6, International Union of Industrial, Service, Transport & Health Employees, and the employer, the City of Newark, acted as a contract bar to SEIU's petition. The Commission finds that SEIU had an opportunity to place in the record evidence to support its contention that the contract was not ratified. It did not do so and the Commission will not disturb the Director's decisions dismissing its petition and denying 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. 98-2

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,
Petitioner,

-and-

Docket No. SN-97-91

FRATERNAL ORDER OF POLICE,
LODGE NO. 62,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Rutgers, the State University for a restraint of binding arbitration of a grievance filed by the Fraternal Order of Police, Lodge No. 62. The grievance contests a patrol officer's two-day suspension. N.J.S.A. 34:13A-5.3 permits binding arbitration of minor discipline for all public employees covered by the Act, except State troopers. Minor discipline means fines or suspensions of five days or less. Thus, the Commission finds that Rutgers could have lawfully agreed to submit this two-day suspension to 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. 98-8

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC COUNTY
(DEPARTMENT OF CORRECTIONS),

Respondent,

-and-

Docket Nos. CO-H-96-412
CO-H-96-413

FRATERNAL ORDER OF POLICE LODGE NO. 34,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the County of Atlantic violated the New Jersey Employer-Employee Relations Act when it denied Fraternal Order of Police Lodge No. 34 president Frank Kovach access to the County Justice Facility and served Kovach with a notice of termination at negotiations and objected to his participation in negotiations because he had been fired. The Commission orders the County to rescind its absolute ban on access for Frank Kovach at the Gormley Justice Complex premises; grant Kovach reasonable access to County facilities for the purpose of conducting Lodge 34 union business, including representing unit employees in negotiating and administering the contract, representing employees in the investigation, filing and processing of grievances, and representing employees in disciplinary and grievance hearings; recognize Frank Kovach as long as he remains the duly elected president of Lodge 34; negotiate in good faith with the FOP's designated negotiations representatives, and to post a notice of its 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. 98-9

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMILTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-103

HAMILTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Hamilton Township Board of Education for a restraint of binding arbitration of a grievance filed by the Hamilton Township Education Association. The grievance asserts that a custodian was discharged without just cause. The Commission finds that although the Board reduced the overall number of full-time custodial positions, its failure to move this custodian into a vacant position requires rejection of the employer's lay off rationale. The Association may argue to an arbitrator that the custodian had contractual job security and was discharged without just cause.

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. 98-10

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH ARLINGTON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-94-357

NORTH ARLINGTON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the North Arlington Board of Education violated the New Jersey Employer-Employee Relations Act by assigning unit work to non-unit employees represented by the North Arlington Education Association, thereby eliminating overtime opportunities for unit employees. The Commission orders the Board to immediately discontinue the use of non-unit substitute custodians who are performing work previously assigned during the school year to unit custodians as overtime work and post a notice of its violation.

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. 98-11

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLINGBORO BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-64

WILLINGBORO EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Willingboro Township Board of Education for a restraint of binding arbitration of a grievance filed by the Willingboro Education Association. The grievance seeks compensation and a reduction in workload for librarians who allegedly had their workload and responsibilities increased during the 1996-97 school year. The request for a restraint is granted to the extent the grievance seeks to require that the schedules and responsibilities of elementary librarians be reduced immediately. The request is denied to the extent the grievance seeks compensation or negotiations over compensation for an alleged increase in workload for elementary school librarians.

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. 98-4

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MT. ARLINGTON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TI-97-1

JUDITH LOUGHRIDGE,

Petitioner.

In the Matter of

MT. ARLINGTON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-67

MT. ARLINGTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

In consolidated contested transfer determination and scope of negotiations determination matters, the Public Employment Relations Commission denies the request of the Mt. Arlington Board of Education for a restraint of binding arbitration of a grievance filed by the Mt. Arlington Education Association and dismisses a contested transfer petition filed by Judith Loughridge against the Board. The grievance contests Loughridge's transfer from a fifth grade teaching position to a basic skills teaching position. The contested transfer petition alleges that the Board violated N.J.S.A. 34:13A-25 by transferring Loughridge for disciplinary

reasons.

The Commission finds that the reassignment decision relates to an incident for which Loughridge was being disciplined and the Board did not offer an educationally-based rationale that would delink the reassignment from the discipline being imposed. The Commission finds that the intraschool transfer from a fourth grade teaching position to a basic skills position was not between work sites and dismisses the contest transfer petition.

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. 98-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS COUNTY SHERIFF,

Petitioner,

-and-

Docket No. ID-97-2

MORRIS COUNTY SHERIFF'S
SUPERIOR OFFICERS' ASSOCIATION,
PBA LOCAL 298,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a petition for issue definition determination filed by the Morris County Sheriff. The petition seeks a determination that three proposals made by the Morris County Sheriff's Superior Officers Association, PBA Local 298 should be classified as economic issues for the purpose of interest arbitration. Under the reform statute, P.L. 1995, c. 425, effective January 10, 1996, issue identification will normally be necessary only in those circumstances where the parties have mutually agreed to use final offer arbitration as the terminal procedure. Since conventional arbitration is the terminal procedure in this matter, the Commission finds that it is not necessary or appropriate to decide this petition for issue definition determination.

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. 98-6

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERKELEY HEIGHTS BOARD
OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-97-210

BERKELEY HEIGHTS EDUCATION
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Berkeley Heights Board of Education violated the New Jersey Employer-Employee Relations Act by unilaterally scheduling six instructional periods for teachers at its Governor Livingston High School. Effective for the 1997-98 school year, the Union County Regional High School District will be dissolved and the Governor Livingston High School will devolve to the control of the Board, formerly a K-8 school district. The Commission finds that the number of teaching periods is a term and condition of employment that the Board must preserve pending successor contract negotiations. Because the Board has not refused to negotiate over teacher workload or unilaterally implemented a six period maximum, the Commission does not issue a cease and desist order or any other remedy, but restrains the Board from unilaterally increasing the number of teaching periods from five to six for high school teachers pending successor contract negotiations.

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. 98-7

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Public Employer,

-and-

Docket No. RO-97-88

FOP LODGE NO. 155,
SUPERIOR OFFICERS,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the University of Medicine and Dentistry of New Jersey's request for review of the Director of Representation's decision to conduct an election among the University's police sergeants which FOP Lodge No. 155 seeks to represent. The employer argues that having its sergeants represented by the FOP will weaken or abrogate the disciplinary process; there will be a conflict of loyalties; and representation should be prohibited because the same law firm represents both FOP organizations. The Commission finds, consistent with its longstanding and judicially-approved approach, no compelling reason to consider the employer's claims pre-certification. Such claims can be raised in an unfair practice charge, should the facts warrant.

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. 98-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY INSTITUTE OF TECHNOLOGY,

Petitioner,

-and-

Docket No. SN-97-40

FOP LODGE NO. 93,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of NJIT for a restraint of binding arbitration of a grievance filed by FOP Lodge No. 93. The grievance contests a five-day suspension and the termination of a police officer. The Commission grants the restraint to the extent the grievance contests the merits of the termination. The Commission denies the restraint to the extent that the grievance contests a five-day suspension of the police officer before the termination.

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.