

P.E.R.C. NO. 99-42

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BURLINGTON,

Respondent,

-and-

Docket No. CO-H-97-220

PBA LOCAL 249,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission, under the unusual circumstances of this case, vacates the order in P.E.R.C. No. 98-122 and dismisses the Complaint as moot. The Complaint was based on an unfair practice charge filed by PBA Local 249 against the County of Burlington. The Complaint alleged that the County violated the Act by unilaterally transferring work historically performed by correction officers represented by the PBA to non-unit employees. The Commission ordered a restoration of the status quo pending negotiations over the transfer of the disputed duties. The County appealed. After a pre-argument conference, the Appellate Division issued an order of limited remand so that the Commission could consider a motion by the County to vacate the order in P.E.R.C. No. 98-122 in light of the Supreme Court's decision in City of Jersey City v. Jersey City POBA, 154 N.J. 555 (1998). The Commission grants the motion and, in light of the fact that the parties have resolved the underlying dispute, dismisses the Complaint as moot.

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. 99-43

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF NEW MILFORD,

Petitioner,

-and-

Docket No. SN-99-5

NEW MILFORD P.B.A. LOCAL 83,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of New Milford for a restraint of binding arbitration of a grievance filed by New Milford P.B.A. Local 83. The grievance alleges that a detective was disciplined without just cause when he was reassigned from the detective bureau to the patrol division. The Commission holds that this reassignment of a police officer is not legally arbitrable regardless of whether it was disciplinary.

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P.E.R.C. NO. 99-44

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Petitioner,

-and-

Docket No. SN-98-95

RUTGERS COUNCIL OF AAUP CHAPTERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Rutgers, the State University to have a permanent referee restrained from ruling on an objection made by Rutgers Council of AAUP Chapters during the processing of a grievance alleging procedural flaws in the non-reappointment of a non-tenured faculty member. The AAUP seeks to have the faculty member's dean disqualified from representing the employer before a Grievance Committee made up of tenured faculty members. Rutgers asserts that disqualifying the dean violates its right to select its representatives for purposes of adjustment of grievances. The Commission has treated the scope petition as if it were an unfair practice charge, but defers the dispute to the pending proceeding before the referee. The Commission retains jurisdiction for the purpose of entertaining an application for further consideration if the referee reaches a result which the employer believes is repugnant to the Act.

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P.E.R.C. NO. 99-45

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RANDOLPH TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-98-88

RANDOLPH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Randolph Township Board of Education for a restraint of binding arbitration of grievances filed by the Randolph Education Association. One grievance contests the withholding of a tenured secretary's increment for the 1996-1997 school year and the second contests the withholding of another tenured secretary's increment for the 1997-1998 school year. The Commission holds that, under the 1990 amendments, all non-teaching staff member withholdings are disciplinary and must be submitted to binding arbitration.

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P.E.R.C. NO. 99-46

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MERCER COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-99-3

MERCER COUNTY SHERIFF'S  
OFFICERS, P.B.A. LOCAL 187,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Mercer County Sheriff for a restraint of binding arbitration of a grievance filed by the Mercer County Sheriff's Officers, PBA Local 187. The grievance alleges that the employer violated a seniority provision in the parties' collective negotiations agreement when it reassigned two sheriff's officers from their shift assignments at the airport and replaced them with junior officers and investigators. The Commission finds that if the employer agreed that officers could choose shifts by seniority before assignments are made and the employer did not have any governmental policy reason to deviate from the terms of that agreement with respect to the two reassignments in question, enforcement of the agreement would not substantially limit governmental policymaking powers.

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P.E.R.C. NO. 99-47

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FAIRVIEW FREE PUBLIC LIBRARY,

Respondent,

-and-

Docket No. CO-H-98-28

CWA LOCAL 1045, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Fairview Free Public Library violated the New Jersey Employer-Employee Relations Act when it eliminated paid holidays for part-time employees and modified bereavement leave conditions after CWA Local 1045, AFL-CIO filed a representation petition. The Commission concludes that the tendency of the elimination of paid holidays to interfere with the rights of employees to file a representation petition and to vote in a fair election outweighed the employer's need to act during representation proceedings. The Commission orders the Library to rescind the Library Board resolutions of June 23, 1997 eliminating holiday pay for part-time employees and modifying bereavement leave conditions.

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P.E.R.C. NO. 99-48

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-98-104

NEWARK POLICE SUPERIOR  
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Newark for a restraint of binding arbitration of a grievance filed by the Newark Police Superior Officers Association. The grievance asserts that the City violated a general order and several provisions of the parties' collective negotiations agreement by holding a disciplinary hearing in the absence of an accused officer, who was allegedly too ill to attend. The Commission restrains arbitration to the extent that the SOA seeks to contest the officer's termination. Any procedural claim that forms the basis of a challenge to the termination must be presented through the statutory appeal mechanism instead of binding arbitration.

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