

P.E.R.C. NO. 2000-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-H-98-471

COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the State of New Jersey. The Complaint was based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO. The charge alleges that the State violated the New Jersey Employer-Employee Relations Act when the State Health Benefits Commission ("SHBC") announced increases, effective July 1, 1998, in certain co-payments for employees participating in Dental Plan Organizations. The Commission concludes that, under the circumstances of this case, the SHBC's actions did not repudiate the parties' contracts or trigger a statutory negotiations obligation and that any challenge to the validity of the SHBC's actions must be made in another forum. The Commission does not consider whether CWA could legally seek an arbitral determination that the employer had contractually agreed to maintain co-payment levels.

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. 2000-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF CLINTON,

Petitioner,

-and-

Docket No. SN-99-72

CLINTON P.B.A. LOCAL 329,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township of Clinton's motion for reconsideration of the Commission's decision in P.E.R.C. No. 2000-3. In that decision, the Commission found mandatorily negotiable a revised work schedule proposal that Clinton P.B.A. Local 329 seeks to submit to an interest arbitrator. The Township contends that the Commission's decision is neither supported by the facts nor consistent with precedent. The Commission reaffirms its holding and finds that an arbitrator may consider this work schedule issue.

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P.E.R.C. NO. 2000-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-99-99

P.B.A. LOCAL 177, SOMERSET
CORRECTIONS OFFICERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Somerset County Sheriff's motion for reconsideration of P.E.R.C. No. 2000-20. In that case the Commission granted in part and denied in part the employer's request for a restraint of binding arbitration of two grievances filed by P.B.A. Local 177, Somerset County Corrections Officers. The grievances asserted that the employer violated the parties' collective negotiations agreement by discriminatorily denying female correction officers their preferred shifts and regular days off while permitting less senior male officers to choose their preferred shifts and days off. The Commission restrained arbitration to the extent the grievances, if sustained, would compromise the employer's statutory right to have at least one female correction officer on every shift. The Commission declined to restrain arbitration to the extent the Sheriff claimed a preemptive right or non-negotiable prerogative to have two or more female corrections officers on every shift. The Commission finds no extraordinary circumstances for granting reconsideration.

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P.E.R.C. NO. 2000-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EGG HARBOR TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-8

EGG HARBOR TOWNSHIP SUPPORT STAFF
SERVICE PERSONNEL ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of two contract provisions in an expired collective negotiations agreement between the Egg Harbor Township Board of Education and the Egg Harbor Township Support Staff Service Personnel Association. The Commission finds a proposal concerning employee discipline in public to be mandatorily negotiable. The Commission also finds a proposal concerning employee discipline/job security to be mandatorily negotiable.

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P.E.R.C. NO. 2000-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LONG HILL,

Petitioner,

-and-

Docket No. SN-99-62

P.B.A. LOCAL NO. 322,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of three proposals which P.B.A. Local No. 322 has proposed for inclusion in a successor collective negotiations agreement with the Township of Long Hill. The Commission finds mandatorily negotiable a proposal to maintain current work schedules; a proposal that schedules for duty be guaranteed, and a proposal concerning employees' rights to take contractually guaranteed time off.

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P.E.R.C. NO. 2000-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST BRUNSWICK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-103

EAST BRUNSWICK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public employment Relations Commission denies the request of the East Brunswick Board of Education for a restraint of binding arbitration of a grievance filed by the East Brunswick Education Association. The grievance contests the Board's decision to employ independent social workers and learning disability teacher consultants rather than use district social workers and LDTCs during the summer of 1998 to evaluate incoming students. The Commission notes that the Association does not dispute that the Board has a managerial prerogative to subcontract child study team services and the Board does not dispute that the Association's unit work claim is arbitrable. The Commission finds that the only dispute in this matter is whether the Association should be able to arbitrate an issue that was not properly raised in the early stages of the grievance procedure. The Commission concludes that that issue is to be decided by an arbitrator or the Court and therefore declines to restrain arbitration.

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P.E.R.C. NO. 2000-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2000-18

P.B.A. LOCAL NO. 4,

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 P.B.A. Local No. 4. The Commission denies the City's request for a restraint of binding arbitration of three other grievances. The Commission finds that a grievance pertaining to a change in sick leave policy is not legally arbitrable. The Commission finds legally arbitrable grievances concerning officers' meal detail, compensation for loss of the use of police vehicles, and annual vacation scheduling.

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P.E.R.C. NO. 2000-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOLMDEL TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-99-85

HOLMDEL TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of several contract articles which the Holmdel Township Board of Education seeks to remove from a successor collective negotiations agreement with the Holmdel Township Education Association. The Association has proposed new language on each article. The Commission finds two sections of an article concerning borrowing sick leave and extending sick leave to be preempted by education statutes. An article concerning staff qualifications is found to be not mandatorily negotiable. An article which sets the criteria for teacher assignments is not mandatorily negotiable. The first sentence of a proposal regarding transfers and reassignments of employees between work sites is not mandatorily negotiable because it conflicts with N.J.S.A. 34:13A-25. The second sentence of the proposal would inform employees of their right not to be transferred between worksites for disciplinary reasons and is a mandatorily negotiable notice provision. The Board seeks the removal of an article concerning contracting out building services and the Association proposes language which would require six months notice to the Association of the Board's intention to contract out. The Commission finds this proposal to be not mandatorily negotiable and that the parties may negotiate over a notice period that properly takes into account both the employees' interests and the employer's need to respond to fiscal emergencies. The Commission finds that a proposal which would require six months notice to the Association of any change in the evaluation form is too restrictive and the parties should negotiate over a notice period which gives the employees an

opportunity for input and the employer an opportunity to respond to educational policy needs.

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