

D.U.P. NO. 96-2

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF UNFAIR PRACTICES

In the Matter of

STATE OF NEW JERSEY,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent,

-and-

Docket No. CO-95-428

IFPTE, LOCAL 195, AFL-CIO,

Charging Party.

SYNOPSIS

The Director of Unfair Practices, following the Commission's decision in State of New Jersey (DEP) and CWA, P.E.R.C. No. 95-115, ___ NJPER ___ (1___ 1995), dismissed an unfair practice charge alleging that the State failed to negotiate a reduction in hours and compensation for technical employees employed by the DEP for fiscal year 1996.

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Appearances:

For the Respondent,
Peter Beil, Coordinator

For the Charging Party,
Balk, Oxfeld, Mandell & Cohen, attorneys
(Arnold S. Cohen, of counsel)

REFUSAL TO ISSUE COMPLAINT

On June 19, 1995, the International Federation of Professional and Technical Engineers, AFL-CIO, Local 195, AFL-CIO (IFPTE) filed an unfair practice charge against the Department of Environmental Protection (DEP), alleging that the DEP failed to negotiate a reduction in hours and compensation for technical employees employed by the DEP for fiscal year 1996. Charging party

alleges that these actions violate the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4(a)(1) and (5).^{1/}

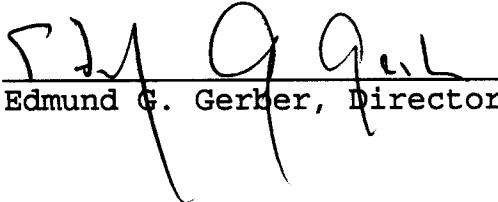
The Commission has authority to issue complaints if it appears that the allegations of the charging party, if true, may constitute an unfair practice within the meaning of the Act and that final proceedings in respect thereto should be instituted in order to afford the parties an opportunity to litigate relevant legal and factual issues. N.J.A.C. 19:14-2.1. The Commission's rules provides that I may decline to issue a complaint. N.J.A.C. 19:14-2.3. The Commission's complaint issuance standard has not been met in this case.

The State announced that approximately 1,800 DEP employees, including the technical employees, will have their 40 hour workweek reduced to a 35 hour workweek with a corresponding reduction in pay. For the reasons stated in State of New Jersey (DEP) and CWA, P.E.R.C. No. 95-115, ___ NJPER ___ (¶ 1995), the reduction in the workweek of the affected employees in the Department of Environmental Protection is not mandatorily negotiable.

^{1/} These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative."

Therefore, I decline to issue a complaint on the allegations of this charge, and the charge is dismissed in its entirety.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: July 11, 1995
Trenton, New Jersey