

H.E. NO. 95-19

STATE OF NEW JERSEY
BEFORE A HEARING EXAMINER OF THE
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EDISON,

Respondent,

-and-

Docket Nos. CO-H-95-8
and CO-H-95-9

PUBLIC EMPLOYEES SERVICE UNION,
LOCAL 702,

Charging Party.

Appearances:

For the Respondent,
Karcher, Salmond, Ronan & Rainone, attorneys
(Ronald H. Gordon, of counsel)

For the Charging Party,
Guazzo, Perelson, Rushfield & Guazzo, attorneys
(Mark C. Rushfield, of counsel)

HEARING EXAMINER'S REPORT
AND RECOMMENDED DECISION

On July 11, 1994, Public Employees Service Union Local 702 filed two Unfair Practice Charges with the Public Employment Relations Commission against the Township of Edison. An Order Consolidating Cases and a Consolidated Complaint and Notice of Hearing issued on December 5, 1994. A pre-hearing conference was conducted on January 11, 1995. At the conference, the parties agreed to resolve these matters by consenting to a cease and desist order. Their agreement is set forth in the attached signed Consent

Order, which is fully incorporated herein. I have reviewed the terms of the Order and find:

1. The parties have voluntarily agreed to the Order as evidenced by the signatures of their representatives.

2. The Order fully disposes of all issues raised in the consolidated charges and is consistent with the law.

I have approved the terms of the agreement and therefore I recommend that the Commission ORDER that the parties comply with the terms of the Consent Order.

This recommendation is not a final administrative determination of the Public Employment Relations Commission. The cases are transferred to the Commission for review of the Consent Order. The Commission may adopt, reject or modify it.

Margaret A. Cotoia
Hearing Examiner

DATED: March 3, 1995
Trenton, New Jersey

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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| In the Matters of | : | |
| TOWNSHIP OF EDISON, | : | |
| Respondent, | : | |
| -and | : | Docket No. CO-H-95-8 |
| PUBLIC EMPLOYEES SERVICE UNION, LOCAL #702, | : | |
| Charging Party. | : | CONSENT ORDER |

| | | |
|---|---|----------------------|
| TOWNSHIP OF EDISON, | : | |
| Respondent, | : | |
| -and | : | Docket No. CO-H-95-9 |
| PUBLIC EMPLOYEES SERVICE UNION, LOCAL #702, | : | |
| Charging Party. | : | |

The above-captioned cases having been consolidated by Order dated December 5, 1994, and the Charging Party Public Employees Service Union Local #702 ("Charging Party" or "PESU Local 702") and the Respondent Township of Edison ("Respondent") having previously entered into written settlement agreements in previous proceedings between the parties in the above-captioned cases and in the case of Township of Edison and PESU Local 702, Docket Nos. CO-H-93-239 and CO-H-93-240 requiring the Respondent to cease and desist from assigning non-bargaining unit employees to perform bargaining unit work of employees of the Respondent's Department of Public Works

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represented by PESU Local 702, and the Respondent having thereafter continued to assign non-bargaining unit employees to perform such bargaining unit work in violation of those agreements, and the Respondent having further unilaterally implemented a change in terms and conditions of employment of bargaining unit members without negotiation with the Charging Party by notifying them that they must provide the Respondent with two weeks notice of scheduled vacations, and upon the consent and agreement of the Charging Party and the Respondent, by their counsel, to the issuance of a Consent Order of the Public Employment Relations Commission.

The Respondent Township of Edison is ordered to:

A. Cease and desist from:

1. Assigning PESU Local 702 unit work to employees outside the PESU Local 702 unit and requiring PESU Local 702 unit members to provide notice of scheduled vacations to the Township of Edison without first negotiating with PESU Local 702.

B. Take this action:

1. Notify all unit and non-unit supervisory and administrative personnel of the Township's Department of Public Works and Department of Parks and Recreation that only PESU Local 702 unit employees are to perform PESU Local 702 unit work pending good faith negotiations with PESU Local 702.

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2. Rescind its directive to PESU Local 702 unit employees to provide two weeks notice of scheduled vacations pending good faith negotiations with PESU Local 702.

3. Negotiate in good faith with PESU Local 702 before assigning PESU Local 702 unit work to non-unit employees or requiring PESU Local 702 unit employees to provide two weeks notice of scheduled vacations.

4. Post in all places where notices to employees are customarily posted, copies of this Order. Copies of this Order shall be posted immediately and maintained by the Township for at least sixty (60) consecutive days. Reasonable steps shall be taken to ensure that this Order is not altered, defaced or covered by other materials.

5. Notify the Chairman of the Commission within twenty (20) days of receipt what steps the Respondent has taken to comply with this Order.

Consented to as to form and substance on the dates set forth below.

For the Township

For PESU Local 702

H.E. NO. 95-19

7.

DATED: