

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

NJ TRANSIT BUS OPERATIONS, INC.
Petitioner,

-and-

AMALGAMATED TRANSIT UNION,
NEW JERSEY COUNCIL,
Respondent,

Docket Nos. SN-87-88, SN-87-92,
SN-87-93

-and-

NJ TRANSIT CORPORATION,
Intervenor.

NJ TRANSIT MERCER, INC.,
Petitioner,

-and-

AMALGAMATED TRANSIT UNION,
DIVISION 540,
Respondent,

Docket No. SN-87-89

-and-

NJ TRANSIT CORPORATION,
Intervenor.

NJ TRANSIT BUS OPERATIONS, INC.,
Petitioner,

-and-

UNITED TRANSPORTATION UNION, LOCAL NO. 33 (PATERSON & WARWICK DIVISIONS),
Respondent,

Docket Nos. SN-87-91, SN-88-8

-and-

NJ TRANSIT CORPORATION,
Intervenor.

NJ TRANSIT BUS OPERATIONS, INC.,
Petitioner,

-and-

TRANSPORT WORKERS UNION OF
AMERICA LOCAL No. 225,
Respondent,

Docket No. SN-87-90

-and-

NJ TRANSIT CORPORATION,
Intervenor.

SYNOPSIS

The Public Employment Relations Commission vacates its Decision and Order in P.E.R.C. No. 90-96. That decision was issued pursuant to an order of remand from the Appellate Division. The Supreme Court has reversed the Appellate Division decision which had reversed the Commission's standards for determining scope of negotiations issues under the New Jersey Public Transportation Act, N.J.S.A. 27:25-1 et seq. The Supreme Court's opinion effectively nullified the Commission's decision in P.E.R.C. No. 90-96.

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DECISION AND ORDER

In P.E.R.C. No. 88-74, 14 NJPER 169 (¶19070 1988), we decided the standards for determining scope of negotiations issues under the New Jersey Public Transportation Act, N.J.S.A. 27:25-1 et seq. We held that proposals which intimately and directly affect the work and welfare of transit employees are mandatorily negotiable unless agreement would prevent NJ Transit from fulfilling its statutory mission. We then applied these standards in holding that several contract proposals were mandatorily negotiable and others were not.

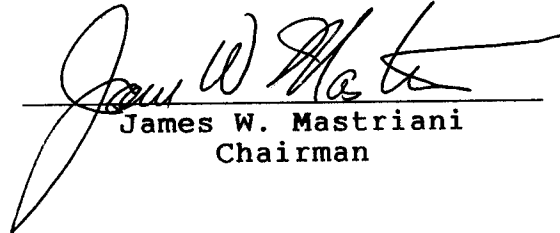
The Appellate Division reversed. 233 N.J. Super. 173 (App. Div. 1989). Concluding that the negotiability tests applicable to other public employees under Local 195, IFPTE v. State, 88 N.J. 393 (1982), applied to transit employees as well, it remanded the case to us to apply these tests to the individual contract proposals. We did so. P.E.R.C. No. 90-96, 16 NJPER 266 (¶21114 1990). The majority representatives appealed. App. Div. Dkt. Nos. A-5215-89T5, A-5216-89T5 and A-5341-89T5.

The Supreme Court has since reversed the Appellate Division decision and reinstated our statutory mission standard. 125 N.J. 41 (1991). Its opinion effectively nullifies our decision in P.E.R.C. No. 90-96 which applied public sector negotiability tests. The Appellate Division has therefore remanded P.E.R.C. No. 90-96 to us for reconsideration and possible vacation of our decision and order. We now vacate that decision and order.

ORDER

The decision and order in P.E.R.C. No. 90-96 is vacated.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Bertolino, Goetting, Grandrimo, Regan, Smith and Wenzler voted in favor of this decision. None opposed.

DATED: October 17, 1991
Trenton, New Jersey
ISSUED: October 18, 1991