

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY
(OCEAN VICINAGE),

Petitioner,

-and-

Docket No. SN-2004-71

PROBATION ASSOCIATION OF NEW JERSEY,
PROFESSIONAL SUPERVISORS UNION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the New Jersey State Judiciary (Ocean Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey, Professional Supervisors Union. The grievance asserts that the Vicinage violated the parties' collective negotiations agreement when it required employees who had exceeded 15 days of sick leave in a 12-month period to provide doctors' notes for any future sick leave. The Commission grants a restraint to the extent the grievance challenges the employer's power to require employees absent more than 15 days (or 105 hours) in a 12-month period to submit doctors' notes for future absences. The request for a restraint is denied to the extent, if any, the grievance addresses the issue of payment for doctors' notes.

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.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY
(OCEAN VICINAGE),

Petitioner,

-and-

Docket No. SN-2004-071

PROBATION ASSOCIATION OF NEW JERSEY,
PROFESSIONAL SUPERVISORS UNION,

Respondent.

Appearances:

For the Petitioner, Elaine D. Dietrich, Counsel to the
Director, Administrative Office of the Courts
(Thomas Russo, staff attorney, on the brief)

For the Respondent, Mark Cimino, attorney, on the brief

DECISION

On May 12, 2004, the New Jersey State Judiciary (Ocean Vicinage) petitioned for a scope of negotiations determination. The Vicinage seeks a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey, Professional Supervisors Union (PANJ). The grievance asserts that the Vicinage violated the parties' collective negotiations agreement when it required supervisors who had exceeded 15 days of sick leave in a 12-month period to provide doctors' notes for any future sick leave.

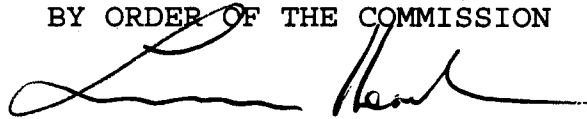
The parties have filed briefs and exhibits. The Vicinage has filed the certification of its Human Resources Manager.

We have decided a companion case today involving the Vicinage and another PANJ affiliate. New Jersey State Judiciary (Ocean Vicinage), P.E.R.C. No. 2005-24, ___ NJPER ___ (¶ _____ 2004). The facts in that case and this case are materially the same. The parties' arguments are also the same, except that PANJ does not argue in this case that the scope petition was untimely. We therefore incorporate our findings of fact and our analysis in the companion case, reach the same result, and enter the same order.

ORDER

The request of the New Jersey State Judiciary (Ocean Vicinage) for a restraint of binding arbitration is granted to the extent the grievance challenges the employer's power to require employees absent more than 15 days (or 105 hours) in a 12-month period to submit doctors' notes for future absences. The request for a restraint is denied to the extent, if any, the grievance addresses the issue of payment for doctors' notes.

BY ORDER OF THE COMMISSION



Lawrence Henderson
Chairman

Chairman Henderson, Commissioners Buchanan, DiNardo, Katz, Sandman and Watkins voted in favor of this decision. None opposed. Commissioner Mastriani was not present.

DATED: October 28, 2004
Trenton, New Jersey
ISSUED: October 28, 2004