

P.E.R.C. NO. 95-85

STATE OF NEW JERSEY  
BEFORE 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.

SYNOPSIS

The Public Employment Relations Commission issues a Consent Order requiring the Township of Edison to cease and desist from assigning negotiations unit work of employees represented by Public Employees Service Union Local 702 to non-unit employees and requiring unit employees to provide two weeks notice of scheduled vacations.

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.

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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)

DECISION AND ORDER

On July 11, 1994, Public Employees Service Union, Local 702 filed two unfair practice charges against the Township of Edison. The charges allege that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsection 5.4(a)(5),<sup>1/</sup> by allowing non-unit employees to perform negotiations unit work in violation of a Hearing Examiner's order settling an earlier unfair practice charge, and by unilaterally requiring unit employees to notify it at least two weeks before taking vacations.

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<sup>1/</sup> This subsection prohibits public employers, their representatives or agents from: "(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."

On December 5, 1994, an Order Consolidating Cases and a Consolidated Complaint and Notice of Hearing issued. At a pre-hearing conference, the parties agreed to resolve these matters by consenting to a cease and desist order.

On March 3, 1995, Hearing Examiner Margaret A. Cotoia recommended that we order the parties to comply with the terms of the agreed-upon order. H.E. No. 95-19, 21 NJPER \_\_\_\_ (\_\_\_\_ 1995).

We have reviewed and adopt the parties' Consent Order which they have voluntarily agreed to, fully disposes of all issues raised in the Consolidated Complaint, and is consistent with the law.

#### CONSENT ORDER

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 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.

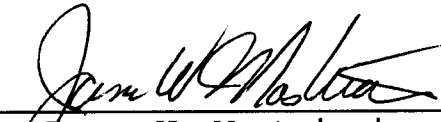
2. Rescind its directive to PESU Local 702 unit employees to provide two weeks notice of scheduled vacations pending good faith negotiations with PESU Local 702.

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.

BY ORDER OF THE COMMISSION

  
\_\_\_\_\_  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Boose, Buchanan, Finn and Klagholz voted in favor of this decision. None opposed. Commissioners Ricci and Wenzler were not present.

DATED: April 10, 1995  
Trenton, New Jersey  
ISSUED: April 11, 1995



# NOTICE TO EMPLOYEES



**PURSUANT TO  
A CONSENT ORDER OF THE  
PUBLIC EMPLOYMENT RELATIONS COMMISSION  
AND IN ORDER TO EFFECTUATE THE POLICIES OF THE  
NEW JERSEY EMPLOYER-EMPLOYEE RELATIONS ACT,  
AS AMENDED,**

**We hereby notify our employees that:**

WE WILL cease and desist from 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.

WE WILL 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.

WE WILL rescind our directive to PESU Local 702 unit employees to provide two weeks notice of scheduled vacations pending good faith negotiations with PESU Local 702.

WE WILL 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.

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

TOWNSHIP OF EDISON

(Public Employer)

Date: \_\_\_\_\_

By: \_\_\_\_\_

This Notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced or covered by any other material.

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Public Employment Relations Commission, 495 West State Street, CN 429, Trenton, NJ 08625-0429 (609) 984-7372

APPENDIX "A"