

NOTABLE DECISIONS

PERTH AMBOY SOA - LODGE 80

The city of Perth Amboy denied a Captain his sick time bank and forced him to use his personal time for injury/sickness he incurred while working. The Captain was a 9/11 worker and developed 9/11 illnesses. The Captain was certified by the Federal Government as a victim and was given all rights under workers compensation. Even after the city was given all of the official documentation they denied his sick time and took his personal time to make up for the sick time used to fight his illnesses. The FOP Labor Council immediately filed for arbitration and presented the case. PERC found overwhelmingly in the FOP's favor and granted the Captain all of his time back, credited his sick time bank and paid him out over \$50,000.00 dollars to bring him whole. The City was found to improperly deny him his rights to his time and compensation.

EAST ORANGE SUPERIOR OFFICERS - LODGE 188

Members were denied use of their accrued leave time for FMLA and were instead "docked" their previously approved vacation time in violation of the contract, statute and past practice. The FOP filed an Unfair Practice Charge for the changes in working conditions. *-PERC sided with the FOP in their decision and stated the City of East Orange implemented the new FMLA policy without first negotiating the changes in working conditions. The City appealed the PERC Hearing Examiner's decision to the Appellate Division, who similarly ruled in the FOP's favor. All effected members had their time restored and the status quo was reinstated to the terms and conditions enjoyed before the City's change in working conditions.*

NJ INSTITUTE OF TECHNOLOGY POA - LODGE 93

Officer DiGuglielmo was charged and ultimately terminated for alleged violations of Department policies involving the arrest of an individual fleeing on a bicycle. Legal Defense for DiGuglielmo filed for Special Disciplinary Arbitration pursuant to law. The FOPNJLC immediately went into action to defend Brother DiGuglielmo by working with his State and National Legal Defense teams. The University filed an exception at PERC, which was denied. An Appeal to the Appellate Court reversed the PERC Decision and the FOP State Legal Defense filed for an appeal to the NJ Supreme Court. The Supreme Court accepted the appeal and FOP National Legal Defense argued the case with the support of amicus briefs in support of the FOP's position were filed by the State FOP, the NJ Attorney General's Office and the Public Employment Relations Commission. Rutgers University filed an amicus brief opposing the FOP's position. *- The Supreme Court reversed the Appellate decision and sided with the FOP argument, finding DiGuglielmo was allowed the opportunity to appeal his termination per the Special Disciplinary Arbitration process. This case was also an affirmation of the rights of all non-civil service members to utilize this opportunity at PERC as an alternative to the lengthy appeal process through the courts.*

"The members of the Middlesex County College FOP Lodge 85 put our faith in the FOP NJ Labor Council. When we need someone to stand up and fight for us we know they are just a phone call away. They took on the college with three grievances and not only won them all but preserved our rights in our contract."

Sergeant Cory Smith
President - Middlesex County College PD
FOP Lodge 85

HILLSIDE SUPERIOR OFFICERS - LODGE 160

A Member was assigned into a training Sergeant position which historically paid a salary stipend increase of 8.5% on their base salary. The Town removed the salary stipend without negotiations and began garnishing wages of the current and former Training Sergeants, citing the Town had an agreement this stipend would cease with a former member.

-The Arbitrator sided with the union and stated the agreement was made with the rank and file unit and not binding on the Superior Officers Unit. The Arbitrator ordered all monies garnished returned to the Superior Officers effected and reinstated the training stipend for the Superior Officers in addition to the rank and file training stipend.

NEPTUNE POLICE SOA - LODGE 19

The members of Lodge 19 were served notice that that the Township would be holding Internal Affairs investigations on all of the members to determine if any of the members took part in the January 6th Capitol riots. *- A grievance was immediately filed for violations of civil rights as well as violations of the Attorney General's Policies and Procedures on Internal Affairs. The Chief of Police sustained the grievance and all investigations were immediately ceased and the Township rescinded the order.*



The Labor Council's swift actions and advocacy on our members behalf guaranteed the rights afforded to each and every member were protected and honored. We are grateful for their assistance and intervention on our behalf; their professionalism, dedication and hard work makes them the premier member service organization in law enforcement today.

Lt. Scott Cox
President - Neptune Lodge 19