

# NOTABLE DECISIONS

## MIDDLESEX COUNTY COLLEGE - LODGE 85

The College denied members the ability to work outside employment opportunities in violation of specific contractual language. The College allowed non certified flaggers and the Edison Police to work the detail.

*- The contract has a distinct clause concerning outside work. The grievance arbitrator sided with the FOP and the College has to pay the membership \$1,400.00 each as compensation for lost wages!*

## 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 change 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 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 position were filed by the State FOP, NJ Attorney General's Office and PERC. Rutgers University filed an amicus brief opposing the FOP 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**



*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**

## 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 starting garnished the wages of the current and former Training Sergeants, stating 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 was 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 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 stopped and the Township rescinded the order.*