

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH WARREN REGIONAL SCHOOL
DISTRICT BOARD OF EDUCATION,

OAL Dkt. Nos. EDU 14001-13
EDU 16637-13

Respondent,

Agency Dkt. Nos. 215-9/13
215-10/13

-and-

JAMES A. BRIDGE,

PERC Dkt. Nos. CI-2013-059
CI-2013-060
CI-2013-061

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Special ALJ's recommended decisions granting the Board's motion to dismiss two of Bridge's unfair practice charges and, separately, sustaining the other. The charges allege that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4(a)(1), when: (1) the Superintendent issued verbal and written warnings to Bridge regarding a flyer he had distributed in school to Association members protesting his ouster as Association President and threatening legal action; (2) the Principal conducted an affirmative action (AA) investigation of Bridge because he republished an anti-Semitic comment made by another teacher about the Superintendent at an Association meeting; (3) the Principal conducted a second AA investigation of Bridge based upon his political activities within the Association in an effort by the Board to curry favor with a faction of the Association sympathetic to the Superintendent. The Commission finds that, with respect to the first and third charges noted above, Bridge failed during his case-in-chief to establish that he was engaged in protected activity and the record demonstrates that Bridge's communications were unrelated to any matter of public concern. With respect to the second charge noted above, the Commission finds that Bridge was engaged in protected activity and the record demonstrates that although the Board's investigation was justified, its decision to withhold Bridge's increment was not justified and must be restored.

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.

P.E.R.C. NO. 2016-86

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-055

WEST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract proposals for a successor collective negotiations agreement between the Board of Education and the Association. The Commission finds not mandatorily negotiable a provision crediting full-time employees with "supplemental sick leave" and a provision precluding any teacher assignment designed to encourage reflective and self-critical practices from being required to be submitted to a supervisor or administrator or from being used as part of any performance evaluation. The Commission finds mandatorily negotiable provisions limiting the number of teacher subject areas and a provision establishing a sick leave donation program.

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P.E.R.C. NO. 2016-87

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-065

WEST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Board of Education's request for a restraint of binding arbitration of a grievance filed by the Association contesting the unilateral termination of retiree-paid health care insurance benefits for retirees. The Commission finds that neither N.J.S.A. 18A:16-18 nor N.J.S.A. 18A:16-19(b) preempt negotiations over retiree-paid health insurance coverage.

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P.E.R.C. NO. 2016-88

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN COUNTY UTILITIES AUTHORITY,

Petitioner,

-and-

Docket No. SN-2016-053

PAPER, ALLIED-INDUSTRIAL, CHEMICAL
AND ENERGY WORKERS INTERNATIONAL UNION,
AFL-CIO LOCAL 4-149, A/K/A UNITED STEEL
WORKERS, LOCAL 4-149,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Utilities Authority for a restraint of binding arbitration of a grievance filed by Local 4-149 contesting the failure to assign the work of an absent Articulated Truck Driver to the other Articulated Truck Driver on an overtime basis twice in August 2015. The Commission restrains arbitration finding that the unit work doctrine is not implicated on the facts of this case and that the Utilities Authority has a non-negotiable, managerial prerogative to determine manning levels necessary for the efficient delivery of governmental services and the right to determine if and when overtime will be worked.

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P.E.R.C. NO. 2016-89

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER TOWNSHIP
FIRE DISTRICT NO. 2,

Petitioner,

-and-

Docket No. SN-2016-056

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS LOCAL 3249,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract proposals for a successor collective negotiations agreement between the Fire District and Local 3249.

The Commission finds permissively negotiable a provision memorializing the Fire District's managerial prerogative to assign out of title work when another unit member is temporarily absent or to leave the position temporarily vacant.

The Commission finds mandatorily negotiable a provision requiring the Fire District to notify Local 3249 whether or not an acting supervisor will be designated and if not, which employee will direct the work of firefighters during a service call; provisions purporting and seeking to preserve unit work and requiring the allocation of out-of-title assignments on an equitable basis; and a provision requiring the Fire District to notify Local 3249 of the standards and qualifications required of employees serving as acting supervisor.

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