

P.E.R.C. NO. 2017-37

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-073

WEST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Board of Education for a restraint of binding arbitration of a grievance contesting the termination of a teaching staff member. The Commission finds that the education laws preempt arbitration given that the teaching staff member did not possess the requisite license and certification for her position.

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. 2017-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF NUTLEY,

Respondent,

-and-

Docket No. CO-2015-186

CO-2015-187

PBA LOCAL 33 (SUPERIORS),

Charging Party,

-and-

PBA LOCAL 33,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies motions for summary judgment filed by Local 33 (Superiors) and Local 33 in unfair practice cases alleging that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1), (5) and (6), by refusing to execute draft collective negotiations agreements consistent with the definition of the term "new hires" set forth in the parties' memorandum of agreement. The Commission finds that there is a genuine issue of material fact regarding the parties' intent as to the term that precludes summary judgment.

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P.E.R.C. NO. 2017-39

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DELAWARE VALLEY REGIONAL  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-077

DELAWARE VALLEY REGIONAL  
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the request of the Board of Education for a restraint of binding arbitration of two grievances challenging two memoranda placed in a school nurse's personnel file. Finding that the memorandum from the principal was predominately evaluative and that the memorandum from the superintendent was a disciplinary reprimand, the Commission grants a restraint of arbitration as to the former and denies a restraint of arbitration as to the latter.

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P.E.R.C. NO. 2017-40

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FRANKLIN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-011

QUAKERTOWN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Board of Education for a restraint of binding arbitration of a grievance challenging the placement of new staff members on the salary guide, finding that the Board's argument that the Association waived negotiations under the parties' successor agreement raises an issue of contractual arbitrability outside of the Commission's jurisdiction in a scope of negotiations proceeding.

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. 2017-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LYNDHURST,

Petitioner,

-and-

Docket No. SN-2017-016

LYNDHURST POLICEMAN'S BENEVOLENT  
ASSOCIATION, LOCAL 202,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township for a restraint of binding arbitration of a grievance filed by the PBA challenging the adoption of an ordinance that restricts captains and the police chief, ranks not represented by the PBA, from performing off-duty police work. The Commission notes that the PBA did not raise any issue regarding the allocation of off-duty employment opportunities among unit members and that eligibility for off-duty assignments is a non-negotiable managerial prerogative on the specific facts of this case.

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P.E.R.C. NO. 2017-42

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TRENTON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-014

TRENTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Board of Education for a restraint of binding arbitration of a grievance challenging the non-renewal of a non-tenured school nurse. The Commission holds that the Board has discretion to non-renew non-tenured teaching staff members. The Commission also finds that the Association's asserted procedural claim that a joint management-association committee should have decided what action to take regarding the nurse's performance would illegally delegate the Board's non-renewal prerogative.

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P.E.R.C. NO. 2017-43

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGENFIELD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-015

BERGENFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Board of Education for a restraint of binding arbitration of a grievance challenging a memorandum placed in a teacher's personnel file. The Commission finds that the memorandum was predominately evaluative because it contained constructive criticism concerning the teacher's verbal interactions with students.

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. 2017-44

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC CITY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-001

PASSAIC EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the request of the Board of Education for a restraint of binding arbitration of grievances contesting the withholding of salary increments from eight teaching staff members. Finding that five of the staff members had their increments withheld based on evaluations of teaching performance, the Commission restrains binding arbitration of those five grievances. Finding that the Board did not demonstrate that the other increments were withheld based on evaluations of teaching performance, the Commission declines to restrain arbitration of those three grievances.

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P.E.R.C. NO. 2017-45

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-035

WARETOWN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Board of Education's request for a restraint of binding arbitration of the Association's grievance challenging the Board's unilateral transfer of unit work to a confidential employee outside of the unit. Finding that any loss of union membership was incidental to and an unintended consequence of the employee's promotion to the confidential position of superintendent's secretary, the Commission holds that the concerns that inspired the unit work rule are not implicated here. The Commission also holds that the Board demonstrated that it exercised its managerial prerogatives to determine the qualifications required for the positions, assess which candidates were qualified, and assign the job responsibilities to meet the governmental policy goal of matching the best qualified employee to particular jobs.

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P.E.R.C. NO. 2017-46

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PERTH AMBOY,

Petitioner,

-and-

Docket No. SN-2016-064

INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS, LOCAL 286,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the City's request for a restraint of binding arbitration of a grievance challenging the appointment of a training officer in alleged violation of a contractual safety clause. Noting that the City did not provide a certification or other sufficient evidence to determine the basis for the Mayor's selection of the appointed training officer, the Commission holds that the City has not demonstrated that the Mayor exercised a managerial prerogative to assess which applicants were qualified to serve as training officer and to match the best qualified employee, in her assessment, to that position.

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