

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ENGLEWOOD BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2019-042

ENGLEWOOD TEACHERS ASSOCIATION,

Respondent,

-and-

NEW JERSEY EDUCATION ASSOCIATION,

Respondent,

-and-

ANNA MAZZOCCOLI,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the refusal of the Director of Unfair Practices to issue a complaint on an unfair practice charge filed by Mazzoccoli against the Board, Association, and NJEA. D.U.P. No. 2022-4, 48 NJPER 231 (¶52 2021). The charge alleges that the Association and NJEA violated subsection 5.4b(1) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by failing to provide Mazzoccoli with union-paid legal representation for a Board sexual harassment/health workplace environment investigation into her alleged offensive statement to another employee. The charge alleges that the Board violated subsection 5.4a(1) of the Act by conspiring with the Association and NJEA to deny Mazzoccoli union-paid legal representation. The Commission finds that the Director considered the relevant facts, applied the legal standards for a breach of the duty of fair representation, and supported his decision with Commission precedent on a union's discretion to determine whether union-paid legal counsel is appropriate. Finding that Mazzoccoli has not alleged facts warranting the issuance of a complaint against the Association/NJEA or the Board, the Commission affirms the Director's dismissal of the charges.

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. 2022-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SAYREVILLE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2022-002

SAYREVILLE EDUCATION ASSOCIATION,

Respondent.

Appearances:

For the Petitioner, The Busch Law Group, LLC (Nicholas Celso III, of counsel)

For the Respondent, Oxfeld Cohen, PC (Samuel B. Wenocur, of counsel)

SYNOPSIS

The Public Employment Relations Commission denies the Board's motion for reconsideration of P.E.R.C. No. 2022-17, 48 NJPER 219 (¶49 2021), which denied the Board's request for a restraint of binding arbitration of a dispute over a teacher's increment withholding. In that decision, the Commission found that the crux of the Board's reasoning to withhold the teacher's increment was predominately disciplinary, relating to the Board's allegations that she was absent from duty and failed to properly use sick leave for those absences. The Commission finds that the Board has not met the standard for reconsideration of establishing extraordinary circumstances or exceptional importance. The Commission concludes that the underlying decision correctly found that the Board's issues with the teacher dealt with her alleged "theft of time", which is predominately disciplinary, rather than her alleged deficient teaching performance.

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P.E.R.C. NO. 2022-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SALEM COUNTY SHERIFF'S
DEPARTMENT (CORRECTIONS),

PETITIONER,

-and-

Docket No. SN-2020-041

POLICEMAN'S BENEVOLENT
ASSOCIATION, LOCAL 400,

RESPONDENT.

SYNOPSIS

In this scope of negotiations determination referred to the Public Employment Relations Commission by the Appellate Division, the Commission denies the Salem County Sheriff's Department's request for a restraint of binding arbitration of the PBA Local 400's grievance. The grievance alleged that the County violated the parties' collective negotiations agreement when it unilaterally issued Special Order 2019-1, which reassigned, from the Corrections Officers to the County Sheriff's officers, the Home Electronic Detention program and transportation of all County inmates. The Commission finds that the Special Order intimately and directly affected the work and welfare of the Corrections Officers. The Commission further finds that the statutory and regulatory authority cited by the PBA, including Civil Service job descriptions, N.J.S.A. 40A:9-117.6, and N.J.A.C. 10A:31-1.1 et seq. is not preemptive. The Commission concludes that negotiations over the Special Order would not significantly interfere with the County's determination of governmental policy. The County failed to factually establish it had staffing issues at its correctional facility or any other operational reasons necessitating the unilateral transfer of the correction's officers' unit work. The County also failed to prove that the federal contract mandated strict timeframes for the transportation of inmates requiring that the corrections officers be solely dedicated to the transport of the federal inmate.

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P.E.R.C. NO. 2022-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PINELANDS REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

PINELANDS REGIONAL EDUCATION ASSOCIATION,

Respondent.

Docket Nos. SN-2022-007

SN-2022-008

SN-2022-010

(CONSOLIDATED)

SYNOPSIS

The Public Employment Relations Commission grants, in part, and denies, in part, requests of the Pinelands Regional Board of Education for a restraint of binding arbitration of grievances filed by the Pinelands Regional Education Association asserting that certain comments in the annual evaluations of four different teachers render them arbitrary, capricious, unreasonable, disciplinary, retaliatory for protected union activity, and in violation of the parties' collective negotiations agreement (CNA) and the New Jersey laws that govern evaluation of certificated teachers. The Commission finds that arbitral review is precluded with regard to portions of the challenged evaluations that discuss confirmed incidents of Harassment Intimidation and Bullying (HIB) against students by two of the grievants, as those HIB findings were appealed to the Commissioner of Education. The Commission declines to restrain arbitration of comments alleging three teachers violated non-HIB Board policies or directives, or the chain of command, or of conduct unbecoming a teaching staff member, as those comments do not relate predominately to teaching performance. The Commission restrains arbitration of comments in a fourth teacher's evaluation, finding the tone of those comments to be largely neutral and nonjudgmental, and do not otherwise accuse her of violating Board policies or the chain of command, or of conduct unbecoming a teaching staff member.

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