

P.E.R.C. NO. 2022-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PINELANDS REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2022-009

PINELANDS REGIONAL EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Pinelands Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Pinelands Regional Education Association asserting that the Board violated the parties' collective negotiations agreement when a supervisor took photographs (of student work) and used them as an integral part of the overall observation of a teaching staff member employed by the Board. The Commission finds that the Association does not challenge the Board's reliance on the use of photographs when conducting teacher observations, which is more in the nature of criteria selection and thus not arbitrable, and further that the Association may seek to enforce a negotiated contractual provision prohibiting the "monitoring or observation of the work performance of an employee" without the "full knowledge of the employee," as this is more in the nature of a procedural notice requirement, which is mandatorily negotiable and arbitrable.

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. 2022-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN,

Respondent,

-and-

Docket Nos. CO-2020-100
CO-2020-101

CAMDEN FIRE OFFICERS ASSOCIATION,
LOCAL 2578, IAFF,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the City's motion for summary judgment and denies the IAFF's cross-motion for summary judgment on unfair practice charges filed by the IAFF against the City. The charges allege that the City violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act), by repudiating contractual union leave provisions and/or unilaterally changing a past practice by reducing union leave approvals from 24 consecutive hours to 12. The Commission holds that deferral of the charges to the already rendered arbitration award that sustained the IAFF's grievance is appropriate. The arbitrator's decision determined that the City unilaterally changed the union leave past practice and he ordered that the City return to the status quo of 24 consecutive hours of union leave and cease and desist from future unilateral changes. The Commission finds that the arbitrator had the authority to consider the issues underlying the charges, the proceedings were fair and regular, and the award and remedy were not repugnant to the Act. The Commission also finds that the unilateral change does not rise to the level of an independent unfair practice for interfering with employees' ability to meet with or assist their union under sections 5.13 or 5.14 of the Act. Accordingly, the charges are deferred to the arbitration award and dismissed.

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.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BRANCHBURG TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2018-071

BRANCHBURG TOWNSHIP EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Association's exceptions and adopts a Hearing Examiner's recommended decision and order granting the Board's motion for summary judgment and dismissing the Association's unfair practice charge. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by holding a teacher to a higher performance standard and giving her two partially effective ratings on her 2016-17 summative evaluation in retaliation for her protected activity as Association President that year. The Commission finds that the Association has provided only a bare allegation of a general temporal proximity between the teacher being President and filing a grievance in the same year that she received two partially effective ratings. The Commission finds that the record does not support an inference that the teacher's 2016-17 ratings were unusual or inconsistent with other years. The Commission also finds that the Association has provided no evidence that any of the teacher's three different evaluators that year had any knowledge of or hostility to her protected activity. Accordingly, the Commission holds that the absence of any evidence of a nexus between the teacher's protected activity and her 2016-17 performance ratings supports a grant of summary judgment in favor of the Board and dismissal of the charge.

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.