

P.E.R.C. NO. 2014-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OCEAN COUNTY VOCATIONAL
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2011-335

OCEAN COUNTY VOCATIONAL
TECHNICAL EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Ocean County Vocational Board of Education's motion for summary judgment and denies the Ocean County Vocational Technical Education Association's cross-motion for summary judgment in an unfair practice case filed by the Association. The Association's unfair practice charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1), (3) and (5), by unilaterally deducting 1.5% from members' salaries for health insurance coverage. The Commission holds that there are no material facts in dispute and that P.L. 2010, c. 2. required the Board to deduct the 1.5% contribution.

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. 2014-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PALISADES PARK BOROUGH,

Respondent,

-and-

Docket No. CO-2012-305

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 97,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the Hearing Examiner's recommended dismissal of a complaint issued in an unfair practice case filed by the International Brotherhood of Teamsters, Local 97 against Palisades Park Borough. Local 97 alleges that the Borough violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (3), when it laid off five employees in retaliation for protected activity. The Hearing Examiner found evidence of the Borough's hostility to protected activity, but concluded that the layoffs were instituted for economic reasons. The Commission rejects Local 97's exceptions, holding that the record supports the Hearing Examiner's finding that the layoff was motivated by economic reasons and not by retaliation for protected activity.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOARD OF EDUCATION OF THE ,
SOMERSET HILLS REGIONAL SCHOOL
DISTRICT, SOMERSET COUNTY,

Respondent,

-and-

OAL DKT. NO. EDU 16752-12
AGENCY DKT. NO. 345-11/1S

SOMERSET HILLS
EDUCATION ASSOCIATION,

Petitioner.

AND

SOMERSET HILLS BOARD
OF EDUCATION,

Respondent,

-and-

OAL DKT. NO. PRC 16974-13
PERC DKT. NO. CO-2013-101

SOMERSET HILLS
EDUCATION ASSOCIATION,

(CONSOLIDATED)

Charging Party.

SYNOPSIS

On exceptions filed by the Somerset Hills Education Association (Association) to an Administrative Law Judge's (ALJ) Initial Decision in a consolidated proceeding, the Public Employment Relations Commission denies the Somerset Hills Board of Education's motion for summary judgment, grants in part the Association's motion for summary judgment, and remands the remaining issues to the ALJ. The Association's unfair practice charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by failing to negotiate before modifying dress code policies. The Commission holds that the Board violated 5.4a(1) and (5) by unilaterally implementing a schedule of discipline to be imposed on employees for violations of dress code policies. The Commission finds that there are fact-specific aspects of the dress code policies that may be mandatorily negotiable and give rise to severable and negotiable consequences on mandatorily negotiable terms and conditions of employment, and it remands these issues to the ALJ to make determinations.

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P.E.R.C. NO. 2014-56

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2013-038

PASSAIC COUNTY SHERIFF'S PROFESSIONAL
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Passaic County Sheriff's Office for a restraint of binding arbitration of a grievance filed by the Passaic County Sheriff's Professional Association. The grievance asserts that the County violated the parties' collective negotiations agreement when it eliminated 12-hour Pitman shifts and changed to 8-hour shifts. Noting that the County's concerns regarding the Pitman schedule were general and speculative, the Commission holds that the County did not prove a particularized governmental policy need justifying non-arbitrability of an alleged elimination of a negotiated work schedule.

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P.E.R.C. NO. 2014-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HENRY HUDSON REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-052

HENRY HUDSON REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a contract clauses in an expired collective negotiations agreement between the Henry Hudson Regional Board of Education and the Henry Hudson Regional Education Association. The Commission holds that N.J.S.A. 18A:16-19 preempts negotiability of a retiree health benefits clause to the extent the clause applies to employees who obtain 25 years or more of qualifying service and elect State-paid coverage under the State plan, but finds that the clause is otherwise mandatorily negotiable for employees who meet the minimum eligibility requirements of N.J.S.A. 40A:10-23(b) for discretionary employer-paid retiree health insurance coverage.

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P.E.R.C. NO. 2014-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF DOVER,

Petitioner,

-and-

Docket No. SN-2013-061

PBA LOCAL 107,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the request of the Town of Dover for a restraint of binding arbitration of a grievance filed by PBA Local 107. The grievance asserts that the Town violated the parties' collective negotiations agreement and past practice when it rehired a former police officer and allowed him to retain the seniority he earned during his prior employment. The Commission holds that the establishment of a seniority date for civil service police is preempted by civil service laws and rules, and therefore restrains arbitration to the extent the grievance challenges an officer's seniority date for the purposes of layoff, demotional, and promotional rights. The Commission holds that the grievance is arbitrable to the extent it challenges calculation of seniority for purposes of vacation, shift, and assignment selection.

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P.E.R.C. NO. 2014-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF COLTS NECK,

Petitioner,

-and-

Docket No. SN-2013-066

CWA LOCAL 1038,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Colts Neck for a restraint of binding arbitration of a grievance filed by CWA Local 1038. The grievance alleges the Township violated the parties' collective negotiations agreement when it hired a former Department of Public Works employee to the position of yard monitor. The Commission finds that this case does not invoke the unit work doctrine because the record does not support that a yard monitor is a function typically performed by unit members. The Commission holds that this case involved an emergency condition and that permitting arbitration of the Township's decision to hire the temporary yard monitor would significantly interfere with its policymaking decision to provide a quick response to a storm and ensure accurate documentation for FEMA relief funds.

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