

P.E.R.C. NO. 2008-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

KEARNY BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2006-027

ANN TAYLOR et al.,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Kearny Board of Education based on an unfair practice charge filed by Ann Taylor and other individuals employed by the Board. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act when it changed the charging parties' status from full-time to part-time, thus effectively eliminating their eligibility for sick and medical benefits, in retaliation for their filing a representation petition seeking to organize full-time aides. The Commission finds that the timing of the reduction in hours, coming after voter rejection of the budget and the mandate to cut the budget, does not support a finding of hostility. The Commission also finds that the Board proved that it would have reduced the aides' hours even absent any hostility and that the Board proved by a preponderance of the evidence that the reduction in hours was motivated by the budget defeat and the immediate need to cut the budget.

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. 2008-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF POMPTON LAKES,

Respondent,

-and-

Docket No. IA-2007-055

POMPTON LAKES PBA LOCAL NO. 161,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission vacates an interest arbitration award and remands the matter to the arbitrator for reconsideration. The arbitrator awarded a four-year contract with wage increases of 4% in the first year and 4.25% in the remaining three years. He also awarded premium sharing for the first time for employees choosing certain health insurance plans. The PBA has appealed only the health insurance award arguing that it is not supported by substantial credible evidence in the record as a whole; fails to give due weight to certain subsection 16g factors; and fails to apply subsection 16c. The Commission, concluding that the arbitrator did not adequately explain his reasons for awarding the health benefit change under the statutory factors, vacates the award and remands to the arbitrator for a more thorough application of the statutory factors.

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P.E.R.C. NO. 2008-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST RUTHERFORD BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-2008-021

EAST RUTHERFORD SECRETARIES,
CLERKS AND AIDES ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission, in a matter referred to the Commission by the Superior Court, determines that the East Rutherford Board of Education has a managerial prerogative to abolish the 212-day secretarial positions represented by the East Rutherford Secretaries, Clerks and Aides Association. The Commission further determines that if the Board seeks to hire or reassign any secretaries into full-time positions, the terms and conditions of employment of those secretaries would be mandatorily negotiable.

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P.E.R.C. NO. 2008-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2008-048

NEWARK FIRE OFFICERS UNION
LOCAL 1860, IAFF, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by the Newark Fire Officers Union Local 1860, IAFF, AFL-CIO. The grievance asserts that three officers out on sick leave or on light duty assignments were contractually entitled to the stipends they received while on active duty. The Commission holds that the claims that the officers should have been paid hazardous duty stipends from the time they went out on sick leave until they returned to active duty does not substantially limit the City's policymaking powers or its ability to reassign personnel to maintain staffing levels in the firefighting division.

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