

P.E.R.C. NO. 98-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST PATERSON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-63

WEST PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the West Paterson Board of Education for a restraint of binding arbitration of a grievance filed by the West Paterson Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement by increasing a teacher's workload. The Commission finds that although teaching preparations is a mandatorily negotiable aspect of workload, negotiations over the amount or variety of supplemental materials to be used in a class and curriculum would entrench too much upon educational policy determinations concerning the best textbooks or instructional materials to use.

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. 98-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FAIRFIELD TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-76

FAIRFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies, in part, the Fairfield Township Board of Education's request for a restraint of binding arbitration of a grievance filed by the Fairfield Education Association. The grievance seeks compensation for an alleged workday extension. The Commission finds that to the extent the grievance seeks to restrict the employer's right to require teachers to be at duty stations by 8:35 a.m. to supervise students, it is not legally arbitrable. To the extent the Association's grievance seeks additional compensation for increased workload flowing from an alleged extension of the workday, the grievance is legally arbitrable.

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P.E.R.C. NO. 98-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MANSFIELD TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-95-86

MANSFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission, in a matter remanded to it by the Superior Court, Appellate Division, dismisses a scope of negotiations petition filed by the Mansfield Board of Education. The Board had sought to restrain binding arbitration of a grievance filed by the Mansfield Education Association. The grievance contested the withholding of a teacher's salary increment for the 1994-95 school year. The teacher had also filed a complaint in Superior Court that the Board had violated the Conscientious Employee Protection Act (CEPA), N.J.S.A. 34:19-1 et seq., by forbidding her from speaking to a handicapped student's parents without an administrator present and by withholding her increment in retaliation for her having testified in a proceeding before the Office of Administrative Law. The Commission granted the Board's request for a restraint of arbitration and therefore did not decide the CEPA waiver provision issue. The Appellate Division reversed the Commission's order granting the restraint of arbitration. The Court remanded the issue to the Commission to decide if it has jurisdiction to construe and apply the waiver provisions of CEPA and, if it does have such jurisdiction, to decide whether CEPA bars arbitration of the grievance. The Commission concludes that it does not have jurisdiction to construe and apply the CEPA waiver provision.

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P.E.R.C. NO. 98-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS COUNTY SHERIFF,

Petitioner,

-and-

Docket No. ID-97-2

MORRIS COUNTY SHERIFF'S
SUPERIOR OFFICERS' ASSOCIATION,
PBA LOCAL 298,

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration filed by the Morris County Sheriff requesting the Commission to reconsider its decision dismissing the employer's petition for issue definition determination. The Commission held that since the employer and Morris County Sheriff's Superior Officers' Association, PBA Local 298 had not selected a terminal interest arbitration procedure other than conventional arbitration, it was not necessary or appropriate to decide an issue definition dispute. The Commission finds that the employer has not presented any extraordinary circumstances warranting reconsideration and the parties have not agreed to a terminal procedure other than conventional arbitration.

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P.E.R.C. NO. 98-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MORRIS,

Petitioner,

-and-

Docket No. ID-97-1

FMBA LOCAL NO. 70,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration filed by the Township of Morris requesting the Commission to reconsider its decision dismissing the Township's petition for issue definition determination. The Commission held that since the employer and FMBA Local No. 70 had not selected a terminal interest arbitration procedure other than conventional arbitration, it was not necessary or appropriate to decide an issue definition dispute. The Commission finds that the employer has not presented any extraordinary circumstances warranting reconsideration and the parties have not agreed to a terminal procedure other than conventional arbitration.

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P.E.R.C. NO. 98-36

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MONTCLAIR,

Petitioner,

-and-

Docket No. SN-97-106

FMBA LOCAL 20,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Montclair for a restraint of binding arbitration of a grievance filed by FMBA Local 20. The grievance demands that the Township appoint the next person on a promotional list to a vacant lieutenant's position. The Commission finds that an employer may leave a position vacant after its former holder has retired, resigned or been promoted to another position. Since the Township has not determined whether or not to fill the vacant lieutenant's position permanently, arbitration over the claim that a certain employee must be promoted and sworn into the rank of lieutenant must be restrained.

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P.E.R.C. NO. 98-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-97-97

FRATERNAL ORDER OF POLICE,
NEWARK LODGE NO. 12,

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 Fraternal Order of Police, Newark Lodge No. 12. The grievance asserts that the City violated its collective negotiations agreement with the FOP when it did not compensate a detective for work performed in the position of legal analyst. The Commission holds that Commission and court precedent establish that arbitration demands seeking additional compensation based on claims that employees have performed the duties of higher-ranking positions involve mandatorily negotiable and legally arbitrable matters.

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P.E.R.C. NO. 98-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Petitioner,

-and-

Docket No. SN-97-79

JERSEY CITY POLICE SUPERIOR
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Jersey City for a restraint of binding arbitration of a grievance filed by the Jersey City Police Superior Officers Association. The grievance alleges that the City violated the parties' collective negotiations agreement when it reassigned an inspector from the Support Services Command to the City Command. The Commission finds that decisions to transfer or reassign employees are not mandatorily negotiable. The Commission finds no basis for the Association's argument that the transfer was for disciplinary reasons and thus does not decide whether, as the PSOA asserts, the Act, as amended by P.L. 1995 c. 115, would have permitted binding arbitration if the reassignment had been disciplinary.

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P.E.R.C. NO. 98-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGENFIELD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-71

BERGENFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Bergenfield Board of Education for a restraint of binding arbitration of a grievance filed by the Bergenfield Education Association. The grievance contests the Board's decision not to renew a custodian's employment contract. The Commission reaffirms that contractual tenure for custodians is a mandatorily negotiable subject. The Commission does not have jurisdiction to consider the question of whether or not this custodian has achieved contractual tenure.

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P.E.R.C. NO. 98-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERDALE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-45

SOMERDALE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Somerdale Board of Education for a restraint of binding arbitration of a grievance filed by the Somerdale Education Association. The grievance asserts that a memorandum issued to a teacher was unjust and it seeks removal of the memorandum from her personnel file. The Commission finds the memorandum is predominantly a benign form of constructive criticism intended to enhance teaching performance and therefore not a reprimand that may be contested through binding arbitration.

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P.E.R.C. NO. 98-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOOD-RIDGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-69

WOOD-RIDGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Wood-Ridge Board of Education for a restraint of binding arbitration of a grievance filed by the Wood-Ridge Education Association. The grievance contests the withholding of a teacher's salary increment. The Commission concludes that this withholding was predominately based on an evaluation of teaching performance and any appeal must be filed with the Commissioner of Education. The withholding was based on such teaching performance matters as preparing lessons, instructing students, and maintaining classroom discipline.

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P.E.R.C. NO. 98-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST ESSEX REGIONAL BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-49

WEST ESSEX ADMINISTRATORS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the West Essex Board of Education for a restraint of binding arbitration of a grievance filed by the West Essex Administrators Association. The grievance contests the withholding of an assistant principal's salary increment. The Commission finds that the cited reasons for the withholding predominately involve the evaluation of the assistant principal's performance as an educational leader and manager and any appeal must be filed with the Commissioner of Education.

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. 98-43

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC CITY BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-35

ATLANTIC CITY EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Atlantic City Board of Education for a restraint of binding arbitration of a grievance filed by the Atlantic City Education Association. The grievance contests the withholding of a teacher's salary increment for the 1996-1997 school year. The Commission finds that this withholding was based on allegations of tardiness which predominately involve misconduct that can be reviewed through binding arbitration.

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P.E.R.C. NO. 98-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

VERNON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-19

VERNON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Vernon Township Board of Education for a restraint of binding arbitration of a grievance filed by the Vernon Township Education Association. The grievance contests the Board's withholding of a librarian's 1996-1997 salary increment. The Commission concludes that this withholding predominately involves an evaluation of the librarian's teaching performance and any appeal must be filed with the Commissioner of Education. The Board expressed continuing concerns about teaching methodology and lessons, and the organization and cleanliness of the library.

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P.E.R.C. NO. 98-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOOD-RIDGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-68

WOOD-RIDGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Wood-Ridge Board of Education for a restraint of binding arbitration of a grievance filed by the Wood-Ridge Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement when it changed the work schedule of two teachers. The Commission holds that the Board had a managerial prerogative to provide remedial instruction before and after the school day to fulfill its educational policy goal of not removing students during the regular school day for basic skills instruction. The Commission restrains arbitration to the extent the Association seeks to challenge the Board's decisions to require one teacher to work 48 minutes before the contractual workday and another teacher to work 48 minutes after the contractual workday.

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