

P.E.R.C. NO. 98-62

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY BOARD OF  
SOCIAL SERVICES,

Respondent,

-and-

Docket No. CO-H-95-281

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1086,

Charging Party.

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BURLINGTON COUNTY BOARD OF  
SOCIAL SERVICES,

Charging Party,

-and-

Docket No. CE-H-95-19

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1086,

Respondent.

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BURLINGTON COUNTY BOARD OF  
SOCIAL SERVICES,

Petitioner,

-and-

Docket No. SN-H-95-75

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1086,

Respondent.

## SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Burlington County Board of Social Services. The Complaint was based on an unfair practice charge filed by the Communications Workers of America, Local 1086 alleging that the Board violated the New Jersey Employer-Employee Relations Act by shifting Home Energy Assistance work from income maintenance aides represented by CWA to Kelly personnel outside CWA's negotiations unit. The Commission finds that this case is primarily about contracting to hire extra temporary personnel for seasonal work rather than erosion of the negotiations unit. The Commission also

dismisses a Complaint against CWA, based on an unfair practice charge filed by the Board. The charge alleges that CWA violated the Act when it distributed leaflets advising citizens that they could direct inquiries about the HEA program to CWA as well as the Board. The Commission finds that CWA did not undermine, change or affect terms and conditions of employment in any way, nor did it refuse to negotiate.

The Commission also grants the Board's request for a restraint of binding arbitration of a grievance filed by CWA alleging that the Board violated the parties' collective negotiations agreement when it staffed its HEA program with personnel contracted through Kelly Temporary Services, Inc. (Kelly) rather than offering non-supervisory HEA positions to employees in CWA's negotiations unit.

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. 98-63

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WASHINGTON,

Respondent.

-and-

Docket No. CO-H-96-69

COMMUNICATION WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1040,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Township of Washington. The Complaint was based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO, Local 1040. The charge alleges that the Township violated the New Jersey Employer-Employee Relations Act when it refused to execute an agreement settling a previous unfair practice charge and allegedly requiring the Township to pay former employees who had been laid off the difference between the workers' compensation benefits they were receiving and their pre-layoff salaries. The Commission finds that there was no meeting of the minds between the Township and CWA concerning whether the language of the agreement entitled former employees who had been laid off to receive full pay. The previous unfair practice charge was not before the Hearing Examiner since it had been deemed withdrawn and not reopened. The CWA may file a motion to reopen with the Director of Unfair Practices.

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P.E.R.C. NO. 98-64

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WASHINGTON,

Petitioner,

-and-

Docket No. CO-H-95-211

COMMUNICATION WORKERS OF AMERICA,  
AFL-CIO, LOCAL 1040,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Communications Workers of America, AFL-CIO, Local 1040's request for special permission to appeal a Hearing Examiner's interlocutory decision dismissing allegations of an unfair practice charge filed by CWA against the Township of Washington. The charge alleges that the Township violated the New Jersey Employer-Employee Relations Act when it laid off two employees in retaliation for their support of CWA. The Commission finds no extraordinary circumstances warranting interlocutory review. When the Hearing Examiner issues his report, the parties may file exceptions and CWA may then appeal that ruling.

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. 98-65

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY  
(DEPARTMENT OF PERSONNEL),

Respondent,

-and-

Docket No. CI-97-79

DORINDA RELIFORD,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices' refusal to issue a Complaint on an unfair practice charge filed by Dorinda Reliford against the State of New Jersey (Department of Personnel). The charge alleges that the Employer violated the New Jersey Employer-Employee Relations Act when it offered to cancel an unpaid one day suspension if she withdrew her appeal of a reprimand and the suspension of her State car privileges for six months. Reliford accepted the employer's offer, but now asks that her disciplinary appeal be reopened. The Commission concludes that even assuming that all the allegations in the charge are true, it would have no basis for concluding that the employer committed an unfair practice by offering Reliford the settlement that she accepted.

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P.E.R.C. NO. 98-66

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY  
(OFFICE OF EMPLOYEE RELATIONS),

Petitioner,

-and-

Docket No. SN-97-74

COMMUNICATIONS WORKERS OF  
AMERICA, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the State of New Jersey (Office of Employee Relations) for a restraint of binding arbitration of a grievance filed by an employee represented by the Communications Workers of America, AFL-CIO. The grievance seeks overtime compensation for time spent on a Sunday travelling to a training site and time spent on a holiday being trained. The Commission finds that part of the grievance concerning overtime for travelling on a Sunday to be preempted by regulation and restrains arbitration. The Commission finds that part of the grievance relating to time and one-half compensation for attending training on a holiday to be negotiable and denies a restraint of arbitration.

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P.E.R.C. NO. 98-67

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PERTH AMBOY,

Petitioner,

-and-

Docket No. SN-98-11

PERTH AMBOY UNIFORMED FIRE  
FIGHTERS ASS'N, IAFF LOCAL 286,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of certain proposals and one existing contractual provision presented by the Perth Amboy Uniformed Fire Fighters Association, IAFF Local 286, for inclusion in a successor contract with the City of Perth Amboy. The Commission finds residency and reopener proposals to be mandatorily negotiable. The Commission finds that the EMS affiliation proposal is not mandatorily negotiable. The Commission finds that a clothing and maintenance allowance proposal is mandatorily negotiable, except to the extent it requires the employee to replace lost or stolen gear that the employer is required by law to provide.

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. 98-68

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT  
OF THE CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-H-94-275

NEWARK TEACHERS UNION LOCAL 481,  
AFT/AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the State-Operated School District of the City of Newark. The Complaint was based on an unfair practice charge filed by the Newark Teachers Union Local 481, AFT/AFL-CIO. The charge alleges that the District violated the New Jersey Employer-Employee Relations Act by unilaterally changing the terms and conditions of basic skills coordinators and basic skills clerks. The Commission concludes that the Board had a right to assign teaching duties and an obligation to negotiate upon demand over compensation for workload increases. Absent such a demand by the Union, the Commission finds no violation of the duty to negotiate in good faith and dismisses the Complaint.

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P.E.R.C. NO. 98-69

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN FREE PUBLIC LIBRARY,

Respondent,

-and-

Docket No. CO-H-96-70

CAMDEN COUNCIL NO. 10, N.J.C.S.A.,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Camden Free Public Library violated the New Jersey Employer-Employee Relations Act when the acting director of the library transferred two library assistants to another library branch and increased proposed three-day suspensions against them to five days. The Commission finds that these actions were taken in retaliation for the employees' having filed grievances contesting the proposed suspensions and Camden Council No. 10, NJCSA's having filed an unfair practice charge against the Library.

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. 98-70

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOUTH HACKENSACK BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-112

SOUTH HACKENSACK EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the South Hackensack Board of Education for a restraint of binding arbitration of a grievance filed by the South Hackensack Education Association. The grievance contests the Board's decision to install time clocks for its custodians. The Commission holds that school boards have a managerial prerogative to implement timekeeping procedures, including time clocks, to monitor work time.

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P.E.R.C. NO. 98-71

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CLIFFSIDE PARK,

Appellant,

-and-

Docket No. IA-96-138

P.B.A. LOCAL 96,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Cliffside Park's motion to file a notice of appeal nunc pro tunc from an Interest Arbitrator's award resolving successor contract negotiations with P.B.A. Local 96. The Commission holds that in order to consider whether the 14-day period for filing an appeal should be tolled in a particular circumstance, a more particularized description of the reasons for the delay is needed than was presented here.

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P.E.R.C. NO. 98-72

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-86

WASHINGTON TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Washington Township Board of Education for a restraint of binding arbitration of a grievance filed by the Washington Township Education Association. That grievance protests a Board member's alleged public criticism of Township teachers. The Commission denies the Board's request for a restraint of binding arbitration of a second grievance filed by the Association contesting the Board's refusal to hold a hearing on the first grievance.

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. 98-73

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DENNIS TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-41

DENNIS TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Dennis Township Board of Education for a restraint of binding arbitration of grievances filed by the Dennis Township Education Association. One grievance contests the Board's decision not to restore a teacher's salary increments withheld for the 1995-1996 school year. The second grievance contests the Board's decision to withhold that teacher's increments for the 1996-1997 school year. The Commission concludes that these withholdings were predominately based on the evaluations of teaching performance and that any appeal shall be filed with the Commissioner of Education. In addition, under Cherry Hill Bd. of Ed., P.E.R.C. No. 97-139, 23 NJPER 346 (¶28160 1997), the Association may not arbitrate its claim that the 1995-1996 increment should be restored.

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P.E.R.C. NO. 98-74

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLETOWN TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-89

MIDDLETOWN TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of provisions of a recently expired agreement between the Middletown Township Board of Education and the Middletown Township Education Association which the Association has proposed for inclusion in a successor agreement. The Commission holds that a provision concerning the student grading policy is not mandatorily negotiable, except to the extent it requires consultation with a teacher before a grade change. The Commission finds that part of a provision on Teaching Hours and Teaching Load concerning assignments during cluster/planning periods is mandatorily negotiable.

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P.E.R.C. NO. 98-75

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ENGLEWOOD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-85

ENGLEWOOD TEACHERS' ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of several provisions in an expired contract between the Englewood Board of Education and the Englewood Teachers Association which the Association has proposed for inclusion in a successor contract. The Commission finds not mandatorily negotiable provisions or portions of provisions concerning: academic freedom; qualifications for summer school positions; standards for Board decision-making concerning teacher transfers; voluntary transfers and assignments which would establish a substantive limit on the Board's right to deny a transfer request; maintenance of an attendance register; employment of non-tenured teaching staff; teacher observations and evaluations, to the extent they restrict the Board's right to select its evaluators; evaluation procedures, to the extent it requires that an evaluation be in narrative form; and, an Addendum which would incorporate certain non-negotiable subjects into the contract in the event a change in the case law or a statute makes them mandatorily negotiable.

The Commission finds mandatorily negotiable provisions or portions of provisions concerning: procedural issues related to increment withholdings; notice of involuntary transfers; requirement that qualified teachers who have applied for positions



to be interviewed; consideration for summer school positions; written salary notices or contracts by April 30th; transporting students; duration of classroom observation; contents of performance reports; supporting data in performance reports; and, discussion, input or consultation over the school calendar.

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P.E.R.C. NO. 98-76

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF NORTH PLAINFIELD,

Petitioner,

-and-

Docket No. SN-98-7

IAFF LOCAL 2958,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of two contract provisions which IAFF Local 2958 has proposed for inclusion in a successor contract with the Borough of North Plainfield. One proposal seeks to have Emergency Medical Services ("EMS") responsibilities currently performed by the fire department recognized to be the work of the negotiations unit and to have such assignments performed by those qualified firefighters who volunteer for the duty, rather than assigned by the Borough, unless there are insufficient volunteers. The Commission finds the portion of this proposal requiring that assignments first go to volunteers in a firefighter/EMT job classification to be not mandatorily negotiable. The second proposal would bar the performance of certain non-emergency duties during late night hours. The Commission finds this proposal to be not mandatorily negotiable.

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P.E.R.C. NO. 98-77

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MIDDLETOWN,

Respondent,

-and-

Docket No. CO-H-94-387

MIDDLETOWN PBA LOCAL 124,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Township of Middletown violated the New Jersey Employer-Employee Relations Act by unilaterally changing a practice of placing new police officers with police academy training and at least one year's municipal police department experience at step three of the salary guide. The Commission finds, under the facts of this case, that the Township had an obligation to negotiate with the Middletown PBA Local 12 before setting a new police officer's salary below step three.

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