

P.E.R.C. NO. 98-106

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PARSIPPANY-TROY HILLS
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-98-25

PARSIPPANY-TROY HILLS
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Parsippany-Troy Hills Board of Education for a restraint of binding arbitration demanded by the Parsippany-Troy Hills Education Association. The demand contests a teacher's annual evaluation. The Commission finds the evaluation comments to be predominantly evaluative, not disciplinary.

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. 98-107

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF SALEM,

Respondent,

-and-

Docket No. IA-97-121

SALEM COUNTY SHERIFF'S
OFFICERS ASSOCIATION,

Appellant.

SYNOPSIS

The Public Employment Relations Commission vacates and remands an interest arbitration award issued to resolve negotiations between the County of Salem and the Salem County Sheriff's Officers Association. The Commission remands the matter to the arbitrator in accordance with its opinion. The Association had appealed the interest arbitration award.

The Commission finds that the arbitrator did not explain the reasons for his award in the context of the statutory criteria set forth in N.J.S.A. 34:13A-16g. The Commission remands the case for such an explanation but expresses no opinion on the merits of the parties' proposals.

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P.E.R.C. NO. 98-108

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-98-04

POLICE SUPERIOR OFFICERS'
ASSOCIATION OF NEWARK, NEW
JERSEY, INC.,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Newark for a restraint of binding arbitration of a grievance filed by the Police Superior Officers' Association of Newark, New Jersey, Inc. The grievance contests the reassignment of a lieutenant who had been assigned to the Newark credit union office and the City's not replacing him in that office. The Commission finds that public employers have a prerogative to transfer or reassign employees to meet the governmental policy goal of matching the best qualified employees to particular jobs. The Commission determines that this case does not fall within the release time for union business precedent since the officer assigned to the credit union to perform security and other tasks at the credit union remained on active duty and did not negotiate or administer collective negotiations agreements.

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P.E.R.C. NO. 98-109

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-97-132

RUTGERS COUNCIL OF AAUP CHAPTERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Rutgers, the State University for a restraint of binding arbitration of a grievance filed by the Rutgers Council of AAUP Chapters. The grievance contests the College's nonappointment of a lecturer to an assistant professor position and Rutgers' denial of a request for information concerning the filling of that position. The Commission finds that the AAUP does not seek to arbitrate over the decision not to appoint the grievant and instead seeks to have the arbitrator declare that the grievance could be processed through the grievance procedure short of binding arbitration. The Commission further finds that the issue of providing information concerns an alleged contractual right to information, not a statutory right, and that given that the parties may agree to allow unit members to contest non-appointments through the grievance procedure short of binding arbitration, the parties may also agree to exchange information and materials relevant to such a grievance. The arbitrator must determine whether any such agreement has been made in this case and the extent of any such agreement.

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P.E.R.C. NO. 98-110

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON BOROUGH BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-98-40

WASHINGTON BOROUGH EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Washington Borough Board of Education for a restraint of binding arbitration of a grievance filed by the Washington Borough Education Association. The grievance asserts that the Board improperly accepted a custodian's oral resignation. The Commission finds that this dispute centers on the procedures for submitting and accepting resignations - must a resignation be in writing to be effective and can it be retracted before acceptance? The Commission determines that no statute or regulation mandates that an oral resignation be effective and unretractable. An agreement to require a written resignation and to permit retractions before acceptance would intimately and directly affect employees by protecting them against rash decisions and would not significantly interfere with any educational policy determinations. Accordingly, the Commission declines to restrain arbitration.

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P.E.R.C. NO. 98-111

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF DUMONT,

Petitioner,

-and-

Docket No. SN-98-15

PATROLMAN'S BENEVOLENT ASSOCIATION
(PBA) LOCAL 83 (DUMONT UNIT),

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Dumont's request for a restraint of binding arbitration of a grievance filed by the Patrolman's Benevolent Association (PBA) Local 83 (Dumont Unit). Local 83 asserts that the Borough violated the parties' contract when it disciplined a sergeant by reassigning him from the detective bureau into a patrol position and by reducing his compensation. The Borough concedes that this reassignment would be legally arbitrable if it was disciplinary and Local 83 has submitted a certification indicating the reassignment was disciplinary. Given the arguments and facts in this case, the Commission declines to restrain arbitration over the reassignment. The Commission also declines to restrain arbitration over the reduction in compensation since nothing would preclude an agreement to continue compensation at the detective level after a reassignment.

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P.E.R.C. NO. 98-112

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBURY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-98-16

WOODBURY SCHOOL EMPLOYEES
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Woodbury Board of Education for a restraint of binding arbitration of a grievance filed by the Woodbury School Employees Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it reduced the salaries of nighttime, part-time custodians by laying them off for five work days in March 1997. The Commission finds that in this case no positions were abolished and the work force was not reduced and instead the employer effectively reduced the workyear and salaries of nighttime custodians. A grievance contesting such reductions is mandatorily negotiable.

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P.E.R.C. NO. 98-113

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLINGBORO TOWNSHIP
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-96-117

EMPLOYEES ASSOCIATION OF
THE WILLINGBORO SCHOOLS
AND JOANN PHELPS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Willingboro Township Board of Education violated the New Jersey Employer-Employee Relations Act when it denied Joann Phelps a promotion to Supervisor of Transportation in retaliation for her Association support. The Commission concludes that the charging party has established that hostility towards the Association and Phelps as a union official was a motivating and substantial factor in the votes of the majority Board members not to promote her. The Commission concludes that the Board has not established that, absent the illegal motive, it would still not have promoted Phelps.

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P.E.R.C. NO. 98-114

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DEPARTMENT
OF ENVIRONMENTAL PROTECTION),

Petitioner,

-and-

Docket No. SN-98-17

COMMUNICATIONS WORKERS OF AMERICA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the State of New Jersey (Department of Environmental Protection) for a restraint of binding arbitration of grievances filed by the Communications Workers of America. The grievances assert that the employer violated the parties' collective negotiations agreements when it reduced the hours of sick, vacation, and administrative leave time accrued by employees in the Department of Environmental Protection. The Commission restrains arbitration over the recalculation of sick leave time as preempted by N.J.A.C. 4A:6-1.5(f). Since no comparable regulation specifies a formula for recalculating administrative and vacation time balances in the event of workweek reductions, the Commission declines to restrain arbitration over those aspects of the grievance.

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P.E.R.C. NO. 98-115

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ESSEX COUNTY COLLEGE,

Petitioner,

-and-

Docket No. SN-97-105

ESSEX COUNTY COLLEGE
FACULTY ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Essex County College for a restraint of binding arbitration of a grievance filed by a faculty member represented by the Essex County College Faculty Association. The grievance asserts that the College violated a contractual provision allowing faculty members to receive half-year contracts under certain conditions and the demand for arbitration asserts that the College violated the grievance procedure by not timely responding to this grievance. The Commission finds that an arbitrator may consider contractual claims and defenses under Article 16 of the parties' agreement, but the College's policy goal - that no more than 50% of the course load in a program be taught by adjunct instructors - cannot be contested or invalidated through binding arbitration. The Commission declines to restrain arbitration over the specific claim that the College violated the parties' grievance procedures, but will permit the College to refile its petition if the arbitrator finds a violation and issues a remedy the College believes is inconsistent with the limitations set forth in this opinion.

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P.E.R.C. NO. 98-116

STATE OF NEW JERSEY
MERIT SYSTEM BOARD
AND
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of	:	
	:	
LUCIANO REA,	:	
	:	
Appellant,	:	JOINT ORDER
	:	ON CONSOLIDATION AND
v.	:	PREDOMINANT INTEREST
	:	
TOWNSHIP OF TEANECK,	:	
	:	
Respondent.	:	OAL Docket No. CSV 1508-95
_____	:	
	:	
TOWNSHIP OF TEANECK,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-95-170
	:	
AFSCME COUNCIL 52,	:	
LOCAL 820,	:	
	:	
Charging Party.	:	
_____	:	

SYNOPSIS

The Chair of the Public Employment Relations Commission, in a joint order with the Commissioner of Personnel, finds that an unfair practice charge filed by AFSCME Council 52, Local 820 against the Township of Teaneck should be consolidated with an appeal to the Merit System Board filed by Luciano Rea against the Township. The predominant interest in the outcome of the consolidated matter rests with the Public Employment Relations Commission. A Hearing Examiner

of the Commission designated as a Special Administrative Law Judge will first offer recommended findings of fact and conclusions of law to both the Commission and Merit System Board, disposing of all issues in controversy through a single initial decision. Upon transmittal of the initial decision to both agencies, the Commission will review the matter and the record will then be forwarded to the Merit System Board for review. Where appropriate, the matter will be returned to the Commission for its consideration of whether specialized relief is warranted under its Act.

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