

P.E.R.C. NO. 99-100

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGENFIELD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-20

BERGENFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, 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 assignment of teachers to lawn duty in the morning before the school building is open and in the afternoon after students are dismissed. Arbitration is restrained only to the extent the grievance challenges the Board's right to assign teachers to lawn duty. The Commission does not bar arbitration of any issues concerning release time, workload, and methods of selecting qualified staff to perform the duty.

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. 99-101

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOONTON TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-99-35

BOONTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Boonton Township Board of Education for a restraint of binding arbitration of a grievance filed by the Boonton Township Education Association. The grievance contests the withholding of a teacher's salary increment for the 1998-99 school year. The Commission concludes that the record establishes that this increment would not have been withheld absent an incident occurring during an after-school extracurricular coaching assignment. Under all the circumstances, the Commission finds that the withholding was not based predominately on teaching performance and must be reviewed in arbitration.

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P.E.R.C. NO. 99-102

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-49

EAST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the East Orange Board of Education for a restraint of binding arbitration of a grievance filed by the East Orange Education Association. The grievance alleges that the Board disciplined a teacher without just cause when it withheld his salary increments for the 1998-1999 school year. The Board's stated reasons for the withholding were based on unsatisfactory evaluations, several memoranda concerning performance deficiencies, and classroom observations. The Commission concludes that the reasons cited by the Board for this withholding predominately relate to the evaluation of teaching performance and review must be before the Commissioner of Education.

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P.E.R.C. NO. 99-103

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS COUNTY PROSECUTOR'S OFFICE,

Respondent,

-and-

Docket No. RO-99-10

MORRIS COUNTY ASSISTANT PROSECUTOR'S
ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Morris for review of the Director of Representation's decision approving the withdrawal of a representation petition. The petition was filed by the Morris County Assistant Prosecutor's Association seeking to represent assistant prosecutors employed by the Morris County Prosecutor's Office. When the Prosecutor voluntarily recognized the Association as the exclusive representative of all assistant prosecutors except the First Assistant Prosecutor, the Association withdrew the petition. The County asserts that it is the co-employer of the assistant prosecutors and that the case was closed before the co-employer status issue could be resolved. The Commission finds that recognition has been granted and under N.J.S.A. 34:13A-5.3 "the Commission shall not intervene in matters of recognition." Withdrawal of the representation petition does not prejudice or alter the County's statutory right to determine salaries of these employees after receiving a recommendation from the Prosecutor. The Commission encourages the County and the Prosecutor to resolve their dispute over the co-employer issue. If necessary, the County may initiate a separate proceeding to have the Commission resolve that issue.

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P.E.R.C. NO. 99-104

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASCACK VALLEY REGIONAL HIGH
SCHOOL DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-61

PASCACK VALLEY REGIONAL SUPPORT
STAFF ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Pascack Valley Regional High School Board of Education for a restraint of binding arbitration of a grievance filed by the Pascack Valley Regional Support Staff Association. The grievance alleges that the Board violated its collective negotiations agreement with the Association when it replaced full-time secretarial positions with part-time secretarial positions. The Commission finds that the employees' interests in seeking to enforce an alleged agreement to maintain their work hours, salaries, and health benefits outweighs the employer's interests in seeking to change those employment conditions unilaterally.

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P.E.R.C. NO. 99-105

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF PARAMUS,

Respondent,

-and-

Docket No. CO-H-97-27

PARAMUS EMPLOYEES ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion of the Borough of Paramus to dismiss as moot an unfair practice charge filed by the Paramus Employees Association. The charge alleges that the Borough violated the New Jersey Employer-Employee Relations Act when its mayor issued a letter to PBA members enumerating proposals made to the PBA negotiations team and expressing his disappointment that he had not yet learned the membership's position on the offer. The Borough argues that the completion of negotiations moots the dispute. The Association opposes the motion since the parties are in negotiations again and it is concerned that direct dealing will become a regular negotiations tactic. The Commission concludes that, at this juncture, it does not have enough information to make a determination that the successful completion of contract negotiations has mooted this dispute. The Commission reserves its right to revisit that question on a fuller record.

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P.E.R.C. NO. 99-106

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PISCATAWAY TOWNSHIP,

Petitioner,

-and-

Docket No. SN-99-63

ALLIED PUBLIC WORKS EMPLOYEES
OF PISCATAWAY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Piscataway Township for a restraint of binding arbitration of a grievance filed by the Allied Public Works Employees of Piscataway. The grievance asserts that the employer violated the parties' collective negotiations agreement when it demoted an employee with Parkinson's disease and reduced his salary. The Commission concludes that the union may seek to argue to an arbitrator that the Township "renege" on a negotiated agreement that the employee would accept a non-driving position and the Township would not reduce his salary.

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