

P.E.R.C. NO. 2008-12

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY,

Respondent,

-and-

Docket No. CO-2007-065

PROBATION ASSOCIATION OF
NEW JERSEY (CASE-RELATED
PROFESSIONAL UNIT),

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the State of New Jersey Judiciary's request for review and vacates a portion of an interim relief order in I.R. No. 2007-14. In that decision, a Commission Designee ordered the Judiciary to negotiate with the Probation Association of New Jersey (Case-Related Professional Unit) over "severable and mandatorily negotiable issues" associated with the implementation of an August 3, 2006 directive requiring adult and juvenile probation officers to carry out home inspections. The Commission vacates the Designee's order over issues relating to the establishment of a system or protocol for when probation officers will be provided with law enforcement assistance, providing pepper spray to probation officers who have been properly trained in its use, and providing Kevlar vests and other protective garments to probation officers. The Commission finds that the record does not show that PANJ demanded to negotiate over these issues or that the Judiciary refused to negotiate in response to such a demand. In light of this decision, the Commission finds no need to address the Judiciary's other grounds for vacating the order.

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. 2008-13

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN,

Petitioner,

-and-

Docket No. SN-2007-075

CAMDEN COUNCIL #10, NJCSA,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Camden for a restraint of binding arbitration of a grievance filed by Camden Council #10, NJCSA. The grievance alleges that the County violated the parties' collective negotiations agreement by requiring an employee to move into the County even though he has lived outside the County for over 30 years and is not covered by the County's subsequently adopted residency policy. The Commission finds that this dispute is not about the County's right to establish a residency policy, nor is it a claim that an employee or group of employees should be exempt from an existing policy. The Commission holds that this case involves a very narrow dispute over whether the County's residency policy applies to a particular employee who was hired before the policy was adopted and who had allegedly lived outside the County at all times since. The Commission holds this narrow dispute to be legally arbitrable.

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P.E.R.C. NO. 2008-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LIVINGSTON,

Petitioner,

-and-

Docket No. SN-2007-065

P.B.A. LOCAL NO. 263,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Livingston for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 263. The grievance alleges unsafe working conditions on a day when staffing levels dipped below the levels set by department directives and standard operating procedures. The Commission permits arbitration over the safety concerns, but an arbitrator may not order an increase in staffing levels.

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P.E.R.C. NO. 2008-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OLD BRIDGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-046

OLD BRIDGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Old Bridge Board of Education for a restraint of binding arbitration of a grievance filed by the Old Bridge Education Association. The grievance contests the withholding of a teacher's salary increment. The teacher asked a student to take an Association document to the classroom of other teachers and have them sign it while the rest of the class continued their work. The Commission finds that this withholding was not predominately based on an evaluation of teaching performance and declines to restrain arbitration.

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P.E.R.C. NO. 2008-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF PALMYRA

Respondent,

-and-

Docket No. CO-2006-301

PALMYRA POLICE ASSOCIATION,
AFFILIATED WITH FOP LODGE 2,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Palmyra Police Association, affiliated with FOP Lodge 2 for reconsideration of P.E.R.C. No. 2008-5. In that decision, the Commission dismissed an unfair practice charge after finding that the Borough of Palmyra's negotiators did not have the apparent authority to enter into a successor contract without Borough Council ratification. The Commission's grants reconsideration because its decision did not separately address the Association's allegation that the Borough violated its duty to negotiate in good faith when it engaged in surface and regressive bargaining. Under all the circumstances, the Commission does not find that the Borough acted in bad faith in not ratifying the draft contract. The Commission affirms its decision dismissing the Complaint.

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P.E.R.C. NO. 2008-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PEQUANNOCK TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-066

PEQUANNOCK TOWNSHIP
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Pequannock Township Board of Education for a restraint of binding arbitration of a grievance filed by the Pequannock Township Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement by placing a letter of reprimand in a teacher's personnel file without just cause. The Commission concludes that the memorandum does not address or evaluate the teaching staff member's performance nor is it simply informational. The Commission finds that the memorandum passes judgment on the teacher's conduct and that an arbitrator can legally determine whether delivery of an e-mail message through the school's e-mail constituted sufficient cause to send the memorandum.

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P.E.R.C. NO. 2008-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

QUINTON TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-081

QUINTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Quinton Township Board of Education for a restraint of binding arbitration of a grievance filed by the Quinton Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement by pro-rating sick days for part-time employees. The Commission concludes that statutes and case law do not prohibit an agreement over the amount of sick leave to be granted part-time employees and whether the parties have negotiated such an agreement is a contractual merits question for the arbitrator.

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P.E.R.C. NO. 2008-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CLINTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-074

CLINTON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Clinton Township Board of Education for a restraint of binding arbitration of a grievance filed by the Clinton Township Education Association. The Commission finds legally arbitrable the challenge to the suspension of a kindergarten teacher for the remainder of a school year. The Association does not seek to arbitrate the subsequent decision not to renew the teacher.

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