

P.E.R.C. NO. 2004-82

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BERNARDSVILLE,

Petitioner,

-and-

Docket No. SN-2004-57

P.B.A. LOCAL NO. 365,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Bernardsville's motion for reconsideration of P.E.R.C. No. 2004-67. In that decision, the Commission declined to exercise its scope jurisdiction in the absence of a demand for arbitration, or a dispute that had arisen during successor contract negotiations. The Commission finds no extraordinary circumstances warranting reconsideration and reiterates that any scope of negotiations issues can be addressed in a pending unfair practice proceeding.

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. 2004-83

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FLORHAM PARK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-2003-225

FLORHAM PARK EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Florham Park Board of Education violated the New Jersey Employer-Employee Relations Act when its superintendent issued two memoranda criticizing and retaliating against the Florham Park Education Association president in his role as a teacher for a telephone message he left in his role as Association president.

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P.E.R.C. NO. 2004-85

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST WINDSOR-PLAINSBORO REGIONAL  
SCHOOL DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2004-42

WEST WINDSOR-PLAINSBORO SERVICE  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the West Windsor-Plainsboro Regional School District Board of Education for a restraint of binding arbitration of a grievance filed by the West Windsor-Plainsboro Service Association. The grievance alleges that the Board violated the seniority article in the parties' collective negotiations agreement when it credited a secretary for time previously worked in a non-unit position and identified for layoff another secretary with more seniority in a negotiations unit position. The Commission concludes that school boards and majority representatives may negotiate seniority provisions for secretaries, but that a negotiated seniority provision cannot conflict with the tenure laws by subordinating the rights of tenured employees to the interests of non-tenured employees.

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P.E.R.C. NO. 2004-84

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-2004-63

PATERSON POLICE PBA LOCAL 1,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Paterson for a restraint of binding arbitration of a grievance filed by a police officer represented by Paterson Police PBA Local 1. The grievance asserts that the City violated the parties' collective negotiations agreement when it refused to pay the health insurance premiums of police officers who retired with 25 years of creditable service for pension purposes but without 25 years of service with the City. The Commission concludes that the parties may legally agree to have a grievance arbitrator determine what contractual agreement they made concerning health insurance premiums and whether the employer violated the agreement. The Board may raise any alleged violations of the uniformity requirement of N.J.S.A. 40A:10-23 in the Superior Court.

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