

P.E.R.C. NO. 2013-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FAIR LAWN,

Respondent,

-and-

Docket No. RO-2011-041

FAIR LAWN 911 OPERATORS
ASSOCIATION, IAFF,

Petitioner,

-and-

WHITE AND BLUE COLLAR EMPLOYEES'
ASSOCIATION OF FAIR LAWN,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission grants a request for review of D.R. No. 2013-4 filed by the Fair Lawn 911 Operators Association, IAFF. In that decision, the Director of Representation found that nine 911 operators currently included in a broad-based unit represented by White and Blue Collar Employees' Association of Fair Lawn should not be severed to be included in a unit represented by IAFF. IAFF argues that the Association is not the exclusive representative of the 911 operators, and that inclusion of the 911 operators in a broad-based unit is inappropriate because they were exempt from furlough days that were required of other employees. The Commission affirms the Director's decision that found evidence of a collective negotiations relationship without the necessary factors for severance from the broad-based 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. 2013-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN HOUSING AUTHORITY,

Respondent,

-and-

Docket Nos. RO-2012-058
RE-2012-003
CU-2012-025

AFSCME COUNCIL 71, LOCAL 3974,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the City of Camden Housing Authority's request for review of D.R. 2013-2. In that decision, the Director of Representation ordered that AFSCME Council 71, Local 3974 be certified as the exclusive representative of a unit of approximately twelve supervisors employed by the Authority. The Authority argues that the Director made factual errors in determining which employees were appropriate for inclusion in the unit. The Commission holds that because the Authority did not object to the validity of certification cards or employee lists, or provide a complete list of employee names to the Director, despite being requested to do so, the request for review is denied.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. CU-2012-017

COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT,

Petitioner,

-and-

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission grants the State of New Jersey's motion to dismiss a clarification of unit petition filed by the Council of New Jersey State College Locals, American Federation of Teachers (AFT) to include within its existing unit a number of titles that had been excluded as "managerial executives" prior to the January 18, 2010 effective date of the amendment to N.J.S.A. 34:13A-3. The Communications Workers of America (CWA) intervened alleging that some titles sought by AFT should be placed its broad-based units of state government executive branch employees. The State argued that the individuals sought by the petition are employed by the colleges' boards of trustees, not the State, thereby rendering N.J.S.A. 34:13A-3 inapplicable. The Commission found that changes in the state college system replaced the State Board of Higher Education with individual college boards of trustees who now assume the role of public employer (N.J.S.A. 18A:64-20) despite the fact that the Governor is mandated to negotiate on behalf of state colleges (N.J.S.A. 18A:64-21.1). The Commission holds that the individuals sought by the petition are not employees of the State of New Jersey.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTHERN BURLINGTON COUNTY
REGIONAL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-015

NORTHERN BURLINGTON COUNTY
REGIONAL BOARD TEACHERS' ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Northern Burlington County Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Northern Burlington County Regional Board Teachers' Association. The grievance seeks compensation for curriculum work assigned to teaching staff during three professional development days. The Commission holds that arbitration of the grievance would not significantly interfere with the Board's educational prerogative to schedule in-service days or determine teacher work assignments on those days.

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P.E.R.C. NO. 2013-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MILLBURN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-031

COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 1031,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Millburn Township Board of Education for a restraint of advisory arbitration of a grievance filed by the CWA Local 1031. The grievance contests the withholding of a groundskeeper's wage increase. The Commission holds that, where the parties' agreement provides advisory arbitration as the final step of the grievance procedure, the withholding of an increment for any reason is arbitrable regardless of whether the increment was withheld for disciplinary or performance-based reasons.

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P.E.R.C. NO. 2013-55

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROSELLE PARK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-033

ROSELLE PARK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Roselle Park Board of Education for a restraint of binding arbitration of a grievance filed by the Roselle Park Education Association. The grievance seeks compensation for time spent by teachers assigned to school lunch supervision. The Commission holds that the issue of additional compensation for teachers assigned to lunch supervision is mandatorily negotiable.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SUMMIT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-026

SUMMIT EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Summit Board of Education for a restraint of binding arbitration of a grievance filed by the Summit Education Association. The grievance contests the withholding of a physical education teacher's salary increment. The Board withheld the increment due to the teacher's violation of a no alcohol policy during an out-of-state trip in his capacity as a coach. Because the reasons cited by the Board for the withholding are predominately disciplinary, and because they concerned extracurricular assignments, the Commission holds that the grievance is arbitrable.

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P.E.R.C. NO. 2013-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SUMMIT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-032

SUMMIT EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Summit Board of Education for a restraint of binding arbitration of a grievance filed by the Summit Education Association. The grievance contests the withholding of a tenured secretary's salary increment. The Board withheld the increment due to the secretary's alleged improper personal use of her office computer. Because the reasons cited by the Board for the withholding are predominately disciplinary, the Commission holds that the grievance is arbitrable.

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