

P.E.R.C. NO. 2015-22

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP BOARD OF  
EDUCATION,

Respondent/Public Employer,

-and-

Docket No. CI-2008-022

CAROL PARENTE ZIZNEWSKI,

Charging Party.

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EDISON TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent/Employee Representative,

-and-

Docket No. CI-2008-023

CAROL PARENTE ZIZNEWSKI,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2014-086 filed by Carol Parente Ziznewski. In that decision, the Commission affirmed the Director of Unfair Practice's refusal to issue Complaints based on allegations in unfair practice charges filed by Ziznewski against her employer and majority representative. The Commission finds that Ziznewski's submission did not establish grounds for reconsideration.

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. 2015-23

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY SUPPORT STAFF  
ASSOCIATION/NJEA,

Respondent,

-and-

Docket No. CI-2013-064

STEPHEN THOMAS ERNST,

Charging Party.

PASSAIC COUNTY COLLEGE,

Respondent,

-and-

Docket No. CI-2013-065

STEPHEN THOMAS ERNST,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Director of Unfair Practices refusing to issue a Complaint based on unfair practice charges filed by Stephen Thomas Ernst against Passaic County College and the Passaic County Support Staff Association/NJEA. The charges allege that the College and Association violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when the College refused to process a wage grievance and the Association refused to actively support his wage grievance. The Commission agrees with the Director that the Association's decision not to arbitrate the grievance did not breach its duty of fair representation, and that because Ernst cannot prove a breach of the duty of fair representation against his majority representative, he does not have standing to assert that the College negotiated in bad faith.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY COLLEGE,  
Petitioner,

-and-

Docket No. SN-2013-001

UNION COUNTY COLLEGE CHAPTER OF  
THE AMERICAN ASSOCIATION OF UNIVERSITY  
PROFESSORS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract clauses in an expired collective negotiations agreement between the Union County College and the Union County College Chapter of the American Association of University Professors. The Commission finds mandatorily negotiable provision concerning: service credit for non-tenure track faculty members who are granted tenure-track appointments; requiring that the the Peer Evaluation Committee Chair be given the names of promotion-eligible faculty; requiring evaluation of tenured faculty once every five years; allowing faculty to respond to an evaluation before it proceeds to the next level; distribution of student evaluation forms to be done by a person approved by the Department Chair or Coordinator; providing for faculty committees to make recommendations to the President and for the President to comply with faculty committee requests for information; allowing faculty to object to reassignments to committee which will make a written recommendation to the President; requiring majority vote of a department's faculty for contractually required department decisions; and allowing a faculty to choose to teach a distance learning course as part of their base load or as an overload.

The Commission finds not mandatorily negotiable provisions concerning: seniority in teaching assignments; faculty involvement in the conduct of evaluations; preventing promotion evaluations from being substituted for post-tenure evaluations; requiring the College to solicit faculty advice prior to curriculum decisions; requirements of a faculty organization; prior notice of department creation, abolishment, or reorganization; requiring administrators to be assigned to a compensation committee; faculty not being required to travel to other work sites; requiring consultation with the Department Chairperson prior to courses being canceled; requiring that the Academic Vice President consult with the department in which a faculty member desires to teach; and requiring the College to consult with department chairs prior to scheduling a large lecture section.

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P.E.R.C. NO. 2015-25

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY  
(OCEAN VICINAGE),

Petitioner,

-and-

Docket No. SN-2014-020

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

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey Judiciary (Ocean Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey (Professional Case Related Unit). The grievance asserts that the Judiciary violated several provisions of the parties' collective negotiations agreement (CNA) by imposing a new policy of only offering after hours "beeper duty" overtime assignments to probation officers from the juvenile and children sections. The Commission holds that permitting an arbitrator to second-guess that determination would substantially limit the Judiciary's prerogative to match the best qualified employees to the particular job.

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P.E.R.C. NO. 2015-26

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BAYONNE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-030

BAYONNE TEACHERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the request of the Bayonne Board of Education for a restraint of binding arbitration of a grievance filed by the Bayonne Teachers Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it implemented an algebra class outside of the contractual work day without appropriate compensation for the teachers. The Commission holds that the Board's decision to add the classes and schedule them prior to the start of the normal school day is a non-arbitrable educational policy decision. The Commission declines to restrain arbitration over the severable issue of compensation for teachers of the added class.

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P.E.R.C. NO. 2015-27

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2014-057

OFFICE AND PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION, LOCAL 32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Bergen County Sheriff's Office for a restraint of binding arbitration of a grievance filed by the Office and Professional Employees International Union, Local 32. The grievance contests the assignment of non-unit members to perform radio dispatcher/operations which had previously been performed by Local 32 employees as overtime work. The Commission holds that this case involves the County's non-negotiable managerial prerogative to deploy its workforce to respond to emergent conditions involving unforeseen call volume surges of short duration.

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P.E.R.C. NO. 2015-28

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FARMINGDALE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-062

FARMINGDALE TEACHERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Farmingdale Board of Education for a restraint of binding arbitration of a grievance filed by the Farmingdale Teachers Association. The grievance contests the withholding of a teacher's salary increment. The Commission finds that the alleged teaching-related and classroom management deficiencies underlying the increment withholding are predominately related to the grievant's teaching performance, despite being initiated through a parent's complaint and occurring outside of the formal evaluation process.

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P.E.R.C. NO. 2015-29

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAPE MAY COUNTY MUNICIPAL  
UTILITIES AUTHORITY,

Petitioner,

-and-

Docket No. SN-2014-064

TEAMSTERS LOCAL 331,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Cape May County Municipal Utilities Authority for a restraint of binding arbitration of a grievance filed by the Teamsters Local 331. The grievance asserts that the Authority violated the parties' collective negotiations agreement when it denied a unit member's application for a lateral transfer to a Utility Worker position at the Cape May Regional Wastewater Treatment Plant. The Commission finds that the Authority has demonstrated that governmental policies related to training and staffing would be substantially impaired if it granted the grievant's transfer request solely based on seniority.

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P.E.R.C. NO. 2015-30

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-069

ELIZABETH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Elizabeth Board of Education for a restraint of binding arbitration of a grievance filed by the Elizabeth Education Association. The grievance contests the withholding of a teacher's salary increment. Finding that the reasons for the withholding predominately relate to teaching performance (poor classroom and student management, lack of preparation, lack of organized classroom environment, and problems engaging students in learning), the Commission restrains arbitration.

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