

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BLOOMFIELD EDUCATION ASSOCIATION,
Respondent,

-and-

Docket No. CI-2014-045

ESSEX COUNTY EDUCATION ASSOCIATION,
Respondent,

-and-

NEW JERSEY EDUCATION ASSOCIATION,
Respondent,

-and-

NATIONAL EDUCATION ASSOCIATION,
Respondent,

-and-

DMITRIY ZVYAGIN,
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 Dmitriy Zvyagin against the Bloomfield Education Association, Essex County Education Association, New Jersey Education Association, and National Education Association. 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., by overcharging unit members Association dues. The Commission agrees with the Director that the Appeal Board has jurisdiction over the amount of the representation fee, and further notes that disputes over dues for members are internal union matters.

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. 2015-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WAYNE TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2013-181

WAYNE SUPERVISORS OF CURRICULUM/
INSTRUCTION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the exceptions of the Wayne Supervisors of Curriculum/Instruction Association to a Hearing Examiner's decision granting the Wayne Township Board of Education's motion for summary judgment and denying the Association's cross-motion for summary judgment in an unfair practice case filed by the Association. The Commission agrees with the Hearing Examiner that there are material issues of fact as to whether there was a workload increase triggering a duty to negotiate, but disagrees with the Hearing Examiner that the subsequent elimination of the supervisor positions rendered this dispute moot. The Commission vacates the Hearing Examiner's decision on the motions for summary judgment, and remands for a hearing to resolve the issue of a negotiations obligation arising from the alleged workload increase.

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P.E.R.C. NO. 2015-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET HILLS BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-070

SOMERSET HILLS EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Somerset Hills Board of Education for a restraint of binding arbitration of a grievance filed by the Somerset Hills Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement by denying the Association the opportunity to appoint members to a committee tasked with making recommendations to change the teacher evaluation process. The Commission finds that the grieved contract article concerns the mandatorily negotiable subject of evaluation procedures and does not impinge on the Board's prerogative to set evaluation criteria.

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P.E.R.C. NO. 2015-39

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-082

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 evaluation of teaching performance, the Commission restrains arbitration.

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P.E.R.C. NO. 2015-40

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PLAINFIELD,

Petitioner,

-and-

Docket Nos. SN-2014-087
SN-2014-088

PLAINFIELD FIRE OFFICERS ASSOCIATION
LOCAL 207, and FIREMEN'S MUTUAL
BENEVOLENT ASSOCIATION, LOCAL NO. 7,

Respondents.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract clauses in expired collective negotiations agreements between the City of Plainfield and the Plainfield Fire Officers Association Local 207, and between the City of Plainfield and the Firemen's Mutual Benevolent Association, Local No. 7. Finding that public employers are not required to negotiate over overall how many firefighters will be on duty or how many will be assigned to a truck, even where such staffing and manning decisions affect employee safety, the Commission holds that the disputed language requiring the City to maintain specific staffing levels and alarm responses substantially limits its policymaking power to determine the size of its workforce and how best to deploy its fire personnel.

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P.E.R.C. NO. 2015-41

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAINESPORT TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-095

HAINESPORT EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Hainesport Township Board of Education for a restraint of binding arbitration of a grievance filed by the Hainesport Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it denied a teacher's request for tuition reimbursement for two master's degree graduate courses. The Commission holds that N.J.S.A. 18A-6:8.5 preempts arbitration because it requires that an employee obtain approval from the superintendent prior to enrollment in any course for which tuition is sought, and it is undisputed that such approval was not obtained.

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P.E.R.C. NO. 2015-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERLIN TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-101

BERLIN TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Berlin Township Board of Education for a restraint of binding arbitration of a grievance filed by the Berlin Township Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when a principal assigned teachers to supervise their students' lunch period on early dismissal days. The Commission finds that because the parties' negotiated grievance procedure ends in advisory arbitration, and the employer has not made a preemption claim, the grievance may proceed to advisory arbitration.

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