

P.E.R.C. NO. 2015-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PEMBERTON,

Petitioner,

-and-

Docket No. SN-2014-091

PEMBERTON PBA LOCAL NO. 260,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Township of Pemberton seeking to remove step three of the parties' grievance procedure from their successor collective negotiations agreement. The Commission finds that the Faulkner Act, N.J.S.A. 40:69A-31 et seq. does not specifically preempt the town council from reviewing a grievance at step three under a mayor-council form of government. The Commission holds that this dispute is one of separation of powers between the mayor and city council under the Faulkner Act, and is better adjudicated by a court than as a negotiability dispute under the Employer-Employee Relations Act.

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. 2015-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOWELL TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-071

HOWELL TOWNSHIP ADMINISTRATIVE COUNCIL,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a contract clause in an expired collective negotiations agreement between the Howell Township Board of Education and the Howell Township Administrative Council. The Commission holds that N.J.S.A. 18A:30-3.6 preempts negotiability of an accumulated sick leave payment clause to the extent the clause applies to employees who commenced service with the Board on or after the effective date of the law.

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P.E.R.C. NO. 2015-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2014-107

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. 2015-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-004

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. 2015-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLE TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-013

MIDDLE TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part and denies in part the request of the Middle Township Board of Education for a restraint of binding arbitration of a grievance filed by the Middle Township Education Association contesting the transfer of a guidance counselor from the high school to the middle school, which resulted in a loss of extra compensation for summer work. The Commission holds that the Board's decision to transfer the grievant is not mandatorily negotiable, but that the alleged reduction in compensation accompanying the transfer is mandatorily negotiable.

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P.E.R.C. NO. 2015-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF MILLVILLE,

Petitioner,

-and-

Docket No. SN-2015-017

MILLVILLE ADMINISTRATORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Millville for a restraint of binding arbitration of a grievance filed by the Millville Administrators Association. The grievance challenges the City's elimination of the municipal engineer's 28.5 days of accumulated vacation leave. Finding that the municipal engineer position is unclassified according to Civil Service law and regulation, and N.J.S.A. 11A:6-3 only limits vacation leave accrual for classified positions, the Commission holds that the issue is not preempted and is therefore arbitrable.

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