

P.E.R.C. NO. 2015-75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF OAKLAND,

Respondent,

-and-

Docket No. IA-2014-044

PBA LOCAL 164,

Appellant.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award establishing the terms of a successor agreement between the Borough of Oakland and PBA Local 164. The PBA appealed the award, asserting that the arbitrator modified contract provisions, mostly related to new hires, without making any cost analysis for each year of the contract. The PBA also argued that the arbitrator failed to sufficiently explain which statutory factors were deemed relevant or not relevant, and why. The Commission finds that the arbitrator properly did not factor projected retirements or new hires into his calculations under the 2% salary cap, and was not required to provide a cost analysis for modifications of economic terms for new hires. The Commission also finds that the arbitrator addressed all of the N.J.S.A. 34:13A-16g statutory factors, adequately explained the relative weight given, and analyzed the evidence on each relevant factor.

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. 2015-76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNCIL OF NEW JERSEY
STATE COLLEGE LOCALS, AFL-CIO,
Respondent,

-and-

Docket No. CI-2014-047

MARY ROMAN,
Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Director of Unfair Practices refusing to issue a Complaint based on an unfair practice charge filed by Mary Roman against the Council of New Jersey State College Locals, AFL-CIO. The charge alleges that the Council violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by breaching its duty of fair representation based on how it represented her at a grievance arbitration hearing which resulted in an adverse decision. The Commission agrees with the Director that the Charging Party alleged no facts indicating the Council acted arbitrarily, discriminatorily, or in bad faith.

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. 2015-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CENTRAL REGIONAL BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2012-345

CENTRAL REGIONAL BUS DRIVERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision in an unfair practice case filed by the Central Regional Bus Drivers Association against the Central Regional Board of Education. That decision recommended that the Commission find that the Board violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (3), when it retaliated against the Association President for exercising protected activities. The Commission rejects the Board's exceptions, finding that the Hearing Examiner's findings were tied to witness testimony and supported by precise citations to the record, that she gave reasoned explanations for her credibility determinations. The Commission holds that the Hearing Examiner properly applied Commission cases in concluding that the Board used criticism and adverse evaluations to illegally retaliate against the Association President for her exercise of protected conduct.

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. 2015-78

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TRENTON BOARD OF EDUCATION,

Public Employer,

-and-

Docket Nos. CU-2014-002
CO-2014-028

TRENTON EDUCATIONAL
SECRETARIES ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Trenton Educational Secretaries Association's (TESA) request for review of the Director of Unfair Practice and Representation's dismissal of its clarification of unit petition, but remands TESA's related unfair practice charge to the Director for further processing. The Commission finds that the Director's finding that the Trenton Board of Education's newly created position is a confidential secretary who is ineligible for inclusion in the unit is supported by undisputed material facts and a thorough investigation, and that an evidentiary hearing was unnecessary. However, the Commission holds that a finding that the secretary is confidential does not preclude a finding of an unfair practice if the position was created in retaliation for TESA asserting its recall rights.

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. 2015-79

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BELLEVILLE EDUCATION ASSOCIATION,

Charging Party,

-and-

Docket No. CO-2014-149

BELLEVILLE BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the motion for summary judgment filed by the Belleville Education Association and denies the cross-motion for summary judgment filed by the Belleville Board of Education. The Commission finds that the Board violated N.J.S.A. 34:13A-5.4a(1), (3), and (5) of the New Jersey Employer-Employee Relations Act by failing to negotiate regarding the negotiable impacts on staff of implementing security cameras and the use of RFID cards, and by retaliating against an Association member for his protected activity regarding the Association's concerns and attempted negotiations regarding the new security system.

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. 2015-80

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-021

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.

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. 2015-81

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL
DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-023

NORTH HUNTERDON VOORHEES
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies in part, and dismisses without prejudice in part, the request of the North Hunterdon-Voorhees Regional School District Board of Education to restrain arbitration of a grievance filed by the North Hunterdon-Voorhees Education Association. The Association asserts the Board violated contractual evaluation procedures and imposed discipline without just cause by rating a teacher "ineffective" in two categories of her annual evaluation. The Commission finds that the alleged violation of contractual evaluation procedures regarding disclosure of documents used for evaluation is arbitrable, and that the dispute over whether the challenged ratings were disciplinary may be resubmitted to the Commission if arbitration over the procedural dispute does not also resolve the dispute over the teacher's ratings.

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. 2015-82

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CARLSTADT,

Petitioner,

-and-

Docket No. SN-2015-024

CARLSTADT DEPARTMENT OF PUBLIC
WORKS BENEVOLENT ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Borough of Carlstadt's request for a restraint of binding arbitration of a grievance filed by the Carlstadt Department of Public Works Benevolent Association. The grievance contests the Borough's decision to privatize street sweeper operations. The Commission holds that even if the Board's decision was made solely for economic reasons and resulted in job losses, Local 195, IFPTE v. State, 88 N.J. 393 (1982) does not allow binding arbitration to challenge such subcontracting decisions.

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.