

P.E.R.C. NO. 2016-12

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2014-205

FRATERNAL ORDER OF POLICE,
NEWARK LODGE NO. 12,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the motion for summary judgment filed by the Fraternal Order of Police, Newark Lodge No. 12. The charge alleges that the City of Newark violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1) and (5), when it unilaterally changed the pre-interview advisement form utilized by police officers being questioned as part of an official Newark Police Department investigation. The Commission finds that there are material disputed facts concerning when the FOP had knowledge of the change to the pre-interview advisement form.

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. 2016-13

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOBOKEN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-026

HOBOKEN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Hoboken Board of Education for a restraint of binding arbitration of a grievance filed by the Hoboken 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 to the extent it challenges the merits of the increment withholding. The Commission denies restraint of arbitration to the extent it challenges the Board's alleged procedural violation in not providing grievant with derogatory materials placed in her file.

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P.E.R.C. NO. 2016-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2015-031

COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the State of New Jersey's request for a restraint of binding arbitration of a grievance filed by the Council of New Jersey State College Locals, AFT. The grievance challenges the State's refusal to negotiate over procedures relating to tenure-upon-hire. Finding that N.J.S.A. 18A:60-16(b) requires discussions and, where appropriate, negotiations on the subject of procedures for granting tenure-upon-hire, the Commission holds that the issue is not preempted and is therefore arbitrable.

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P.E.R.C. NO. 2016-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON STATE-OPERATED
SCHOOL DISTRICT,

Petitioner,

-and-

Docket No. SN-2015-034

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Paterson State-Operated School District's request for a restraint of binding arbitration of a grievance filed by the Paterson Education Association. The grievance challenges the District's failure to timely notify transferred staff members that they would be transferred during the 2013-14 school years. The Commission holds that an alleged violation of a contractual notice provision is mandatorily negotiable.

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. 2016-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HELMETTA,

Petitioner,

-and-

Docket No. SN-2015-050

TEAMSTERS LOCAL 210,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a contract clause in an expired collective negotiations agreement between the Borough of Helmetta and Teamsters Local 210. The Commission holds that the disputed clause which limits the Borough's ability to subcontract work is not mandatorily negotiable.

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P.E.R.C. NO. 2016-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ENGLEWOOD,

Petitioner,

-and-

Docket No. SN-2015-053

IBT LOCAL 11,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City of Englewood's request for a restraint of binding arbitration of a grievance filed by IBT Local 11. The grievance contests the City's termination of a waste collection route and reassignment of grievant without permitting him to exercise seniority bumping rights. The Commission holds that the City's reassignment based upon employee qualifications is a non-negotiable managerial prerogative that outweighs grievant's interest in utilizing seniority rights.

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P.E.R.C. NO. 2016-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HACKENSACK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-058

HACKENSACK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Hackensack Board of Education's request for a restraint of binding arbitration of a grievance filed by the Hackensack Education Association. The grievance challenges the Board's refusal to grant terminal leave payments for unused accumulated sick leave. Finding that compensation for unused leave is mandatorily negotiable and that the grievants began employment before the statute's effective date, the Commission holds that the issue is not preempted by N.J.S.A. 18A:30-3.6 and is therefore arbitrable.

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P.E.R.C. NO. 2016-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-059

ELIZABETH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies 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 do not predominately relate to evaluation of teaching performance, the Commission declines to restrain arbitration.

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P.E.R.C. NO. 2016-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HACKENSACK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-060

HACKENSACK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Hackensack Board of Education's request for a restraint of binding arbitration of a grievance filed by the Hackensack Education Association. The grievance challenges the Board's refusal to grant salary guide advancement based upon completion of graduate courses. Finding that appropriate placement on a salary guide is mandatorily negotiable and is not preempted by N.J.S.A. 18A:6-8.5, the Commission holds that the dispute is arbitrable.

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. 2016-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FELICIA GONZALEZ
AND BARBARA DEAN,

OAL DKT. NOS. EDU-10085-13
EDU-10092-13

Petitioners,

AGENCY DKT. NOS. 129/6/13
130/6/13

v.

VINELAND BOARD OF EDUCATION,

Respondent.

-and-

FELICIA GONZALEZ
AND BARBARA DEAN,

Petitioners,

PERC DKT. NOS. TI-2013-004
TI-2013-005

v.

VINELAND BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission adopts the Initial Decision of an Administrative Law Judge designated to hear a contested case pursuant to a Joint Order of Consolidation and Predominant Interest (P.E.R.C. No. 2014-36, 40 NJPER 274 (¶105 2014)) that consolidated a contested transfer petition filed by Gonzalez and Dean, and petitions of appeal before the Commissioner of Education. The Initial Decision finds that a settlement agreement between the parties meets the requirements of N.J.A.C. 1:1-19.1.

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