

P.E.R.C. NO. 2016-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-035

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 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 the grievant's file.

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. 2016-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2015-036

POLICE BENEVOLENT ASSOCIATION
LOCAL 177,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Somerset County Sheriff's Office's request for a restraint of binding arbitration of a grievance filed by the Police Benevolent Association Local 177. The grievance contests the County's refusal to fill a vacant Records Classification Supervisor [Sergeant] position with the most senior qualified officer. The Commission holds that the County's transfer/reassignment of the selected sergeant was a non-negotiable exercise of the County's managerial prerogative to match the best qualified employee with a particular job.

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P.E.R.C. NO. 2016-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HELMETTA,

Petitioner,

-and-

Docket Nos. SN-2015-048

SN-2015-049

LOCAL 210, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Helmetta's request for a restraint of binding arbitration of a grievance filed by Local 210, International Brotherhood of Teamsters. The grievance contests the Borough's termination of two Animal Shelter employees as being without just cause. Finding that Articles 10 and 29 of the parties' CNA are preempted by N.J.S.A. 40A:60-3(d) and N.J.S.A. 40A:60-5(c) because those statutes expressly define a quorum for purposes of conducting borough business and grant the mayor power to cast tiebreaking votes, the Commission restrains arbitration and holds that Articles 10 and 29 must be considered removed from the CNA. The Commission denies restraint of arbitration to the extent that the grievance challenges the Borough's termination as being without just cause.

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P.E.R.C. NO. 2016-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-066

WASHINGTON TOWNSHIP
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Washington Township Board of Education's request for a restraint of binding arbitration of a grievance filed by the Washington Township Education Association. The grievance contests the Board's denial of tuition reimbursement requests after using tuition reimbursement funds for another program. The Commission holds that the grievance does not contest the Board's managerial prerogative to establish another program and that, although N.J.S.A. 18A:6-8.5(b) provides an employee with the right to appeal to the Board, same does not preclude an employee from pursuing an alternate appeal procedure.

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P.E.R.C. NO. 2016-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LIVINGSTON,

Petitioner,

-and-

Docket No. SN-2015-075

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 469,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township of Livingston's request for a restraint of binding arbitration of a grievance filed by International Brotherhood of Teamsters Local 469. The grievance contests the Township's enforcement of a requirement that Department of Public Works (DPW) employees possess a commercial driver's license (CDL). The Commission holds that the Township has the managerial prerogative to determine the qualifications required of a job, including whether a particular license is required or desirable.

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P.E.R.C. NO. 2016-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ASBURY PARK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-076

ASBURY PARK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Asbury Park Board of Education's request for a restraint of binding arbitration of a grievance filed by the Asbury Park Education Association. The grievance contests the transfer of a special education teacher. Finding that the Association failed to challenge the Board's transfer decision as disciplinary under N.J.S.A. 34:13A-27(a) because it did not file a contested transfer petition prior to the deadline set by N.J.A.C. 19:18-2.1, the Commission holds that N.J.S.A. 34:13A-25 prohibits arbitration of the transfer.

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P.E.R.C. NO. 2016-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF CARTERET,

Respondent,

-and-

Docket No. CO-2011-225

POLICE BENEVOLENT ASSOCIATION LOCAL 47,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision and order in an unfair practice case filed by the Police Benevolent Association Local 47 against the Borough of Carteret. That decision recommended that the Commission find that the Borough violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1) and (3), by disciplining a unit member after he made comments at a public meeting concerning union-related issues. The Commission rejects the Borough's exceptions, finding that the Hearing Examiner acknowledged all of the unit member's comments at the public meeting, even disrespectful comments, but found that it was protected conduct given the totality of the exchange which concerned union-related issues discussed off-duty in a public meeting in his capacity as a union representative.

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P.E.R.C. NO. 2016-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK HOUSING AUTHORITY,

Respondent,

-and-

SKILLED TRADES ASSOCIATION, INC.,

Charging Party.

OAL DKT. NO. PRC 02872-11
P.E.R.C. DKT. NO. CO-2010-487

NEWARK HOUSING AUTHORITY
LAYOFF - 2010.

OAL DKT. NO. CSV 09080-10
AGENCY DKT. NO. 2010-4005

SYNOPSIS

The Public Employment Relations Commission adopts the Initial Decision on remand of an Administrative Law Judge dismissing the Complaint in an unfair practice case filed by the Skilled Trades Association (STA) against the Newark Housing Authority (NHA). The Commission holds that the ALJ's findings of fact and credibility determinations support the NHA's proffered legitimate staffing and financial reasons as to the actual motivation for laying off some STA members; therefore the Commission adopts the ALJ's legal conclusion that the NHA did not violate the Act. Pursuant to an Order of Consolidation and Predominant Interest, the Commission transfers the Initial Decision on remand to the Civil Service Commission.

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