

P.E.R.C. NO. 2016-61

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HALEDON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2014-070

NORTH HALEDON EDUCATION ASSOCIATION,

Charging Party,

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision in an unfair practice case and dismisses a complaint alleging that the Board withheld teachers' increments in retaliation for their having engaged in protected activity, specifically, mailing letters to students' parents regarding the status of ongoing negotiations. The Commission finds that the record evidence supports the Hearing Examiner's determination that the Board's motivation for investigating and disciplining the Association members was their having accessed and used confidential student information to mail the letters. The Commission concludes that the members' accessing and use of confidential information and the refusal of some to cooperate in the investigation was not protected activity.

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. 2016-62

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

IRVINGTON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2014-181

IRVINGTON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision in an unfair practice case and dismisses a complaint alleging that the Board violated N.J.S.A. 34:13A-5.4a(1) and (3) by not allowing a unit employee to have her preferred union representative at a meeting regarding disciplinary allegations against her, and instead summoning a union representative who happened to also be witness to the incident under investigation. The Commission finds that the unit member's Weingarten rights were not violated because the preferred union representation was unavailable and the administration concluded the meeting upon learning that the present representative was a witness to the incident.

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P.E.R.C. NO. 2016-63

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SCOTCH PLAINS,

Respondent,

-and-

Docket No. CO-2014-282

SCOTCH PLAINS PUBLIC WORKS  
RECREATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms a decision of the Director of Unfair Practices declining to issue a Complaint based on an unfair practice charge filed by the Association against the Township. The charge alleged that the Township violated the N.J.S.A. 34:13A-5.4a(1), (2), and (5) by providing an untimely response to a grievance contesting the suspension of a unit member. The Commission agrees with the Director that the delay in the Township's response to the grievance did not amount to a repudiation of the grievance procedure.

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P.E.R.C. NO. 2016-64

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HILLSBOROUGH TOWNSHIP  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2015-079

HILLSBOROUGH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Board's request for a restraint of binding arbitration of a grievance contesting the Board's denial of several unit members' tuition reimbursement requests. 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 a 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. 2016-65

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2016-008

PBA LOCAL 108,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the request of the Sheriff's Office for a restraint of binding arbitration of a grievance filed by the PBA contesting the unilateral implementation of a sick leave and workers' compensation leave verification policy. Finding that the Sheriff's Office has a managerial prerogative to establish a sick leave verification policy and to use reasonable means to verify an employee's illness or disability, the Commission restrains arbitration of the establishment of a call-out deadline, attendance restriction, and a required health care provider sick leave verification form and pharmacy receipt. However, the Commission declines to restrain arbitration of the alleged failure to provide five days' advance notice to the PBA prior to implementing the policy.

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P.E.R.C. NO. 2016-66

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WOODBRIDGE,

Petitioner,

-and-

Docket No. SN-2016-015

PBA LOCAL 38,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township for a restraint of binding arbitration of a grievance filed by the PBA challenging the Township's termination of leaves of absence with pay, and required use of accrued sick leave, before the one-year anniversary of two employees' job-related injuries. The Commission determined that N.J.S.A. 40A:14-137 and N.J.S.A. 40A:9-7 preempt arbitration of the grievance as the municipality's examining physician discontinued certification of an employee's injury, illness, or disability.

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P.E.R.C. NO. 2016-67

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SAYREVILLE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-032

SAYREVILLE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants a Board's request for a restraint of binding arbitration of a grievance contesting the Board's decision not to limit the candidate pool for a secretarial position to current full-time employees. Finding that the criteria governing promotions are not mandatorily negotiable and that the grievance seeks to second-guess the Board's managerial prerogative to determine who was most qualified for the position, the Commission restrains arbitration.

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P.E.R.C. NO. 2016-68

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF MADISON,

Petitioner,

-and-

Docket No. SN-2016-012

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 469,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Borough's request for a restraint of binding arbitration of a grievance contesting the Borough's decision not to hire/promote the grievant to a position because he did not possess the requisite license or experience. The Commission finds that the Borough has a non-negotiable managerial prerogative to determine the qualifications required for the position, including whether a particular license is required or desirable.

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