

P.E.R.C. NO. 2016-74

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-033

ELIZABETH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, a board of education's request for a restraint of binding arbitration of a grievance filed by a teacher's association. The grievance alleged that the board violated the parties' negotiated agreement when a school principal issued a letter of reprimand to a teacher. The Commission restrained arbitration with respect to the first part of the letter, finding that its comments were predominately evaluative in nature and therefore within the board's managerial prerogative to observe and evaluate employees. Conversely, the Commission declined to restrain arbitration with respect to the second part of the letter, finding it to be disciplinary in nature.

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. 2016-75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ELIZABETH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-038

ELIZABETH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Board of Education for a restraint of binding arbitration of a grievance filed by the Association contesting the withholding of a teacher's salary increment, finding that the reasons for the withholding were predominately evaluative of teaching performance.

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. 2016-76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF OLD BRIDGE,

Petitioner,

-and-

Docket No. SN-2016-029

PBA LOCAL 127,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants in part, and denies in part, the request of the Township for a restraint of binding arbitration of a grievance filed by the PBA. The grievance contests an officer's transfer from the Detective Bureau to the Patrol Bureau. The Commission restrains that part of the grievance contesting the transfer finding that the Township has a managerial prerogative to transfer or reassign its employees. However, the Commission declines to restrain arbitration with respect to the claim that the grievant was contractually entitled to continue to receive additional pay.

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P.E.R.C. NO. 2016-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONMOUTH COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2016-041

PBA LOCAL 240,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Sheriff's Office for a restraint of binding arbitration of a grievance filed by the PBA contesting the selection of a mail room officer without using seniority as a tiebreaker. The Commission holds that the Sheriff's Office has a managerial prerogative to assign employees to particular jobs to meet the governmental policy goal of matching the best qualified employees to particular jobs, including the right to determine which, if any, candidates are equally qualified.

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P.E.R.C. NO. 2016-78

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2015-081

PBA LOCAL NO. 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City for a restraint of binding arbitration of a grievance filed by the PBA contesting the denial of extra duty work permits for certain officers due to excessive absenteeism. The Commission finds that the City failed to demonstrate that its action was the exercise of a managerial prerogative or that arbitration of the grievance would substantially limit the government's policy-making powers.

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P.E.R.C. NO. 2016-79

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF HOBOKEN,

Respondent,

-and-

Docket No. CO-2015-064

INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS LOCAL 1076,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Hearing Examiner's report and recommended decision dismissing a complaint alleging that the City violated N.J.S.A. 34:13A-5.4(a)(1) and (2) by investigating a fire captain's complaint that he had been subjected to a hostile work environment and physically threatened by two other captains during two union meetings. The Commission finds that the City had a substantial and legitimate business justification to investigate the captain's complaint and to direct captains who had attended the meetings to submit a report indicating whether they heard anyone physically threaten another captain during the meetings. The Commission also finds that the City had a legal obligation to investigate the complaint and narrowly tailored its inquiry, seeking only seeking information regarding the exchanges by the fire captains at two union meetings. The Commission also agrees with the Hearing Examiner that a nexus existed between the alleged misconduct and the workplace given the paramilitary structure of the fire department and the special need to maintain order and discipline.

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P.E.R.C. NO. 2016-80

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 motion for reconsideration of P.E.R.C. No. 2016-14. In that decision, the Commission denied the State's request for a restraint of binding arbitration of a grievance filed by the Council of New Jersey State College Locals, AFT. The grievance alleged that the State violated the parties' agreement when it refused to negotiate over procedures relating to tenure upon hire. The Commission concludes there are no extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2016-81

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-2016-002

NEW JERSEY LAW ENFORCEMENT
SUPERVISORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey for a restraint of binding arbitration of grievances filed by the New Jersey Law Enforcement Supervisors Association. The grievances assert that the State violated the parties' agreement when it deducted leave time and disallowed leave time accrual for unit members returning from workers' compensation leaves. Finding that N.J.A.C. 4A:6-1.2 mandates proration of leave for employees who go on a leave of absence without pay and that workers' compensation is considered a leave without pay under N.J.A.C. 4A:3-4.6, the Commission holds that N.J.A.C. 4A:6-1.2 preempts negotiations over proration of leave for employees out on workers' compensation leave.

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P.E.R.C. NO. 2016-82

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CLIFTON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-030

CLIFTON CUSTODIAL ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Board of Education for a restraint of binding arbitration of a grievance filed by the Association contesting the withholding of a custodian's salary increment. The Commission finds that the reasons for the withholding are predominately disciplinary in nature.

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P.E.R.C. NO. 2016-83

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2016-046

ELIZABETH SUPERIOR OFFICERS
ASSOCIATION,

Respondent.

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-2016-047

PBA LOCAL 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Elizabeth for a restraint of binding arbitration of grievances filed by the SOA and PBA contesting the implementation of a biometric timekeeping, attendance, and payroll system. The Commission holds that the City has a non-negotiable managerial prerogative to establish and implement new timekeeping procedures to verify attendance.

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P.E.R.C. NO. 2016-84

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MARLBORO TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-2016-048

MARLBORO TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Board of Education for a restraint of binding arbitration of a grievance filed by the Association. The grievance contests the withholding of a school nurse's salary increment. Finding that the reasons for the withholding predominately relate to an evaluation of the performance of nursing duties, 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.