

P.E.R.C. NO. 2017-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BURLINGTON,

Respondent,

-and-

Docket No. CO-2009-317

POLICEMEN'S BENEVOLENT ASSOCIATION,
LOCAL 249,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Hearing Examiner's report and recommended decision dismissing a complaint alleging that the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically §5.4a(1), (3), and (5), by unilaterally implementing a collective negotiations proposal and unlawfully terminating the health insurance benefits of a unit employee. The Commission finds that the PBA did not satisfy its burden of demonstrating that there was a change in a term and condition of employment because the record establishes that the employee was not treated differently from other similarly situated employees. The Commission also finds that the County's negotiations proposal was not connected to its treatment of the employee.

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. 2017-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HILLSBOROUGH TOWNSHIP,

Respondent,

-and-

Docket No. CO-2016-215

PBA LOCAL 205,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the PBA in an unfair practice case alleging that the Township 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 refused to provide the PBA with candidate scores/ratings from the sergeant's promotion process that took place in the spring of 2016. The Commission finds that there are genuine issues of material fact precluding summary judgment with respect to the relevance of the information requested by the PBA.

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P.E.R.C. NO. 2017-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-013

WEST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission restrains binding arbitration of a grievance alleging that the Board violated a contractual provision and past practice when it denied an Association member's request to use supplementary sick leave so that her employer-provided health insurance coverage would continue during her extended leave of absence. The Commission grants the restraint noting that it held in P.E.R.C. No. 2016-86, a decision involving the same parties, that the contract provision regarding supplementary sick leave was preempted by N.J.S.A. 18A:30-6 and that it was undisputed that the alleged past practice was solely rooted in the contract provision. The Commission explains that where a contract clause has been determined to be non-negotiable, a past practice rooted in that same clause is likewise non-negotiable.

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P.E.R.C. NO. 2017-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX BOROUGH BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-025

MIDDLESEX EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Board of Education for a restraint of binding arbitration of two grievances seeking additional compensation due to the assignment of daily homeroom duty to middle school teachers and the assignment of "posts" to them as well as teachers at one of the district's elementary schools. The Commission holds that an arbitrator may determine whether the assignment exceeded contractual workload limits and finds that the other issues raised by the Board are not within the Commission's jurisdiction in a scope of negotiations proceeding.

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P.E.R.C. NO. 2017-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MANVILLE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2017-028

MANVILLE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Board's request for a restraint of binding arbitration of a grievance seeking additional compensation for an alleged workload increase following the Board's implementation of schedule changes for the 2016-2017 school year, finding the claim to be severable from the schedule changes.

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. 2017-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON STATE-OPERATED SCHOOL DISTRICT,

Petitioner,

-and-

Docket No. SN-2016-083

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the District's request for a restraint of binding arbitration of a grievance contesting alleged procedural violations in the implementation and submission of observation and evaluation reports, which led to a lack of summative evaluation and no incremental salary increase for some unit members for the 2015-2016 school year. Finding that the District has not identified how the grievance is preempted by the TEACHNJ Act or AchieveNJ regulations or shown how its decision not to issue summative evaluations is a matter of educational policy or managerial prerogative, the Commission holds that an arbitrator may decide whether the District made procedural errors that resulted in a failure to issue summative evaluations, and if so, an appropriate remedy.

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P.E.R.C. NO. 2017-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
AND
CIVIL SERVICE COMMISSION

In the Matter of
ARTI SAHNI,

Appellant,

-and-

OAL Docket No. CSV 15050-14
Agency Docket No. 2015-1296

TOWNSHIP OF EWING,

Respondent.

CWA LOCAL 1032,

Charging Party,

-and-

PERC Docket No. CO-2015-024

TOWNSHIP OF EWING,

Respondent.

SYNOPSIS

The Public Employment Relations Commission acknowledges the withdrawal of an unfair practice charge pursuant to a settlement agreement in a consolidated action before the Commission and the Civil Service Commission (CSC) and transfers the case to the latter agency for its consideration.

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