

P.E.R.C. NO. 2021-35

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CHERRY HILL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2021-016

CHERRY HILL ASSOCIATION  
OF SCHOOL ADMINISTRATORS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Cherry Hill Board of Education for a restraint of binding arbitration of a grievance filed by the Cherry Hill Association of School Administrators, contesting the withholding of a school principal's salary increment for the 2019-2020 school year. The Commission finds the reasons given by the Board for the increment withholding, centered in allegations that the grievant created a hostile working environment through his words, tone and demeanor when communicating with staff and the school community, relate predominately to an evaluation of the quality of the grievant's performance as an educational leader and manager. The parties may present to the Commissioner of Education their arguments about the merits of the withholding, including as to whether it was justified in light of the grievant's "effective" score on his annual performance evaluation.

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. 2021-36

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY/  
SOMERSET/HUNTERDON/WARREN VICINAGE,

Petitioner,

-and-

Docket No. SN-2021-017

PROBATION ASSOCIATION OF NEW JERSEY  
PROFESSIONAL SUPERVISORS UNIT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the State of New Jersey Judiciary's (Judiciary's) request for a restraint of binding arbitration of a grievance filed by Probation Association of New Jersey (PANJ). The grievance alleges that the Judiciary violated the parties' collective negotiations agreement (CNA) by imposing an alternate work week schedule that required two Court Services Supervisors 2 (CSS2) to work on the weekend. The Commission finds that the Judiciary has not demonstrated proven or particularized reasons for unilaterally changing the CSS2's weekend work schedules from remote, on-call to onsite every other weekend. The Judiciary did not establish any discipline, performance, or operational problems that were occurring with the former schedule that required a unilateral change. The Commission concludes that the employees' interests outweigh the Judiciary's interests and that PANJ's grievance is mandatorily negotiable and legally arbitrable.

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P.E.R.C. NO. 2021-37

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOUTHAMPTON TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2020-222

SOUTHAMPTON TOWNSHIP EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission partially grants the Association's exceptions to a Hearing Examiner's report, H.E. No. 2021-4, which had denied the Association's motion for summary judgment and granted the Board's cross-motion for summary judgment to dismiss the Association's unfair practice charge. The Association's charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. (Act) by refusing to negotiate over the scheduling of two non-student faculty work days preceding the start of the 2020-2021 student school year. The Commission finds that, to the extent the Association sought to negotiate over scheduling non-student faculty work days in a way which would have changed the Board's scheduled start date for the student school year, the issue was non-negotiable. The Commission also finds that to the extent the Association sought to negotiate over the scheduling of non-student faculty work days in a way which would not affect the start of the student school year, the issue was mandatorily negotiable and the Board violated the Act by refusing to negotiate over scheduling those days during the week prior to the student start date. Accordingly, the Association's motion for summary is partially granted, the Board's cross-motion is partially denied, and the Board is ordered to negotiate in good faith with the Association over the scheduling of non-student faculty work days.

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P.E.R.C. NO. 2021-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Respondent,

-and-

Docket No. CO-2021-069

PATERSON POLICE PBA LOCAL 1 AND  
PATERSON POLICE PBA LOCAL 1 SUPERIOR  
OFFICERS ASSOCIATION,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission denies the City's motion for reconsideration of a Commission Designee's decision granting partial interim relief to the PBA and SOA on its unfair practice charge against the City. The City challenged the Designee's order restraining the City, pending resolution of the unfair practice charge, from unilaterally closing the police gym and relocating the exercise equipment to the men's locker room. The Commission finds that the Designee applied the appropriate analysis on the negotiability of employee use of physical facilities and that she concluded the City does not have a managerial prerogative to unilaterally close the current gym location after balancing the interests of the PBA and SOA in maintaining use of gym space that they had negotiated for against the City's interest in using the gym space for police operations. The Commission holds that the City failed to establish extraordinary circumstances warranting reconsideration of the Designee's interim decision.

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P.E.R.C. NO. 2021-39

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PATERSON,

Respondent,

-and-

Docket No. CO-2021-101

PATERSON POLICE PBA LOCAL 1  
AND PATERSON POLICE PBA LOCAL 1  
SUPERIOR OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the City of Paterson's (City) motion for reconsideration of I.R. No. 2021-18 but modifies certain language in the temporary restraining order granted in that interim relief decision. In that decision, a Commission Designee ordered temporary restraints he had previously issued to remain in effect pending further disposition of the unions' unfair practice charge (UPC). The UPC alleges that the City violated the New Jersey Employer-Employee Relations Act (Act) when the City's Chief of Police (Chief) allegedly held captive audience meetings with bargaining unit members and made inappropriate comments for the purpose of direct dealing. The temporary restraints granted by the Designee prohibited, among other things, the Chief from engaging in communications with bargaining unit members in ways that could violate the Act. The Commission finds this case is not one of exceptional importance and extraordinary circumstances warranting a full reconsideration of the Designee's decision. The Commission finds that the Chief's undisputed statements amount to more than informing the officers of the City's negotiations position; his statements crossed over into direct dealing with the officers. The Commission's modified order ensures that the Chief does not hold captive audience meetings where he could make statements that can potentially undermine the unions' representation efforts, while at the same time not constraining him from communicating with his officers about terms and conditions of employment in a way that does not violate the Act.

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P.E.R.C. NO. 2021-40

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMBURG BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2021-018

HAMBURG EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Hamburg Board of Education for a restraint of binding arbitration of a grievance filed by the Hamburg Education Association, contesting the withholding of a certified Speech Language Specialist's salary increment for the 2020-2021 school year. The Commission finds the Board's concerns about the grievant's alleged failures to comply with post-meeting deadlines for the forwarding of individualized education program (IEP) plans to the Child Study Team Coordinator, and her alleged untimely completion of student testing, are performance-related because they implicate the Board's overriding interest in ensuring adherence to State regulations governing the delivery of important educational services to students with disabilities. The Commission finds that those concerns predominate over other reasons given for the increment withholding decision, including allegations of excessive tardiness and a failure to report to lunch duty.

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