

P.E.R.C. NO. 2014-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BRIDGEWATER-RARITAN REGIONAL
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2009-045

STAN J. SERAFIN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms a Hearing Examiner's decision granting a motion to dismiss filed by the Bridgewater-Raritan Regional Board of Education in a consolidated unfair practice case filed by Stan Serafin against the Board and the Bridgewater-Raritan Transportation Association. The Commission holds that Serafin failed to point to any protected activity occurring prior to the Board's non-renewal of his contract that would substantiate his claim of retaliation by the Board.

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. 2014-46

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON STATE OPERATED SCHOOL DISTRICT,

Respondent,

-and-

Docket No. CO-2011-073

PATERSON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants a motion for summary judgment filed by the Paterson Board of Education in an unfair practice case filed by the Paterson Education Association. The charge alleges the Board violated the Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4(a)1 and (5), when it refused to pay salary increments to certified staff upon the expiration of a two-year collective negotiations agreement. Relying on its decision in Atlantic County, P.E.R.C. No. 2014-40, the Commission holds that the dynamic status quo doctrine no longer serves to foster the prompt resolution of labor disputes and dismisses the Complaint finding the Board did not violate the Act.

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P.E.R.C. NO. 2014-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BETHLEHEM TOWNSHIP BOARD
OF EDUCATION,

Respondent,

-and-

Docket No. CO-2011-458

BETHLEHEM TOWNSHIP
EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Bethlehem Township Board of Education's motion for summary judgment and denies the Bethlehem Township Education Association's cross-motion in an unfair practice case filed by the Association. The charge alleges the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4a(1) and (5), when it unilaterally set the 2011-2012 school year to start for students on August 25 and for teachers on August 24 in order to match the calendar of the regional high school. The Commission dismisses the Complaint finding that the Board has a nonnegotiable managerial prerogative to set the calendar and the parties' agreement supported the Board's argument.

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P.E.R.C. NO. 2014-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY
(OCEAN VICINAGE),

Petitioner,

-and-

Docket No. SN-2013-016

PROBATION ASSOCIATION OF NEW JERSEY
(PROFESSIONAL CASE RELATED UNIT),

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey Judiciary (Ocean Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey (Professional Case Related Unit). The grievance asserts that the Judiciary violated several provisions of the parties' collective negotiations agreement (CNA) when it unilaterally imposed a new schedule requiring probation officers to conduct field work on at least one Saturday per quarter. The Commission holds the work schedule change is not mandatorily negotiable as negotiations would substantially limit the Vicinage's governmental policies associated with having an effective Probation Division that can ensure that Court orders are enforced.

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P.E.R.C. NO. 2014-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-032

EAST ORANGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the East Orange Board of Education for a restraint of binding arbitration of a grievance filed by the East Orange Education Association. The grievance contests the withholding of a teacher's salary increment. The Commission holds that the withholding is predominately based on teaching performance and restrains arbitration.

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P.E.R.C. NO. 2014-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Petitioner,

-and-

Docket Nos. SN-2013-041
SN-2013-042
SN-2013-043

NEW JERSEY DIVISION OF CRIMINAL JUSTICE
NON-COMMISSIONED OFFICERS ASSOCIATION,

-and-

NEW JERSEY DIVISION OF CRIMINAL JUSTICE
SUPERIOR OFFICERS ASSOCIATION,

-and-

FRATERNAL ORDER OF POLICE, LODGE 91,

Respondents.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of eight proposed contract articles for a collective negotiations agreement between the New Jersey Division of Criminal Justice Non-Commissioned Officers Association, New Jersey Division of Criminal Justice Superior Officers Association, and the Fraternal Order of Police, Lodge 91 with the State of New Jersey.

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P.E.R.C. NO. 2014-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CHERRY HILL FIRE DISTRICT NO. 13,

Petitioner,

-and-

Docket No. SN-2013-059

IAFF LOCAL 3249,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Cherry Hill Fire District No. 13 for a restraint of binding arbitration of a grievance filed by the IAFF Local 3249. The grievance asserts the Fire District terminated an Emergency Medical Technician without just cause. The Commission holds that the grievance is not preempted by an alternate statutory appeal procedure and the issue of whether the grievant was disciplined for just cause is legally enforceable through binding grievance arbitration.

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P.E.R.C. NO. 2014-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MANCHESTER TOWNSHIP,

Petitioner,

-and-

Docket No. SN-2013-072

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of Manchester Township for a restraint of binding arbitration of a grievance filed by the Office and Professional Employees International Union, Local 32. The grievance asserts the Township violated the parties' collective negotiations agreement and past practice when it failed to promote the most senior qualified applicant to the position of Heavy Equipment/Truck Driver. The Commission holds that the selected employee was promoted on evaluation criteria and therefore the grievant's seniority does not form the basis for a legally arbitrable grievance. The Commission further holds that the Union did not submit a certification to support its past practice claim and the arbitration demand does not assert a procedural claim.

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