

P.E.R.C. NO. 2014-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROBBINSVILLE TOWNSHIP
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2010-484

WASHINGTON TOWNSHIP EDUCATION
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the Robbinsville Township Board of Education's motion for summary judgment in an unfair practice case filed by the Washington Township Education Association. The Association alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it imposed three furlough days on staff without negotiations and the Superintendent dealt directly with Association members. The Commission holds that the Board's decision to implement the furlough days was an exercise of its managerial prerogative. The Commission further holds that the Superintendent's alleged communication to unit members was nothing more than a notice to employees of the action taken by the Board, as there was no evidence that it tended to interfere with the existence of the Association, and it did not lack a legitimate and substantial business purpose.

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. 2014-31

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PROBATION ASSOCIATION OF NEW JERSEY,

Respondent,

-and-

Docket No. CI-2011-045

PETER TORTORETO AND ROBYN GHEE,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommended decision granting the Probation Association of New Jersey's (PANJ) motion for summary judgment dismissing an unfair practice case filed against it by Peter Tortoreto and Robyn Ghee. The charging parties alleged that PANJ violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4b(1), when it brought disciplinary charges against them resulting in suspensions from PANJ, fines, and other penalties. The Commission agrees with the Hearing Examiner that the charging parties' allegations, even if true, concern internal union matters over which the Commission does not have jurisdiction.

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P.E.R.C. NO. 2014-32

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF UNION,

Petitioner,

-and-

Docket No. SN-2013-017

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 102,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the County of Union for a restraint of binding arbitration of a grievance filed by the International Brotherhood of Teamsters, Local 102. The grievance asserts that the County violated the parties' collective negotiations agreement when it proposed layoffs of three teachers who were replaced by Union County Educational Services Commission (ESC) employees. The Commission finds that Local 102's demand to arbitrate the County's failure to discuss the layoffs/subcontracting impermissibly challenges the County's non-negotiable right to adjust and expand its pre-existing contractual arrangement with ESC for reasons of economy and efficiency.

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P.E.R.C. NO. 2014-33

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST ORANGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-031

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. Finding that the grievant's evaluations overwhelmingly concern criticisms in teaching techniques, knowledge, planning, presentation, and classroom management, rather than her disciplinary issues of absenteeism, tardiness and cell phone use, the Commission holds that the withholding was based predominately on an evaluation of teaching performance and therefore restrains binding arbitration.

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P.E.R.C. NO. 2014-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

KINGWOOD TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-046

KINGWOOD TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Kingwood Township Board of Education for a restraint of binding arbitration of a grievance filed by the Kingwood Township Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it denied a teacher's request to move up on the salary guide after obtaining a masters degree. The Commission finds that, generally, the determination of what graduate work is relevant to a teacher's current or future class assignments is related to educational policy. However, in this case an administrator had approved a professional development goal for the grievant to complete the masters degree which the Board later decided was not educationally relevant. The Commission holds that the issue of whether the grievant is entitled to advancement on the salary guide for the degree predominately concerns the mandatorily negotiable issue of compensation, and that the arbitrator may determine whether the degree was related to her job as required by N.J.S.A. 18A:6-8.5(c).

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P.E.R.C. NO. 2014-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC CITY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2013-050

ATLANTIC CITY EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Atlantic City Board of Education for a restraint of binding arbitration of a grievance filed by the Atlantic City Education Association. The grievance contests the withholding of a teacher's salary increment. Finding that the grievant's alleged falsification of home instruction forms is a disciplinary reason for the withholding not predominately related to an evaluation of teaching performance, the Commission holds that an arbitrator may review such allegations which do not require educational expertise to evaluate.

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