

P.E.R.C. NO. 2014-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK STATE-OPERATED
SCHOOL DISTRICT,

Respondent,

-and-

Docket No. CI-2013-011

NEWARK TEACHERS UNION,
LOCAL 481, AFT, AFL-CIO,

Respondent,

-and-

CHRISTINE GILLESPIE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Director of Unfair Practices refusing to issue a Complaint based on an unfair practice charge filed by Christine Gillespie against the Newark State-Operated School District and the Newark Teachers Union, Local 481, AFT, AFL-CIO. The Commission holds that the charge is untimely under N.J.S.A. 34:13A-5.4(c) because no allegations in the charge or in Gillespie's appeal papers allege facts that, if true, would constitute unfair practices within six months of her filing date.

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. 2014-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLINGBORO BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. CI-2013-051

WILLINGBORO EDUCATION ASSOCIATION,

Employee Organization,

-and-

ANTOINETTE MASCIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Director of Unfair Practices refusing to issue a Complaint based on an unfair practice charge filed by Antoinette Mascio against the Willingboro Board of Education and the Willingboro Education Association. The charge alleges that the Board and Association violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by refusing to allow Mascio's personal attorney to arbitrate a challenge to the withholding of her increment. The Commission agrees with the Director's reasoning for finding that the charge presents no grounds warranting the issuance of a Complaint.

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P.E.R.C. NO. 2014-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OPERATED SCHOOL DISTRICT
OF THE CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-2011-220

NEWARK TEACHERS UNION, LOCAL 481,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Newark State-Operated School District's request for special permission to appeal a hearing examiner's decision denying its motion for summary judgment in an unfair practice case filed by the Newark Teachers Union, Local 481. The hearing examiner found that there was a material factual dispute because the District claims that layoffs were instituted for economic reasons while the union claims that the layoffs were instituted based on anti-union animus. The Commission disagrees with the District's assertion that the Civil Service Commission's approval of the layoff plan is entitled to a presumption of good faith that equates to a finding that the union has not satisfied the Bridgewater standard for anti-union animus in violation of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

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P.E.R.C. NO. 2014-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF NORTH ARLINGTON,

Respondent,

-and-

Docket No. CO-2013-133

NORTH ARLINGTON PBA
LOCAL NO. 95,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the North Arlington PBA Local No. 95's motion for summary judgment and denies the Borough of North Arlington's cross-motion for summary judgment in an unfair practice case filed by the PBA. The PBA's charge alleges that the Borough violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(1), (2), (6), and (7), by refusing to sign a draft collective negotiations agreement that memorialized the terms of an interest arbitration award. A Complaint issued on the 5.4a(1) and (6) charges. The Commission finds that the only disputed fact by the parties is whether a Memorandum of Agreement (MOA) settling a grievance was part of the record during the interest arbitration proceedings. However, the Commission holds that disputed fact immaterial because the MOA's terms applied to the previous contract's language and were no longer effective once the interest arbitration award issued. The Commission orders the Borough to immediately execute the draft agreement.

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P.E.R.C. NO. 2014-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WALL,

Petitioner,

-and-

Docket No. SN-2013-070

PBA LOCAL 234,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Wall for a restraint of binding arbitration of a grievance filed by PBA Local 234. The grievance seeks the removal of written reprimands that are more than six months old from unit members' personnel records. The Commission finds that the Attorney General's guidelines on retention of written reprimands are not preemptive of arbitration because they were not adopted by the Township until after this dispute arose. The Commission finds that the grievance relates to a subject that was permissively negotiable at the time of the expungement request because the Township admits that its policy allowed removal of written reprimands more than six months old where the officer had not repeated the misconduct. The Commission holds that allowing an arbitrator to consider, under the policy at the time, whether to order expungement of a written reprimand, would not substantially limit the Township in the implementation of any governmental policy goal. The Commission also holds arbitrable the PBA's claim that the Township violated a contract provision regarding providing notice of changes in policies.

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P.E.R.C. NO. 2014-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LIVINGSTON,

Petitioner,

-and-

Docket No. SN-2013-071

SUPERIOR OFFICERS ASSOCIATION,
LOCAL NO. 263,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Livingston for a restraint of binding arbitration of a grievance filed by Superior Officers Association, Local No. 263. The grievance asserts that the Township violated the parties' collective negotiations agreement when it prohibited a unit member from performing extra duty work assignments while on terminal leave. Citing the Police Chief's safety, efficiency, and Departmental reputation concerns regarding officers on terminal leave who no longer report for active duty, the Commission holds that the Chief's judgment of which officers are qualified for extra duty assignments falls within his managerial prerogative and is not mandatorily negotiable.

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P.E.R.C. NO. 2014-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SOUTH BRUNSWICK,

Petitioner,

-and-

Docket No. SN-2013-074

SOUTH BRUNSWICK SUPERVISORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of South Brunswick for a restraint of binding arbitration of a grievance filed by the South Brunswick Supervisors Association. The grievance contests the inclusion of two comments in a unit member's annual performance review. The Commission finds that a comment regarding the grievant being out for 72 days on Workers Compensation due to an injury from an at-fault accident is arbitrable because it is more disciplinary than evaluative as it does not serve to improve his work performance and is accusatory and punitive in nature. The Commission finds that a comment about the grievant's absence during Hurricane Sandy is arbitrable because it is more disciplinary than evaluative given the employer's admission that grievant's essential personnel status was not clearly communicated.

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