

P.E.R.C. NO. 2007-56

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF TOMS RIVER,

Petitioner,

-and-

Docket No. SN-2006-046

TEAMSTERS LOCAL 97,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that a grievance filed by Teamsters Local 97 against the Township of Toms River is legally arbitrable. The grievance alleges and an arbitrator concluded that the Township violated the parties' collective negotiations agreement when it deprived unit employees of overtime opportunities by allowing a subcontractor's workers to remove trees outside of regular work hours. After an arbitration award was issued, the Appellate Division of the Superior Court ruled that the Township was not estopped from raising a negotiability defense to the award even though it had not filed a pre-arbitration scope petition. The Commission concludes that the Township, having decided to use both public and private sector employees to remove trees, could have legally agreed that it would offer work opportunities beyond the normal work day and on Saturdays to its own employees before using the subcontractor to perform that work. The Commission therefore concludes that the grievance is legally arbitrable.

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. 2007-57

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILDWOOD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-019

WILDWOOD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Wildwood Board of Education for a restraint of binding arbitration of grievances filed by the Wildwood Education Association. The grievances contest the withholdings of salary increments from two teaching staff members: a guidance counselor for allegedly providing deficient counseling services to special needs students and an elementary school teacher for allegedly failing to properly test and retest students. The Commission concludes that the withholdings were predominately based on an evaluation of teaching performance and any appeal must be filed with the Commissioner of Education.

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P.E.R.C. NO. 2007-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STERLING HIGH SCHOOL DISTRICT
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2007-035

STERLING EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Sterling Board of Education for a restraint of binding arbitration of a grievance filed by the Sterling Education Association. The grievance alleges that the Board withheld a teacher's increment without just cause. The Commission concludes that the withholding was predominately based on an evaluation of teaching performance. The Commission denies a request for a restraint of binding arbitration of two grievances asserting that the Board violated the parties' contract when it issued observation reports to a teacher more than five days after the classroom observations, thereby warranting the removal of the reports from her personnel file. The Commission declines to restrain arbitration over alleged procedural violations and declines to speculate about what remedies might be awarded and may be appropriate.

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P.E.R.C. NO. 2007-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ORANGE TOWNSHIP,

Petitioner,

-and-

Docket No. SN-2007-036

ORANGE POLICE SUPERIOR
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Orange Township for a restraint of binding arbitration of a grievance filed by the Orange Police Superior Officers Association. The SOA seeks to arbitrate its claims that a police sergeant who was reassigned on two days' notice from the administrative division to the patrol division did not receive the same amount of advance notice as other reassigned officers and did not have enough notice of the reassignment to make child care arrangements. The Commission concludes that substantive decisions to transfer or reassign police officers are, as a rule, not legally arbitrable and restrains arbitration to the extent, if any, the SOA seeks to arbitrate a claim that the reassignment was improperly motivated. The Commission declines to restrain arbitration over the claims that the sergeant did not receive timely notice of her reassignments; that other officers received more advance notice; and that she was not given enough time to make child care arrangements in light of the required changes in work schedules and work hours. Such procedural claims are legally arbitrable.

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P.E.R.C. NO. 2007-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DEPARTMENT
OF CORRECTIONS),

Petitioner,

-and-

Docket No. SN-2007-041

P.B.A. Local 105,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State of New Jersey (Department of Corrections) for a restraint of binding arbitration of a grievance filed by P.B.A. Local 105. The grievance seeks compensatory time off for essential employees who were required to work during the July 2006 State shutdown. The Commission restrains arbitration because Department of Personnel regulations limit the compensation for essential workers to regular pay.

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P.E.R.C. NO. 2007-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2007-045

P.B.A. LOCAL 11,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Trenton for a restraint of binding arbitration of a grievance filed by P.B.A. Local 11. The grievance asserts that the City violated a contract article governing work hours when it transferred a patrol officer with 30 years of experience from a day shift to a night shift. The Commission concludes that this dispute centers on a change in work hours rather than any asserted governmental policy concern.

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