

P.E.R.C. NO. 2008-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

KEARNY BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2006-027

ANN TAYLOR et al.,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission remands a Complaint to the Hearing Examiner to make additional findings of fact and issue a supplemental report. The Complaint was based on an unfair practice charge filed by Ann Taylor and other individuals against the Kearny Board of Education. The charge alleged that the Board violated the New Jersey Employer-Employee Relations Act when it changed the charging parties' status from full-time to part-time, thus eliminating their eligibility for medical benefits, in retaliation for their filing a representation petition seeking to organize a negotiations unit of full-time aides. The Hearing Examiner recommended dismissing the Complaint. The charging parties filed exceptions, including an objection to the Hearing Examiner's rejection of certain testimony as hearsay. The Commission agrees with the charging parties that certain testimony is admissible under N.J.R.E. 803(b). The Commission orders the Hearing Examiner to determine whether the alleged statements were made and if the answer is yes, to consider how those findings factor into the application of the tests under In re Bridgewater Tp. for determining whether an unfair practice occurred.

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. 2008-45

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF HAWTHORNE,

Petitioner,

-and-

Docket No. SN-2007-062

P.B.A. LOCAL 200,

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission denies the request of the Borough of Hawthorne for a restraint of binding arbitration of grievances filed by P.B.A. Local 200. The grievances allege a unilateral change in a terminal leave policy. Because terminal leave is mandatorily negotiable, the Commission declines to restrain binding arbitration.

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P.E.R.C. NO. 2008-46

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF POINT PLEASANT,

Petitioner,

-and-

Docket No. SN-2008-017

TEAMSTERS LOCAL UNION NO. 469,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Point Pleasant for a restraint of binding arbitration of a grievance filed by Teamsters Local Union No. 469. The grievance contests the approval by the New Jersey Department of Personnel of the employer's layoff plan. The Commission denies the request for a restraint of binding arbitration of a second grievance. That grievance asserts that an employee has been harassed and subjected to a hostile work environment. The Commission determines that whether the Borough submitted its layoff plan to DOP in bad faith falls under DOP's jurisdiction. As for the second grievance, contractual clauses protecting employees from harassing or abusive conduct are mandatorily negotiable and enforceable through binding arbitration.

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P.E.R.C. NO. 2008-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGENFIELD BOARD OF EDUCATION,

Respondent,

-and-

Docket No. SN-2008-018

BERGENFIELD EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission determines that a clause in a collective negotiations agreement between the Bergenfield Board of Education and the Bergenfield Education Association is not preempted by State Health Benefits Program regulations. The Association sought a determination that SHBP regulations preempt a prescription premium sharing clause in the parties' current collective negotiations agreement. The Commission finds that a new law supersedes existing SHBP regulations and allows local employers to negotiate over sharing the cost of coverage. That law also permits implementation of premium sharing clauses in existing agreements.

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P.E.R.C. NO. 2008-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FREEHOLD REGIONAL HIGH SCHOOL
DISTRICT BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2008-25

FREEHOLD REGIONAL HIGH SCHOOL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Freehold Regional High School District Board of Education for a restraint of binding arbitration of a grievance filed by the Freehold Regional High School Education Association. The grievance contests the withholding of a special education teacher's salary increment for the 2007-2008 school year. The reasons given for the withholding are: inability to maintain student confidentiality; failure to communicate concerns regarding students and co-workers as they arise; and failure to create a study guide to effectively help students to compensate for learning disabilities. The Commission concludes that the first and third reasons are squarely based on an evaluation of teaching performance and therefore review of this withholding must be before the Commissioner of Education.

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P.E.R.C. NO. 2008-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TRENTON BOARD OF EDUCATION,

Petitioner,

-and-

Docket Nos. SN-2008-030,
SN-2008-031 & SN-2008-032

TRENTON BUSINESS & TECHNICAL
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Trenton Board of Education for restraints of binding arbitration sought by the Trenton Business & Technical Association. The Association contests the non-renewal of three security officers' employment contracts for the 2007-2008 school year. Because a school board may legally agree to arbitrate non-renewals of employment contracts of non-teaching staff members, the Commission declines to restrain binding arbitration.

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P.E.R.C. NO. 2008-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF NORTH BERGEN,

Petitioner,

-and-

Docket No. SN-2008-039

NORTH BERGEN P.B.A. LOCAL NO. 8,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of North Bergen for a restraint of binding arbitration of two claims in a grievance filed by North Bergen P.B.A. Local No. 8. The claims allege that the Township disciplined a detective without just cause by suspending her for two months without pay and by reassigning her to the patrol division. The Commission holds that neither claim is legally arbitrable since police officers may not arbitrate major discipline.

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