

P.E.R.C. NO. 2008-66

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PARSIPPANY-TROY HILLS,

Respondent,

-and-

Docket Nos. CO-2008-096

CO-2008-100

PBA LOCALS 131 & 131A SOA,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission denies the Township of Parsippany-Troy Hills' motion for summary judgment and PBA Locals 131 & 131A SOA's cross-motion for summary judgment in the consolidated unfair practice proceeding initiated by the PBA locals. The unfair practice charges allege that the Township violated its obligation to negotiate in good faith when it unilaterally changed the method used to calculate payments for off-duty police employment. The Commission finds that there is a factual dispute over what the governing body knew or should have known about the Police Department's policies on off-duty employment that may be relevant to the ultimate legal question of whether the Township violated its obligation to negotiate in good faith when it unilaterally rescinded the Police Department policies. This case must proceed through the normal course of a plenary hearing where all factual disputes will be resolved.

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. 2008-67

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY COLLEGE,

Respondent,

-and-

Docket No. CO-2008-295

CAMDEN COUNTY COLLEGE ASSOCIATION  
OF ADMINISTRATIVE PERSONNEL,

Charging Party.

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CAMDEN COUNTY COLLEGE,

Respondent,

-and-

Docket No. CO-2008-299

CAMDEN COUNTY COLLEGE FACULTY  
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the requests by the Camden County College Association of Administrative Personnel and the Camden County College Faculty Association for reconsideration of I.R. No. 2008-18. In that decision, a Commission designee denied a request for interim relief filed by the Associations in conjunction with unfair practice charges they filed against Camden County College. The charges allege that the College violated the New Jersey Employer-Employee Relations Act when the College replaced the existing AmeriHealth PPO Health Plan with the New Jersey State Health Benefits Program. The parties' agreement requires the College to pay the premium for the AmeriHealth plan or an equivalent plan. The Commission agrees with the designee that the Associations have not proven that they have a substantial likelihood of success on the merits of their cases. The Commission finds that the standards for interim relief have not been met and determines that this dispute should proceed to a forum where evidence can be presented and the contractual question of whether the new plan is equivalent can be resolved.

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P.E.R.C. NO. 2008-68

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY  
(CAMDEN VICINAGE),

Petitioner,

-and-

Docket No. SN-2008-037

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

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the New Jersey State Judiciary (Camden Vicinage) for a restraint of binding arbitration of a grievance filed by the Probation Association of New Jersey (Case-Related Professional Unit). The grievance asserts that probation officers' safety was jeopardized by the arrest of a probationer by parole officers outside the probation building. The Commission restrains arbitration over the grievance to the extent it challenges the Judiciary's decision to assist other agencies. The Commission permits arbitration of the alleged severable safety issues.

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P.E.R.C. NO. 2008-69

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WHARTON BOROUGH BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2008-042

WHARTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Wharton Borough Board of Education for a restraint of binding arbitration of a grievance filed by the Wharton Education Association. The grievance contests the withholding of a teaching staff member's salary increment. The Commission finds that the withholding was based predominately on the staff member's teaching performance as a school social worker and restrains arbitration.

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P.E.R.C. NO. 2008-70

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FORT LEE,

Petitioner,

-and-

Docket No. SN-2008-056

NEW JERSEY STATE POLICEMEN'S  
BENEVOLENT ASSOCIATION, INC.  
PBA LOCAL NO. 245,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition as untimely. The petition filed by the Borough of Fort Lee seeks a determination that a proposal to include holiday pay in base pay made by the New Jersey State Policemen's Benevolent Association, Inc., PBA Local No. 245, during an interest arbitration proceeding is an illegal subject and may not be considered by an interest arbitrator for inclusion in a successor contract. The Commission holds that both parties recognize that the placement of holiday pay into base pay is mandatorily negotiable and that only the Division of pensions may determine whether that form of holiday pay is creditable for pension purposes.

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P.E.R.C. NO. 2008-71

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MAHWAH TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2008-059

MAHWAH EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Mahwah Township Board of Education for a restraint of binding arbitration of a grievance filed by the Mahwah Education Association. The grievance contests the withholding of a teaching staff member's increment. The Board's stated reasons for the withholding was the failure to submit required course recommendations by the deadline, incorrectly grading student examinations and curving grades in violation of school policy, and engaging in an unprofessional manner with a student in her class by confronting the student about an email. The Commission concludes that this withholding is predominately based on an evaluation of teaching performance and restrains arbitration.

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