

P.E.R.C. NO. 2009-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF POMPTON LAKES,

Respondent,

-and-

Docket No. IA-2007-055

POMPTON LAKES PBA LOCAL NO. 161,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award on remand. The PBA had appealed only the health insurance portion of the initial award. The Commission concluded that the initial award did not adequately explain his reasons for awarding the health benefit change under the statutory factors and vacated and remanded the case to the arbitrator to provide a reasoned explanation for his award. The Commission finds that in his second decision, the arbitrator adequately explained his reasons for awarding the health benefit change under the subsection 16g factors.

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. 2009-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST ORANGE BOARD OF EDUCATION,
Respondent,

-and-

Docket No. CO-2006-153

EAST ORANGE EDUCATION ASSOCIATION,
Charging Party.

EAST ORANGE BOARD OF EDUCATION,
Respondent,

-and-

Docket No. TI-2006-004

CLARICE SMITH JARVIS,
Petitioner.

SYNOPSIS

The Public Employment Relations Commission adopts with modification the Hearing Examiner's recommended decision and finds that the East Orange Board of Education violated 5.4a(1) and (3) when it transferred teachers after they appeared at a Board meeting to support a teacher that the principal recommended for non-renewal. The Commission further adopts the Hearing Examiner's finding that the Board independently violated 5.4a(1) when the Principal repeatedly referred to an Association building representative as "Sour Juice" in front of unit members; when the Principal solicited two non-tenured teachers to write letters to the Association President complaining about the Association building representative; and when the Principal called a particular Association representative to act as her witness at disciplinary meetings with two unit members.

The Commission dismissed the 5.4a(1) and (5) allegations of direct dealing regarding pay for after-school club activities. The Commission further finds, in the absence of exceptions, that the Board violated N.J.S.A. 34:13A-25 when it transferred Clarice Smith-Jarvis as punishment for her Association activities.

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P.E.R.C. NO. 2009-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF TEANECK,

Public Employer,

-and-

Docket No. RO-2007-060

LOCAL 108, PUBLIC EMPLOYEE DIVISION
SUPERVISORY GROUP, RWDSU, UFCW,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies a request for review of D.R. No. 2009-3. In that decision, the Director of Representation certified a unit of supervisory employees. The Director excluded certain titles as confidential and included, among others, department head titles that the Township sought to exclude as managerial executives. The Township asserts that it was wrongly denied a fact-finding hearing and that department heads are excludable from representation as a matter of law. The Commission denies the request for review finding that the Township has not established any of the reasons for granting a request for review.

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P.E.R.C. NO. 2009-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PLAINSBORO,

Petitioner,

-and-

Docket No. SN-2009-009

PLAINSBORO P.B.A. LOCAL 319,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township of Plainsboro's request for a restraint of binding arbitration of a grievance filed by Plainsboro PBA Local 319. The grievance challenges the issuance of a Performance Improvement Plan ("PIP") to a patrol officer. The Commission finds that the PIP is not a reprimand and may not be challenged as unjust minor discipline in binding arbitration and restrains arbitration.

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STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY AND
CAMDEN COUNTY PROSECUTOR,
Respondents,

-and-

Docket No. CO-2009-76

CAMDEN COUNTY ASSISTANT
PROSECUTORS ASSOCIATION,
Charging Party.

SYNOPSIS

The Public Employment Relations Commission grants the request of Camden County and the Camden County Prosecutor for reconsideration of I.R. No. 2009-7. In that decision, a Commission designee denied a request for interim relief filed by the Association in conjunction with an unfair practice charge filed against Respondents. The charge alleges that the Respondents unilaterally changed terms and conditions of employment and repudiated the parties' collective negotiations agreement by charging employees represented by the Association for dental plans that had previously been provided to the employees free of charge and failing to implement a contractual agreement to offer employees, at a cost, an improved dental plan that was available to other County employees. The designee found that the Association had not shown that it is substantially likely to prevail on the merits of the first allegation and that the Association did not establish that it would be irreparably harmed because any premiums improperly collected could be recouped at the end of the proceeding. As to the second allegation, the designee found that the Association was likely to prevail on the merits, but that the Association did not establish that unit members would be irreparably harmed because failing to honor an agreement to improve existing dental benefits, where current benefit levels have been maintained is different from cases where an employer has unilaterally reduced health benefits. The Commission grants reconsideration and orders the County to provide access to the improved dental plan finding that repudiation of an agreement to improve benefits can constitute irreparable harm.

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