

P.E.R.C. NO. 2009-47

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

IAFF LOCAL 2081,

Respondent,

-and-

Docket No. CI-2008-049

NICHOLAS SARAPUCHIELLO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the decision of the Director of Unfair Practices refusing to issue a complaint based on an unfair practice charge filed by retired City of Hackensack firefighter Nicholas Sarapuchiello against IAFF Local 2081. D.U.P. No. 200-4. The charge alleges that the IAFF violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it refused to arbitrate Sarapuchiello's grievance. Specifically, Sarapuchiello alleges that the health benefits for his dependents were prematurely and improperly terminated when he turned 65, in violation of the terms of the collective negotiations agreement in effect when he retired. The Commission finds that a retiree is not an employee within the meaning of the Act and sustains the refusal to issue a complaint.

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. 2009-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

IRVINGTON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2006-127

IRVINGTON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

_____The Public Employment Relations Commission adopts, with modification, the Hearing Examiner's recommended decision and finds that the Irvington Board of Education violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4a(1) and (3), when it awarded a not effective rating in the area, Personal/Professional Development, to Association Building Representative Barbara Whitaker. In the absence of cross-exceptions, the Commission adopts the recommendation that the Board did not violate the Act by awarding two other "not effective" ratings in the same evaluation.

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P.E.R.C. NO. 2009-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RIVER EDGE,

Petitioner,

-and-

Docket No. SN-2009-004

LOCAL 108, PUBLIC EMPLOYEES DIVISION,
RWDSU BLUE COLLAR UNIT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of River Edge's request for a restraint of binding arbitration of a grievance filed by Local 108, Public Employees Division, RWDSU Blue Collar Unit. The grievance alleges a violation of the Health and Welfare Benefits article of the parties' agreement. Relying on its decision in Rockaway Tp., P.E.R.C. No. 2009-1, 34 NJPER 278 (¶96 2007), the Commission holds that the grievance concerns the legally arbitrable issue of health benefit levels. If the arbitrator finds a contractual violation and a dispute arise over the negotiability of any remedy issued, the City may re-file its scope petition.

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P.E.R.C. NO. 2009-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COUNTY VOCATIONAL SCHOOLS
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-011

BERGEN COUNTY VOCATIONAL AND
TECHNICAL EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a request of the Bergen County Vocational Schools Board of Education for a restraint of binding arbitration of a grievance filed by the Bergen County Vocational and Technical Education Association. The grievance asserts that the Board did not give proper notice before reducing the salaries of all guidance counselors at the same time the Board changed their 12-month positions to 10-month positions. The Commission holds that notice of a reduction-in-force is negotiable.

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P.E.R.C. NO. 2009-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EDISON,

Petitioner,

-and-

Docket No. SN-2009-012

POLICEMEN'S BENEVOLENT ASSOCIATION,
LOCAL #75, INC.

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Edison for a restraint of binding arbitration of a grievance filed by PBA, Local #75, Inc. The grievance contests a change in the work schedule of the Criminal Investigations Bureau in the police department. The Commission holds that the Township has not shown that the change in schedule would interfere with governmental policy so as to require an exception to the general negotiability of work schedules.

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P.E.R.C. NO. 2009-52

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LINDEN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-019

LINDEN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Linden Board of Education's petition to quash a subpoena served by the Linden Education Association in a scope of negotiations proceeding. The subpoena seeks discovery of a document prepared by the Board's counsel to the superintendent related to the increment withholding of a teacher. The Commission holds that when the superintendent placed the document in the teacher's personnel file and gave a copy to the teacher, he waived any attorney-client privilege.

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P.E.R.C. NO. 2009-53

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBRIAGE TOWNSHIP
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-020

WOODBRIAGE TOWNSHIP
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants to request of the Woodbridge Township Board of Education for a restraint of binding arbitration of a grievance filed by the Woodbridge Township Education Association. The grievance contests the withholding of a teaching staff member's increments. The Board listed ten reasons for the withholding. Because the withholding is based predominately on an evaluation of teaching performance, the Commission restrains binding arbitration.

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P.E.R.C. NO. 2009-54

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Petitioner,

-and-

Docket No. SN-2009-023

UNITED CONSTRUCTION TRADES &
INDUSTRIAL EMPLOYEES INTERNATIONAL
UNION,

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission decides the negotiability of a contract provision that the United Construction Trades & Industrial Employees International Union seeks to include in a successor contract with the Township of Maplewood. The disputed provision concerns minimum staffing levels and the Commission finds it is not mandatorily negotiable.

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