

P.E.R.C. No. 2009-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY AND
CAMDEN COUNTY PROSECUTOR,

Respondents,

-and-

Docket No. CO-2009-076

CAMDEN COUNTY ASSISTANT
PROSECUTORS ASSOCIATION,

Charging Party.

SYNOPSIS

A Commission designee denies the Camden County Assistant Prosecutors Association's request that the Commission seek compliance with and enforcement of P.E.R.C. No. 2009-27. In that decision, the Commission ordered Camden County and the Camden County Prosecutor to make available to Assistant Prosecutors represented by the Camden County Assistant Prosecutors Association, any improved dental plan available to other employees of the Prosecutor's Office. P.E.R.C. No. 2009-27, 34 NJPER 383 (¶124 2008). The designee finds that no employee of the Prosecutor's Office was enrolled in the improved dental plan when the Commission issued its decision. If an employee of the Prosecutor's Office becomes enrolled in an improved plan prior to a final Commission decision on the merits of the charge, the Association may re-file its motion.

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. 2009-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PENNSAUKEN BOARD OF EDUCATION,

Respondent,

-and-

AFSCME COUNCIL 71, LOCAL 2300,

Docket No. CI-2009-019

Respondent,

-and-

LESTER F. CREAM, SR.,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices' refusal to issue a complaint based on an unfair practice charge filed by Lester Cream against the Pennsauken Board of Education and AFSCME Council 71, Local 2300. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., because Cream is one of nine elementary daytime custodians who perform the same duties, but only Cream is on a different custodian salary guide. The charge alleges that AFSCME violated the Act because it would not arbitrate Cream's grievance challenging his compensation. The Director found that Cream had not alleged any facts indicating that the Board violated 5.4(a)(1), (3), (4), or (7) of the Act and that an individual employee does not have standing to assert violations of 5.4a(2), (5) or (6) because the employer's duty under those provisions runs only to the majority representative. As for the allegations against AFSCME, the Director found that the unfair practice charge did not allege any facts indicating that AFSCME's decision not to arbitrate Cream's grievance was arbitrary, discriminatory or made in bad faith.

Cream argued on appeal that AFSCME's decision was arbitrary, discriminatory or in bad faith and the Board's actions were in retaliation for other discrimination complaints he filed alleging age and race discrimination. The Commission holds that none of

the documents supplied on appeal allege any facts to suggest that AFSCME breached its duty of fair representation in the six months prior to the filing of the charge on November 8, 2008. Nor do the documents allege that the Board violated its obligations under the Act in the six months prior to the filing of the charge. Even if the Board had discriminated on the basis of age and race, such discrimination would not constitute a violation of the Act.

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. 2009-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FORT LEE,

Appellant,

-and-

Docket No. IA-2007-087

PBA LOCAL NO. 245,

Respondent.

SYNOPSIS

The Public Employment Relations Commission remands an interest arbitration award to the arbitrator to address comparability to private and public sector employees in general, as well as the \$1 million the arbitrator projected in savings to the Borough from his award of a new salary schedule given the Borough's hiring freeze. The Commission stayed the implementation of the award until the arbitrator issues a supplemental decision addressing the projected savings from the new salary schedule and the comparability of public and private sector employees in general. The arbitrator must issue his supplemental decision 30 days from the date of the Commission decision. The Borough may file a supplemental brief within seven days of the arbitrator's decision and the PBA will have seven days to respond.

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. 2009-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FAIR HAVEN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-027

FAIR HAVEN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Fair Haven Board of Education for a restraint of binding arbitration of a grievance filed by the Fair Haven Education Association. The grievance challenges the 2008-2009 salary guide placements of teachers who began teaching during the 2007-2008 school year. The Board claims that the teachers were overpaid during 2007-2008. The Commission concludes that placement on the salary guide is a mandatorily negotiable compensation issue that may proceed to binding arbitration.

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. 2009-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ASBURY PARK,

Petitioner,

-and-

Docket No. SN-2009-031

IAFF LOCAL 384,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the City of Asbury Park's request for a restraint of binding arbitration of a grievance filed by IAFF, Local 383. The grievance challenges aspects of a new light duty policy. The Commission restrains arbitration to the extent the grievance challenges the establishment of a modified duty policy. The request for a restraint of binding arbitration is denied to the extent the grievance addresses legally arbitrable impact issues.

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. 2009-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC CITY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-038

ATLANTIC CITY EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission restrains binding arbitration of a grievance filed by the Atlantic City Education Association. The grievance contests the withholding of a teacher's salary increment. The Commission finds that the withholding was based predominately on the evaluation of teaching performance and any challenge to the withholding must be filed with the Commissioner of Education.

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. 2009-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC CITY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-039

ATLANTIC CITY EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission restrains binding arbitration of a grievance filed by the Atlantic City Education Association. The grievance contests the withholding of a teacher's salary increment. The Commission finds that the withholding was based predominately on the evaluation of teaching performance and any challenge to the withholding must be filed with the Commissioner of Education.

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.