

P.E.R.C. NO. 2010-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BLACK HORSE PIKE
REGIONAL SCHOOL DISTRICT,

Respondent,

-and-

Docket No. CI-2008-020

JAMES CALLISTA,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands an unfair practice charge filed by James Callista against the Black Horse Pike Regional School District to the Director of Unfair Practices for complaint issuance. The charge alleges that Callista was terminated by the Board in retaliation for his attempts to organize a union of substitute teachers. The Director found that the District subcontracted its substitute teacher staffing and that the subcontractor was Callista's employer. Since the subcontractor was a private employer, the Director refused to issue a complaint on the ground that the Act does not cover private employees. On appeal, Callista argued that he was jointly employed by the District and subcontractor and therefore should be protected by the Act. The Commission holds that it will exercise jurisdiction over a public joint employer and that Callista try to prove a joint employment relationship and 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. 2010-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WALL TOWNSHIP BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2007-055

WALL TOWNSHIP INFORMATION
TECHNOLOGY ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission holds that the Wall Township Board of Education violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it terminated an employee who tried to grieve and evaluation and enlisted the Wall Township Information Technology Association's assistance to have the Board review the contents of the evaluation and to negotiate with the Board concerning the evaluation process. The Board asserted that since the employee was acting on her own behalf to challenge her evaluation, she was not engaged in protected activity. Based on a stipulated record, the Commission finds that the employee was engaged in protected activity; the employer was aware of the activity; and that she was terminated because of that activity.

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P.E.R.C. NO. 2010-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGEN COMMUNITY COLLEGE FACULTY
ASSOCIATION, BERGEN COMMUNITY
COLLEGE SUPPORT STAFF ASSOCIATION
and BERGEN COMMUNITY COLLEGE
PROFESSIONAL STAFF ASSOCIATION,

Charging Parties,

-and-

Docket No. CO-2008-210

BERGEN COMMUNITY COLLEGE,

Respondent.

SYNOPSIS

The Bergen Community College Faculty Association, Bergen Community College Support Staff Association, Bergen Community College Professional Staff Association and Bergen Community College filed cross-motions for summary judgment on an unfair practice charge filed by the Associations. The charge alleges that the College violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it refused to negotiate before adopting a no-smoking policy banning the use of tobacco anywhere on College property and subjecting employees to discipline for violating the policy. The Commission holds that the College had a managerial prerogative to create a smoke-free campus and was therefore not required to negotiate over the smoking ban. The Commission further holds that the College violated the Act when it refused to negotiate over the new disciplinary procedures in the smoking policy.

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P.E.R.C. NO. 2010-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

POLICEMEN'S BENEVOLENT ASSOCIATION,
LOCAL 155,

Appellant,

-and-

Docket No. IA-2007-081

BOROUGH OF RAMSEY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award involving the Borough of Ramsey and the Policemen's Benevolent Association, Local 155. The PBA argued that the health insurance award is not supported by substantial credible evidence in the record because the Borough cannot calculate the cost impact of its proposal and the award is in conflict with N.J.S.A. 34:13A-18. The Commission finds that the arbitrator provided several reasons that constitute substantial credible evidence supporting the award and that the award is not in conflict with the statutes cited by the PBA.

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P.E.R.C. NO. 2010-27

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 grants the request of the Linden Board of Education for a restraint of binding arbitration of a grievance filed by the Linden Education Association. The grievance contests the withholding of a teaching staff member's employment and adjustment increments. The Board based the withholding related to the way a teacher interacted with a disruptive student and the student's in the hallway. 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. 2010-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF UNION,

Petitioner,

-and-

Docket No. SN-2009-051

PATROLMEN'S BENEVOLENT ASSOCIATION
UNION COUNTY CORRECTION OFFICERS
LOCAL NO. 199, INC.

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the County of Union's request for a restraint of binding arbitration of a grievance filed by the Patrolmen's Benevolent Association Union County Correction Officers Local No. 199, Inc. The grievance asserts that the County violated the parties' collective negotiations agreement when it reassigned corrections officers from their normal assignments to fill vacant posts rather than call-in qualified officers to perform those duties on an overtime basis. The Commission denies the County's request for a restraint to the extent the grievance involves changes in work hours. The Commission grants the restraint to the extent the grievance concerns temporary reassignments within a job classification and job description and does not involve a change in work hours.

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P.E.R.C. NO. 2010-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BETHLEHEM TOWNSHIP BOARD OF EDUCATION,

Petitioner,

and-

Docket No. SN-2009-066

BETHLEHEM TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

_____The Public Employment Relations Commission grants the request of the Bethlehem Township Board of Education for a restraint of binding arbitration of a grievance filed by the Bethlehem Township Education Association. The grievance contests the withholding of a teacher's salary increment. The Board based its decision on the teacher's allegedly harsh and negative interactions with her students. 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. 2010-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MONMOUTH and
MONMOUTH COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-2009-73

MONMOUTH COUNTY SHERIFF'S OFFICERS,
PBA LOCAL 314,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of contract proposals and current contract language that the Monmouth County Sheriff's Officers, PBA Local 314 seeks to submit to interest arbitration with the County of Monmouth and Monmouth County Sheriff. The County argued that current provisions and proposals regarding work rules; work schedule; officer-in-charge; assignment bidding; polygraph and voice print testing; and physical fitness training are not mandatorily negotiable. The Commission holds that portions of the work rules; work schedule; officer-in-charge; and polygraph and voice print testing provisions and proposals are mandatorily negotiable and may be submitted to interest arbitration. The Commission further holds that portions of the officer-in-charge; seniority bidding for assignments; physical fitness training; and polygraph and voice print provisions and proposals are not mandatorily negotiable.

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