

P.E.R.C. NO. 2010-49

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY,
(CAMDEN VICINAGE,

Respondent,

-and-

Docket No. CO-2008-287

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

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the New Jersey State Judiciary (Camden Vicinage) in an unfair practice case filed by the Probation Association of New Jersey (Case-Related Professional Unit). The charge alleges that the Judiciary and its Camden Vicinage violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1), (2), (3), (4) and (5), by conspiring to carry out a campaign of retaliation against PANJ, its members and representatives in connection with interrogations conducted by members of an outside law firm in October 2007, and through the issuance of written disciplinary warnings to employees in November stemming from an alleged September 14 "sick-out." The Commission finds a dispute over material facts relating to the sick out sanctions, denies the motion for summary judgment, and remands the case for a hearing. The Commission notes that its decision does not preclude the Judiciary from attempting to establish that PANJ agreed not to file an unfair practice charge over the employer's response to the alleged "sick out."

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. 2010-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

QUINTON TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2009-080

QUINTON TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Quinton Township Board of Education's request for a restraint of binding arbitration of a grievance filed by the Quinton Township Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement by refusing to maintain the tuition-free enrollment of a special education student whose court-appointed guardian was a school employee. The Commission holds that tuition waivers for the children of employees are mandatorily negotiable; the discretion granted to boards of education under N.J.S.A. 18A:38-3 to grant tuition waivers can be exercised through the collective negotiations process; the Association may seek a declaration from an arbitrator that the Board violated the contract by "expelling" a student because the Board had not approved a tuition waiver; and the Association may seek a ruling that the contract's Professional Courtesy provision includes tuition waivers for special education students placed in Quinton consistent with an IEP developed by the child's home district. The appropriate educational placement for the child is not a question for the arbitrator.

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P.E.R.C. NO. 2010-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF NORTH CALDWELL,

Petitioner,

-and-

Docket No. SN-2010-025

WEST ESSEX PBA LOCAL 81,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a successor contract proposal advanced by the West Essex PBA Local 81 for inclusion in compulsory interest arbitrations proceedings with the Borough of North Caldwell. The proposal involves limiting the assignment of PBA members to dispatcher duties. The Commission finds that the proposal is not mandatorily negotiable because the employer has a managerial prerogative to set staffing levels and to assign additional duties related to an employee's normal responsibilities.

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