

P.E.R.C. NO. 2010-86

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TEAMSTERS LOCAL NO. 469,

Respondent,

-and-

Docket No. CI-1996-019

KENNETH JAMES WILLIAMS,

Charging Party.

OLD BRIDGE TOWNSHIP,

Respondent,

-and-

Docket No. CI-1996-020

KENNETH JAMES WILLIAMS,

Charging Party.

OLD BRIDGE TOWNSHIP,

Respondent,

-and-

Docket No. CI-1996-021

KENNETH JAMES WILLIAMS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 97-19, 22 NJPER 354 (¶27182 1986), recon. den. P.E.R.C. No. 97-92, 23 NJPER 134 (¶28066 1997), aff'd App. Div., 24 NJPER 285 (¶29134 1998), filed by Kenneth James Williams. Williams argues he was coerced into resigning by officials of Old Bridge Township who were later found to be corrupt. The Commission holds that the Appellate Division has affirmed its prior decision denying reconsideration of Williams' charge and that the corruption of the individuals involved does not undermine the Commission's prior finding that Williams settled his unfair practice charge voluntarily.

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.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Respondent,

-and-

Docket Nos. CO-2008-325
CO-2008-326
CO-2009-082
CO-2009-088

FMBA LOCAL 425 (DISPATCHERS),
PBA LOCAL 44, SOA LOCAL 44A and
UNITED CONSTRUCTION TRADES &
INDUSTRIAL EMPLOYEES INTERNATIONAL
UNION,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission denies a motion for summary judgment filed by the Township of Maplewood in consolidated unfair practice cases filed by FMBA Local 425 (Dispatchers), PBA Local 44, SOA Local 44A and the United Construction Trades & Industrial Employees International Union (UCTIE). The charges allege that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it ceased providing traditional health insurance and reduced the provider network and in the charge filed by UCTIE, it changed health insurance coverage contrary to the parties' agreement. The Township argues that negotiations over fundamental changes to the State Health Benefits Program are preempted by N.J.S.A. 52:14-17.25 et seq. The Commission holds that the Township cannot be ordered to continue the SHBP Traditional Plan, but an arbitrator may determine whether the Township was contractually obligated to maintain a level of health benefits and defers the charges to arbitration.

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P.E.R.C. NO. 2010-89

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF NUTLEY,

Petitioner,

-and-

Docket No. SN-2009-067

PBA LOCAL 33,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Nutley for a restraint of binding arbitration of a grievance filed by PBA Local 33. The grievance contends that the Township violated the parties' agreement when it issued two announcements that require a lieutenant to drop to the road sergeant position when the road sergeant is out on sick leave, but not when the sergeant is out on vacation, personal, or compensation time. The grievance further contends that the announcements deprive officers of overtime assignments and has resulted in officers being arbitrarily and improperly denied requests for time off. The Commission holds that the Township has a managerial prerogative to determine that a lieutenant is qualified to fill in for an absent road sergeant, but the PBA may arbitrate its claims that the Township violated an alleged agreement to replace an absent sergeant with another sergeant on overtime and that the employer violated the agreement by restricting unit members' ability to use contractual leave time.

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P.E.R.C. NO. 2010-90

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RED BANK REGIONAL HIGH SCHOOL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-022

RED BANK REGIONAL EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Red Bank Regional High School Board of Education for a restraint of binding arbitration of a grievance filed by the Red Bank Regional Education Association. The grievance challenges the increment withholding of a teaching staff member. Because the reasons cited by the Board for the withholding relate predominately to an evaluation of teaching performance, the Commission grants the request for a restraint.

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P.E.R.C. NO. 2010-91

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY PROSECUTOR'S OFFICE,

Petitioner,

-and-

Docket No. SN-2010-030

DETECTIVES AND INVESTIGATORS
ASSOCIATION OF UNION COUNTY,
PBA LOCAL 250,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the Union County Prosecutor's Office's request for a restraint of binding arbitration of a grievance filed by the Detectives and Investigators Association of Union County, PBA Local 250. The grievance contests a detective's loss of the use of a County vehicle and seeks offsetting compensation for the loss. The Commission restrains arbitration to the extent the grievance seeks reassignment of a vehicle and denies the request on the offsetting compensation issue.

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P.E.R.C. NO. 2010-92

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HANOVER PARK REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-031

HANOVER PARK REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Hanover Park Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Hanover Park Regional Education Association. The grievance challenges a teacher's placement on the salary guide. The Board alleges the teacher's placement was an error and that it has a managerial prerogative to recoup the salary overpaid to her. The Commission holds that placement on the salary guide is a mandatorily negotiable compensation issue.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT
OF THE CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-2010-033

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Commission grants the request for a restraint of binding arbitration submitted by the State-Operated School District of the City of Paterson where the Commission found that the increment withholding of a learning disabilities teaching consultant was based predominantly on teaching performance. The withholding was based on allegations that the LDTC failed to complete Individualized Educations Programs in a timely manner, incomplete IEPs, IEPs bearing the name of the wrong student, incomplete Child Study Team logs, and incomplete Child Study Team flow charts. The LDTC was rated Needs Improvement in Establishes and Maintains Harmonious Rapport with: A. Pupils, B. Staff, C. Parents, and Community. The LDTC was rated unsatisfactory in nine categories: Is Competent and Knowledgeable in Discipline, Exercises Good Judgement and Mature Attitude, Performs Professional Duties Skillfully and Willingly, Exhibits Evidence of Growth and Development, Accepts Constructive Criticism and/or Suggestions and Appropriately Affects Desirable Changes, Maintains Adequate Health Habits and Appearance, Is Dependable and Conscientious in the Execution of Responsibilities, Assumes Responsibilities for Care and Use of Professional Materials and Supplies, and Gives Evidence of Professional Materials and Supplies. In the general comments to the evaluation, the supervisor also cited alleged "Unprofessional behavior and conduct unbecoming towards immediate supervisor (called me an idiot three times)."

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P.E.R.C. NO. 2010-94

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WINSLOW TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2010-038

WINSLOW TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Winslow Township Board of Education for a restraint of binding arbitration of a grievance filed by the Winslow Township Education Association. The grievance contests the Board's decision to stop permitting employees' children from attending district schools tuition free. The Commission holds that the Board's authority to grant or deny tuition waivers is not preempted by N.J.S.A. 18A:38-1; the Board's policy protects its concerns regarding class size; and whether the parties' agreement provides for the arbitration of policy decisions is a question for the arbitrator.

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P.E.R.C. NO. 2010-95

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MOUNT LAUREL FIRE DISTRICT NO. 1,

Petitioner,

-and-

Docket Nos. SN-2010-058

MOUNT LAUREL PROFESSIONAL FIREFIGHTERS
ASSOCIATION, I.A.F.F. LOCAL 4408 and
MOUNT LAUREL PROFESSIONAL FIRE
FIGHTERS ASSOCIATION, I.A.F.F. LOCAL 4408-0,

Respondents.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal the Mount Laurel Professional Firefighters Association, I.A.F.F. Local 4408 and the Mount Laurel Professional Fire Fighters Association, I.A.F.F. Local 4408-0 seek to submit to interest arbitration for inclusion in a successor agreement. The proposal is entitled "Successors and Assigns" and addresses what happens after a possible dissolution of the Mount Laurel Fire District No. 1. The employer argues that the proposal is preempted by N.J.S.A. 40A:65-11d. The Commission holds that the proposal on its face is mandatorily negotiable absent specific facts about a possible merger or consolidation.

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P.E.R.C. NO. 2010-96

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MOUNT LAUREL FIRE DISTRICT NO. 1,

Petitioner,

-and-

Docket Nos. SN-2010-059

MOUNT LAUREL PROFESSIONAL FIREFIGHTERS
ASSOCIATION, I.A.F.F. LOCAL 4408 and
MOUNT LAUREL PROFESSIONAL FIRE
FIIGHTERS ASSOCIATION, I.A.F.F. LOCAL 4408-0,

Respondents.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of proposals the Mount Laurel Professional Firefighters Association, I.A.F.F. Local 4408 and the Mount Laurel Professional Fire Fighters Association, I.A.F.F. Local 4408-0 seek to submit to interest arbitration for inclusion in a successor agreement. The proposal is entitled "Promotions and Transfers" and seeks promotion by seniority when all other qualifications are equal and the posting of a notice for transfer vacancies. The employer argues the proposals are preempted by the Civil Service regulation "Rule of Three." The Commission holds the proposals are mandatorily negotiable and are not preempted by Civil Service regulations.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ASBURY PARK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TI-2009-002

CORDELIA GOLDEN,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a contested transfer petition filed by Cordelia Golden against the Asbury Park Board of Education that alleges Golden was transferred between work sites for predominately disciplinary reasons. The Board asserts that Golden was transferred after a teacher filed a complaint against Golden which resulted in significant tensions between employees who supported the teacher and employees who supported Golden; the relationship between Golden and the teacher could not be repaired after multiple mediation sessions; the teacher alleged Golden was harassing her; and the principal recommended that at least one of the employees had to be transferred. The Commission holds that the transfer was not predominately disciplinary where the Board asserted non-disciplinary reasons to defuse what its administrators believed was a tense situation that was adversely affecting both students and staff.

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P.E.R.C. NO. 2010-97

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BERLIN,

Public Employer,

-and-

Docket No. RO-2010-055

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Petitioner.

SYNOPSIS

The Commission grants the Township of Berlin's request for review of a decision of the Director of Representation certifying the Communication Workers of America as the exclusive representative for all regularly employed blue collar employees of the Township. The Commission remands this case to the Director for further investigation regarding the location of the organizing meeting, how the site was chosen and what transpired during the meeting.

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STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE AND DENTISTRY
OF NEW JERSEY,

Respondent,

-and-

Docket Nos. CO-2005-220
CO-2007-271

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY
COUNCIL OF AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS CHAPTERS,

Charging Party.

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY
COUNCIL OF AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS CHAPTERS,

Respondent,

-and-

Docket No. CE-2006-003

UNIVERSITY OF MEDICINE AND DENTISTRY
OF NEW JERSEY,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission clarifies its Order in P.E.R.C. No. 2010-12, 35 NJPER 330 (¶113 2009). In that decision, the Commission found that the University of Medicine and Dentistry of New Jersey violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (Act), when it unilaterally reduced the faculty practice or clinical components of the salary of certain faculty represented by the University of Medicine and Dentistry of New Jersey Council of American Association of University Professors. The Commission held that UMDNJ had to cease refusing to negotiate over reductions in supplemental salaries and to negotiate upon request over the disputed reductions in the case. It also ordered UMDNJ to notify AAUP of any proposed reductions in supplemental salaries and to negotiate in good faith upon demand over those proposed

reductions. The Commission clarifies that UMDNJ must negotiate upon request over the disputed reductions including back pay. The Commission holds that because the matter involves mid-contract terms and conditions of employment, neither the Act nor the School Act require UMDNJ to participate in mid-contract impasse procedures prior to unilaterally implementing mid-contract changes to non-contractual terms and conditions of employment. The Commission declines to decide whether the School Act applies to UMDNJ.

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