

P.E.R.C. NO. 2012-2

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SADDLE BROOK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. CO-2010-137

SADDLE BROOK EDUCATION ASSOCIATION,

Respondent,

-and-

PATRICIA DOLAN,

Docket No. TI-2010-001

Respondent,

-and-

THERESA MARTIN,

Docket No. TI-2010-002

Respondent.

SYNOPSIS

The Public Employment Relations Commission adopts the decision of a Hearing Examiner finding that the Saddle Brook Board of Education violated 5.4a(3) and derivatively (1) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. by transferring Theresa Martin and Patricia Dolan in retaliation for Martin raising various complaints against the Director of Special Services. The Commission also holds that the Board violated N.J.S.A. 34:13A-25 when it transferred Theresa Martin from the Helen I. Smith School to the middle school for disciplinary reasons. However, the Board did not violate N.J.S.A. 34:13A-25 when it transferred Patricia Dolan.

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. 2012-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OPERATED SCHOOL DISTRICT
OF THE CITY OF PATERSON,

Respondent,

-and-

Docket No. CO-2011-073

PATERSON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment relations Commission grants the State Operated School District of the City of Paterson's motion for reconsideration of I.R. No. 2011-17. In that decision, a Commission designee granted an application for interim relief that accompanied an unfair practice charge filed by the Paterson Education Association. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by refusing to pay salary increments following the expiration of the parties one-year collective negotiations agreement. The Commission grants reconsideration holding that this case meets the extraordinary circumstances and exceptional importance tests finding that the substantial hardship to the District in paying increments outweighs the hardship to the employees in not receiving increments. The Commission also finds that the public interest may be harmed by the paying of irretrievable salary increments.

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P.E.R.C. NO. 2012-4

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF NORTH ARLINGTON,

Respondent,

-and-

Docket No. IA-2011-050

POLICE BENEVOLENT ASSOCIATION
LOCAL 95,

Movant.

SYNOPSIS

The Public Employment Relations Commission denies PBA Local 95's motion for reconsideration of P.E.R.C. No. 2012-1, 37 NJPER _____ (¶_____ 2012). In that decision, the Commission vacated and remanded an interest arbitration award. The Commission holds that the PBA has not established extraordinary circumstances warranting reconsideration.

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P.E.R.C. NO. 2012-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONTVILLE TOWNSHIP
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. RO-2011-022

MONTVILLE TOWNSHIP
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Montville Township Board of Education's request for review of D.R. 2011-6. That decision granted a representation petition filed by the Montville Township Education Association seeking to add all secretarial, custodial/maintenance, and paraprofessional employees to the professional employees' unit. The Commission holds that the Board has not set forth a compelling reason pursuant to N.J.A.C. 19:11-8.2 to grant review.

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P.E.R.C. NO. 2012-6

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Petitioner,

-and-

Docket No. SN-2010-103

IFPTE LOCAL 196,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the New Jersey Turnpike Authority for a restraint of binding arbitration of a grievance filed by IFPTE Local 196. The grievance asserts that the Authority violated a contractual article entitling employees injured on the job to supplementary workers' compensation benefits. The Commission holds that the subject of the grievance is within the exclusive jurisdiction of the Division of Workers' Compensation.

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P.E.R.C. NO. 2012-7

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2011-002

NEWARK FIREFIGHTERS UNION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of a grievance filed by the Newark Firefighters Union. The grievance contests the denial of additional paid sick leave benefits to a firefighter and the denial of light duty when he was cleared to return to work. The Commission holds that the City's petition is moot as it only sought a restraint on the additional paid sick leave allegation in the grievance and the arbitrator denied that claim in his award.

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P.E.R.C. NO. 2012-8

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MILLBURN,

Petitioner,

-and-

Docket No. SN-2011-006

PBA LOCAL 34,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Millburn for a restraint of binding arbitration of a grievance filed by PBA Local 34. The grievance contests the denial of light duty to a police officer and seeks restoration of sick days. The Commission restrains arbitration to the extent the grievance seeks the creation of a light duty position and paid sick leave in excess of one year. The question of whether light duty assignments were available is a factual dispute for the arbitrator.

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P.E.R.C. NO. 2012-9

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Petitioner,

-and-

Docket No. SN-2011-041

ESSEX COUNTY DEPARTMENT OF
CORRECTIONS AND FRATERNAL
ORDER OF POLICE LODGE 106,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the County of Essex for a restraint of binding arbitration of a grievance filed by Essex County Department of Corrections and Fraternal Order of Police Lodge 106. The grievance challenges the application of P.L. 2010, c. 2 and the County's commencing, effective May 22, 2010, payroll deductions of an amount equal to 1.5% of base salary towards the cost of health insurance benefits. The Commission holds that by operation of law, there was no collective negotiations agreement in force on the effective date of P.L. 2010, c. 2.

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