

P.E.R.C. NO. 2013-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

KEAN UNIVERSITY,

Respondent,

-and-

Docket No. CO-2008-384

COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT, AFL-CIO,
KEAN FEDERATION OF TEACHERS,

Charging Party.

KEAN UNIVERSITY,

Respondent,

-and-

Docket No. CO-2009-158

COUNCIL OF NEW JERSEY STATE
COLLEGE LOCALS, AFT, AFL-CIO,
KEAN FEDERATION OF TEACHERS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that Kean University violated the New Jersey Employer-Employee Relations Act, specifically N.J.S.A. 34:13A-5.4a(5), by failing to negotiate in good faith with the Council of New Jersey State College Locals, AFT, AFL-CIO, Kean Federation of Teachers (KFT) over an increase in office hours. The Commission orders the University to negotiate prospectively in good faith with the KFT over the office hours and/or compensation for increased office hours for faculty and department Chairs. The Commission adopts the Hearing Examiner's recommendation dismissing the 5.4a(3) allegation in the Complaint that the University violated the Act by increasing office hours in retaliation for protected activity. The Commission finds that the University was motivated by a plan to increase graduation rates through enhanced student advisement time.

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. 2013-65

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
DEPARTMENT OF HUMAN SERVICES,

Respondent,

-and-

CSC Docket No. 2012-2888
OAL Docket No. CSV 4564-12

SEATON SAMUEL,

Appellant.

STATE OF NEW JERSEY,
DEPARTMENT OF HUMAN SERVICES,

Respondent,

-and-

PERC Docket No. CO-2012-287
OAL Docket No. PRC 561-13

IFPTE, LOCAL 195,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Initial Decision of an Administrative Law Judge designated to hear a contested case pursuant to a Joint Order of Consolidation and Predominant Interest (P.E.R.C. No. 2013-48, NJPER (¶ 2012)) that consolidated an unfair practice charge filed by IFPTE, Local 195, and a termination appeal before the Civil Service Commission. The Initial Decision finds that a settlement agreement between the parties meets the requirements of N.J.A.C. 1:1-19.1. The Initial Decision is transferred to the Civil Service Commission for consideration pursuant to the Joint Order.

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P.E.R.C. NO. 2013-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TRENTON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-2009-334

TRENTON EDUCATIONAL SECRETARIES
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts the Hearing Examiner's recommended decision in an unfair practice case filed by the Trenton Education Association against the Trenton Board of Education. That decision recommended the Commission find that the Trenton Board of Education did not violate the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., when it abolished an employee's secretarial position and transferred her to another position. The Commission rejects the exceptions filed by the Association, finding that the Hearing Examiner considered all of the evidence concerning anti-union animus, and that the Board established a legitimate operational reason for abolishing the secretarial position.

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P.E.R.C. NO. 2013-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOUTH HUNTERDON REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-012

SOUTH HUNTERDON REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of contract clauses in an expired collective negotiations agreement between the South Hunterdon Regional Board of Education and the South Hunterdon Regional Education Association. The Commission finds mandatorily negotiable: a provision concerning notice, participation, and recommendations regarding interviews of candidates for employment; portions of a provision concerning promotional procedures; a provision regarding in-district teacher priority for additional programs to the extent it applies to extracurricular activities and not teaching assignments; and a provision concerning use of sick leave for illness in the family. The Commission finds not mandatorily negotiable: provisions concerning qualifications to be considered in relation to teacher transfers or reassignments; portions of a provision concerning promotional procedures that require consideration of certain criteria; a provision regarding teacher preference in transfer or reassignment requests; a provision limiting class size; a provision requiring teacher approval of the structure of course schedules; a provision mandating the content of teacher evaluations; a provision concerning closing personnel files; and a provision concerning teacher assignments and certification requirements.

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P.E.R.C. NO. 2013-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HOWELL,

Petitioner,

-and-

Docket No. SN-2012-038

PBA LOCAL 228,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Howell for a restraint of binding arbitration of a grievance filed by PBA Local 228. The grievance challenges the Township's use of special police officers during and subsequent to a snow event, and seeks lost overtime compensation for PBA officers. The Commission holds that arbitration of the grievance would significantly interfere with the Township's policymaking power to respond to an emergency.

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P.E.R.C. NO. 2013-69

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF'S OFFICE,

Petitioner,

-and-

Docket No. SN-2012-056

FOP LODGE 39,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Somerset County Sheriff's Office for a restraint of binding arbitration of a grievance filed by FOP Lodge 39. The grievance asserts that the County violated the overtime and seniority clauses of the parties' agreement when it failed to assign the grievant to Firearms Instructor overtime details. The Commission holds that arbitration of the grievance would substantially limit the Township's managerial prerogative to assess qualifications and assign employees with special qualifications to perform particular overtime tasks. The Commission finds that the County's deviation from a negotiated seniority overtime allocation procedure was supported by its assertions regarding the grievant's firing range deficiencies.

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P.E.R.C. NO. 2013-70

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY JUDICIARY,

Petitioner,

-and-

Docket No. SN-2012-062

JUDICIARY COUNCIL OF AFFILIATED UNIONS,
SUPPORT STAFF UNIT AND
SUPPORT STAFF SUPERVISORY UNIT,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State of New Jersey Judiciary for a restraint of binding arbitration of a grievance filed by the Judiciary Council of Affiliated Unions, Support Staff Unit and Support Staff Supervisory Unit. The grievance asserts that the Judiciary's newly issued Leave Policy violates the parties' agreement by restricting the use of credited, but unaccrued, sick and vacation leave. The Commission holds that sick and vacation leave are mandatorily negotiable, and that the use of credited ("frontloaded") sick or vacation leave that was not yet earned based on work in a particular year is not statutorily preempted. The Commission finds that the Civil Service regulations cited by the Judiciary require reimbursement after using credited, unearned leave, but do not expressly preempt use of such leave.

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P.E.R.C. NO. 2013-71

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MOUNT OLIVE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2012-073

MOUNT OLIVE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Mount Olive Board of Education for a restraint of binding arbitration of a grievance filed by the Mount Olive Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it reassigned some classroom teachers to Academic Achievement positions and replaced them with substitute teachers without full-year contracts. The Commission finds the grievance not arbitrable to the extent that it challenges the Board's managerial prerogative to hire, select, and retain substitute teachers. The Commission holds that the grievance is arbitrable to the extent it alleges that substitute teachers are covered by the agreement's recognition clause.

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