

P.E.R.C. NO. 2000-103

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODSTOWN-PILESGROVE REGIONAL  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-85

WOODSTOWN-PILESGROVE REGIONAL  
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Woodstown-Pilesgrove Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Woodstown-Pilesgrove Regional Education Association. The grievance contests the inclusion in a teacher's personnel file of a memorandum evaluating her performance during a classroom visit by the high school principal. The Commission concludes, on balance, that prohibiting a memorandum whenever an informal classroom visit does not last an entire period would significantly interfere with the ability of administrators to conduct such visits, evaluate instruction, and suggest improvements.

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. 2000-104

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HOWELL,

Petitioner,

-and-

Docket No. SN-2000-91

TRANSPORT WORKERS UNION  
OF AMERICA, LOCAL 225, BRANCH 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Howell for a restraint of binding arbitration of a grievance filed by the Transport Workers Union of America, Local 225, Branch 4. The grievance asserts that the Township violated the parties' collective negotiations agreement by removing duties from the road foreman and by not posting a new position. The Commission grants a restraint except to the extent the grievance alleges a violation of the posting requirement in the parties' agreement. The Commission concludes that posting requirements are negotiable even though the vacant position is outside the bargaining unit. The Commission does not consider whether the contractual posting requirement encompasses non-unit positions.

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P.E.R.C. NO. 2000-105

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,  
DEPARTMENT OF HUMAN SERVICES,

Respondent,

-and-

Docket No. CO-H-98-142

COMMUNICATIONS WORKERS  
OF AMERICA, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the State of New Jersey (Department of Human Services). The Complaint was based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO. The charge alleges that the State violated the New Jersey Employer-Employee Relations Act, when it refused to produce information requested by CWA to represent employees at disciplinary hearings. The information was contained in files kept by the Division of Youth and Family Services. The Commission concludes that N.J.S.A. 9:6-8.10a provides that the release of the information requested by CWA should be considered by the officer hearing the disciplinary appeal and not the Commission.

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P.E.R.C. NO. 2000-106

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WYCKOFF,

Petitioner,

-and-

Docket No. SN-2000-82

WYCKOFF P.B.A. LOCAL NO. 261,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Wyckoff for a restraint of binding arbitration of a grievance filed by Wyckoff P.B.A. Local No. 261. The grievance alleges that the Township improperly denied a police officer four days of paid sick leave. The Commission concludes that the application of a sick leave policy is a generally negotiable issue and that an arbitrator may determine whether the officer is entitled to paid sick leave.

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P.E.R.C. NO. 2000-107

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MONTCLAIR,

Petitioner,

-and-

Docket No. SN-99-88

F.M.B.A. LOCAL 20,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of Montclair for a restraint of binding arbitration of a grievance filed by F.M.B.A. Local 20. The grievance contests portions of a sick leave policy. The Commission concludes that the grievance is not legally arbitrable to the extent it seeks to prevent the employer from initiating discipline for sick leave abuse for employees who have not exhausted their annual allotment of 15 sick days per year. The grievance is legally arbitrable to the extent it alleges that the policy violates contract provisions governing the circumstances in which sick leave may be taken or requiring notice or discussion of such policies prior to implementation. The Commission concludes that while an employer has a prerogative to establish a sick leave verification policy, those portions of a policy which provide for fines, warnings, suspensions or termination after a specific number of absences involve discipline and may be negotiated and arbitrated.

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P.E.R.C. NO. 2000-108

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBURY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-44

WOODBURY EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Woodbury Board of Education for a restraint of binding arbitration of a grievance filed by the Woodbury Education Association. The grievance alleges that the adoption and implementation of a "differentiated supervision" program for teaching staff members violated the parties' collective negotiations agreement. The Commission finds that arbitral review of the Board's adoption of a policy would significantly interfere with educational decision-making. The Commission also finds that the decisions to place the four teachers in the differentiated supervision program are not mandatorily negotiable. And, the Commission finds that the grievance is not legally arbitrable to the extent it alleges a violation of contract provisions pertaining to, or requiring negotiations over, "guidelines for applying the criteria" for placement in the program. The Commission finds that the grievance is legally arbitrable to the extent it alleges that the Board violated contractual notice provisions governing, or requiring negotiations over, notice of the adoption of the differentiated supervision program; notice of the criteria for placement; and a statement of the reasons a particular teacher was placed in the program. The Commission also finds that the grievance is legally arbitrable to the extent it alleges that the Board violated contract provisions concerning, or requiring negotiations over, advance notice of who will evaluate a staff member and the timing of formal observations. Finally, the Commission finds that claims that the Board has not complied with education regulations pertaining to evaluation procedures are legally arbitrable.

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P.E.R.C. NO. 2000-109

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOOD-RIDGE BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-84

WOOD-RIDGE EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Wood-Ridge Board of Education for a restraint of binding arbitration of a grievance filed by the Wood-Ridge Education Association. The grievance alleges that the parties' collective negotiations agreement was violated when two teachers in the high school were directed to begin and end their work day earlier than the time set forth in the agreement. The Commission restrains arbitration to the extent the grievance challenges the Board's right to assign two teachers to student supervision duties prior to the start of the contractual work day. The Commission declines to restrain arbitration over issues concerning release time or other compensation for performing the duty; workload; and methods of selecting qualified staff to perform the duty. How this non-teaching duty is assigned is mandatorily negotiable and disputes over the allocation of the duty are legally arbitrable.

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