

P.E.R.C. NO. 2001-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PBA LOCAL 152 and
NEW JERSEY STATE PBA,

Respondent,

-and-

Docket No. CI-H-99-55

KENNETH SMITH,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission reinstates allegations in a Complaint based on an unfair practice charge filed by Kenneth Smith against PBA Local 152 and the New Jersey State PBA. A hearing examiner had granted the respondents' motion for summary judgment and dismissed the allegations as untimely. The allegations concern disciplinary charges against Smith and the PBA's decision regarding those charges. The Commission reinstates these allegations finding that the statute of limitations was tolled while Smith was pursuing his internal union appeal.

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. 2001-2

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY MOSQUITO
EXTERMINATION COMMISSION,

Respondent,

-and-

Docket No. CO-H-96-22

COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 1044,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses allegations in a Complaint based on an unfair practice charge filed by the Communications Workers of America, Local 1044 against the Burlington County Mosquito Extermination Commission. The Commission had previously dismissed allegations in the Complaint concerning certain suspensions. However, because the CWA asked the Merit System Board to reopen the hearing concerning an employee's termination, the Commission did not dismiss the allegations concerning the termination. The Merit System Board determined the initial decision to be final and the record on the termination will not be reopened. Therefore, there is no basis for further review and the Commission dismisses the Complaint.

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P.E.R.C. NO. 2001-3

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SALEM CITY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-90

SALEM TEACHERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Salem City Board of Education for a restraint of binding arbitration over the increment withholding of a teaching staff member represented by the Salem Teachers Association. The Commission concludes that the Board's cited reasons and its supporting exhibits predominately relate to an evaluation of teaching performance which must be reviewed by the Commissioner of Education.

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P.E.R.C. NO. 2001-4

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF UNION,

Respondent,

-and-

Docket No. CI-H-96-70

JO-ANNE JOBECK,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the County of Union. The Complaint was based on an unfair practice charge filed by Jo-Anne Jobeck alleging that the County violated the New Jersey Employer-Employee Relations Act when County officials harassed her in retaliation for her organizing on behalf of the United Electrical Workers Union of America. Jobeck also contends that she was unfairly denied the opportunity to work overtime, was wrongfully suspended for three days, and has had problems with the calculation of her pay. The Commission finds that the charging party did not prove that the County was hostile toward her protected activity or that it retaliated against her for such activity.

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P.E.R.C. NO. 2001-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF GARFIELD,

Petitioner,

-and-

Docket No. SN-2000-86

P.B.A. LOCAL NO. 46,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Garfield for a restraint of binding arbitration of a grievance filed by P.B.A. Local No. 46. The PBA seeks compensation at the lieutenant pay rate for a sergeant who served as a tour commander. Although the initial grievance sought to arbitrate the reassignment and promotion of the sergeant, the Commission concludes that the PBA is seeking to arbitrate only the issue of compensation for working in a higher rank. The Commission holds that whether the City violated the contract when it compensated a sergeant at the sergeant's salary rate rather than the lieutenant's salary rate for duties performed while he was assigned as shift commander may be presented to an arbitrator.

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P.E.R.C. NO. 2001-6

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROCKAWAY TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2000-95

ROCKAWAY TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Rockaway Township Board of Education for a restraint of binding arbitration of a grievance filed by the Rockaway Township Education Association. The grievance contests the Board's requirement that summer school teachers work on July 5, 1999. The Commission finds that the Board had a right to schedule classes on July 5, 1999, but under N.J.S.A. 18A:25-3 it did not have a right to require teaching staff members to work on that public holiday. The Commission also notes that the amount of compensation for working on a holiday is mandatorily negotiable.

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P.E.R.C. NO. 2001-7

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EAST BRUNSWICK,

Petitioner,

-and-

Docket No. SN-2000-81

EAST BRUNSWICK MUNICIPAL EMPLOYEES
ASSOCIATION/UNITED SERVICE WORKERS OF
AMERICA, TCU, LOCAL 1996, AFL-CIO, CLC,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Township of East Brunswick for a restraint of binding arbitration of a grievance filed by the East Brunswick Municipal Employees Association/United Service Workers of America, TCU, Local 1996, AFL-CIO, CLC. The grievance asserts that the Township violated the parties' collective negotiations agreement when it did not appoint Carol Bruno to the position of Violations Clerk and instead appointed an employee with less seniority. The Commission restrains arbitration over the employer's substantive decision to choose another employee to be a Violations Clerk. The Commission denies a restraint over whether Bruno has a contractual right to be told the reasons she was not promoted.

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P.E.R.C. NO. 2001-8

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF EAST ORANGE,

Petitioner,

-and-

Docket No. SN-2000-93

EAST ORANGE F.M.B.A. LOCAL 23,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a proposal made by East Orange F.M.B.A. Local 23 for inclusion in a successor collective negotiations agreement with the City of East Orange. The proposal seeks to increase the number of acting captains from three to five that may be assigned before a captain is called in on overtime and proposes a policy for assignment of acting captains on a rotating basis in accordance with seniority. The Commission finds the proposal to increase the acting captains from three to five may be permissively negotiable, but is not mandatorily negotiable. The second proposal concerning the rotation of acting captain assignments by seniority is mandatorily negotiable.

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P.E.R.C. NO. 2001-9

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TI-H-99-1

CLARENCE TURNER,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission orders the Camden Board of Education to promptly return Clarence Turner to a physical education teaching position at Camden High School. Turner alleged that the Board violated N.J.S.A. 34:13A-25 by transferring him from a high school to a middle school position for disciplinary reasons. The Commission concludes that this transfer was intended to punish Turner as a teacher for actions that took place while he was a coach and was an attempt to satisfy an NJSIAA condition that administrative action be taken against the former coach.

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P.E.R.C. NO. 2001-10

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT
OF THE CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-2000-80

CITY ASSOCIATION OF SUPERVISORS
AND ADMINISTRATORS, AFSA/AFL-CIO,
LOCAL 20,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of several provisions in an expired collective negotiations agreement between the State-Operated School District of the City of Newark and the City Association of Supervisors and Administrators, AFSA/AFL-CIO, Local 20.

The Commission finds the following to be not mandatorily negotiable: a proposal that would require replacement of an absent vice-principal with a teacher; a proposal that addresses working conditions of teachers not in CASA's unit; proposals that would require the District to fill vacancies; a proposal concerning elevating vice-principals to acting principals in the case of an absence of a principal for more than 10 days; a portion of a proposal that provides that an Assistant Director will fill in for the Director; proposals that require the maintenance and/or establishment of specific supervisory positions; and a clause that would require the District to hire additional clerical employees to meet the proposal's staffing requirements.

The Commission finds the following to be mandatorily negotiable: proposals that provide a procedural opportunity for a supervisor to recommend that a vacancy be filled by a qualified employee; and portions of proposals that pertain to compensation for working in a higher pay category.

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