

P.E.R.C. NO. 2001-39

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMILTON TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-24

HAMILTON TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Hamilton Township Board of Education for a restraint of arbitration of a grievance filed by the Hamilton Township Education Association. The grievance contests the transfer of a teacher from an elementary school position to a middle school/high school position. N.J.S.A. 34:13A-25 prohibits binding arbitration over all transfers of school board employees between work sites.

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. 2001-40

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PISCATAWAY,

Petitioner,

-and-

Docket No. SN-2001-10

AFSCME, COUNCIL 73, LOCAL 3274,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Piscataway for a restraint of binding arbitration of a grievance filed by AFSCME, Council 73, Local 3274. The grievance alleges that the Township violated the parties' collective negotiations agreement by failing to notify employees of a rate change in health benefits and failing to negotiate over health benefits. The Commission concludes that N.J.S.A. 26:2J-29 does not expressly, specifically, or comprehensively prohibit employers from agreeing to pay the full cost of HMOs.

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P.E.R.C. NO. 2001-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST NEW YORK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TI-H-99-2

JOSEPH AMARA,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission finds that the West New York Board of Education violated N.J.S.A. 34:13A-25 by transferring Joseph Amara between work sites for disciplinary reasons. The Commission concludes that Amara was not transferred because he did his computer technology job poorly or was better suited to supervise special education, but was transferred because of his complaints about the district's computer network and to preempt any effort to contact the media to assist repair efforts. In the absence of exceptions, the Commission orders Amara to be transferred back to the high school as district supervisor of special education.

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P.E.R.C. NO. 2001-42

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON STATE-OPERATED  
SCHOOL DISTRICT,

Petitioner,

-and-

Docket No. SN-2000-110

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies, in part, the request of the Paterson State-Operated School District for a restraint of binding arbitration of grievances filed by the Paterson Education Association. The grievances allege that the District violated the parties' collective negotiations agreement generally by denying District security guards first preference in offering overtime opportunities and specifically by ending Nathaniel Bailey's overtime assignment for an adult education program. The Commission grants the request for a restraint to the extent the grievance would interfere with the district's right to have private security guards assigned to a school to provide after-school security services at the same location. The request is otherwise denied. The Commission denies the request for a restraint of the grievance concerning Nathaniel Bailey's overtime assignment.

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P.E.R.C. NO. 2001-43

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DELRAN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-17

DELRAN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Delran Board of Education for a restraint of binding arbitration of a grievance filed by the Delran Education Association. The grievance asserts that two memoranda placed in a teacher's personnel file were reprimands without just cause. The Commission finds that this dispute is focussed on what instruction is appropriate for future classes, not on what punishment is warranted for past behavior. Under all the circumstances, the Commission concludes that the memoranda are not disciplinary.

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P.E.R.C. NO. 2001-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,

Respondent,

-and-

Docket No. CO-H-99-299

AFSCME COUNCIL 52, LOCAL 888, AFL-CIO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that Rutgers, the State University violated the New Jersey Employer-Employee Relations Act when it retaliated against an employee represented by AFSCME Council 52, Local 888, AFL-CIO, for exercising her right to use the negotiated grievance procedure. AFSCME filed an unfair practice charge against Rutgers alleging in particular that the employee, who was given a promotion after prevailing in the grievance procedure, was demoted after only three days in the provisional period, in retaliation for having filed the grievance. The Commission does not believe that Rutgers proved that it would have treated another employee the same had that employee received a position through the grievance procedure. The Commission orders the employer to place the employee back on a provisional period comparable to what other employees would receive.

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