

P.E.R.C. NO. 2002-2

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PATERSON STATE-OPERATED SCHOOL DISTRICT,

Respondent,

-and-

Docket No. CO-H-2001-93

PATERSON EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Paterson State-Operated School District violated the New Jersey Employer-Employee Relations Act when it unilaterally increased the weekly hours required for employees to qualify for health benefits under the State Health Benefits Program. The Complaint was based on an unfair practice charge filed by the Paterson Education Association. The Commission reaffirms that N.J.A.C. 17:9-4.6(a) does not preempt an employer's obligation to negotiate the number of hours which shall be considered "full-time" for the purposes of SHBP eligibility.

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. 2002-3

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONTCLAIR BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-47

MONTCLAIR EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Montclair Board of Education for a restraint of binding arbitration to the extent a grievance contests the substantive decision to withhold a teaching staff member's increment. The allegations that the teacher acted unprofessionally and inappropriately with her students in the classroom involve the evaluation of her teaching performance. The request is denied to the extent the grievance contests alleged procedural violations associated with notice requirements. The arbitration demand was filed by the Montclair Education Association.

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P.E.R.C. NO. 2002-4

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ORANGE,

Appellant,

-and-

Docket No. IA-2000-71

ORANGE SUPERIOR OFFICERS  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award involving the City of Orange and the Orange Superior Officers Association. The City appealed arguing that a Police and Fire Retirement System regulation barred the arbitrator from including holiday in base pay. The Commission finds that the method of payment for holiday pay is a mandatorily negotiable compensation issue and that the award does not direct that holiday pay be included in base pay for pension purposes. Accordingly, the arbitrator did not exceed his authority.

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P.E.R.C. NO. 2002-5

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF UNION,

Petitioner,

-and-

Docket No. SN-2001-43

UNION COUNTY CORRECTION  
OFFICERS, P.B.A. LOCAL NO. 199,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that a contract proposal that the Union County Correction Officers, P.B.A. Local No. 199 seeks to have included in a successor contract with the County of Union is not mandatorily negotiable. The Commission finds that, on its face, the proposal requires the County to provide light or modified duty for pregnant officers, even if light duty is not provided to other correction officers. A claim that the County's policy is discriminatory under the Americans With Disabilities Act, the Federal Pregnancy Anti-Discrimination Act, or the New Jersey Law Against Discrimination does not transform the decision to provide light duty into a mandatorily negotiable subject.

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P.E.R.C. NO. 2002-6

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GREATER EGG HARBOR REGIONAL  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2001-46

OAKCREST-ABSEGAMI TEACHERS  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants a restraint of binding arbitration to the extent, if any, a grievance filed by the Oakcrest-Absegami Teachers Association against the Greater Egg Harbor Regional Board of Education challenges the Board's selection of an evaluator and contends that a summer evaluation of a certificated Media Specialist was unjust discipline. Three procedural requirements for observations and evaluations established by the parties' contract and allegedly violated were not addressed by the Board and the Commission declined to restrain binding arbitration over them.

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P.E.R.C. NO. 2002-7

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY  
(DEPARTMENT OF CORRECTIONS),

Petitioner,

-and-

Docket No. SN-2001-39

STATE LAW ENFORCEMENT CONFERENCE,  
P.B.A. LOCAL 105,

Respondent.

Appearances:

SYNOPSIS

The Public Employment Relations Commission declines to restrain binding arbitration of a grievance filed by the State Law Enforcement Conference, P.B.A. Local 105 against the State of New Jersey (Department of Corrections). The grievance seeks compensation from the time officers arrive at their institution. The employer did not claim that compensation for this period is not mandatorily negotiable or legally arbitrable.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

STATE OF NEW JERSEY, DEPARTMENT  
OF LAW AND PUBLIC SAFETY, DIVISION  
OF STATE POLICE,

Respondent,

-and-

Docket No. CO-H-98-401

STATE TROOPERS FRATERNAL ASSOCIATION,

Charging Party.

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STATE OF NEW JERSEY, DEPARTMENT  
OF LAW AND PUBLIC SAFETY, DIVISION  
OF STATE POLICE,

Respondent,

-and-

Docket No. CO-H-98-413

STATE TROOPERS NCO ASSOCIATION,

Charging Party.

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STATE OF NEW JERSEY, DEPARTMENT  
OF LAW AND PUBLIC SAFETY, DIVISION  
OF STATE POLICE,

Respondent,

-and-

Docket No. CO-H-99-109

STATE TROOPERS FRATERNAL ASSOCIATION,

Charging Party.

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SYNOPSIS

The Public Employment Relations Commission finds that the State of New Jersey,  
Department of Law and Public Safety, Division

of State Police, violated the New Jersey Employer-Employee Relations Act, when it refused to provide a union representative, upon request, to employees who could have reasonably believed that they might be subject to discipline as a result of interviews conducted as part of an EEO investigation covering periods when they had supervisory responsibilities.

The Commission separately finds that the employer did not violate the Act when it denied a representative to an employee who was interviewed as part of a licensing investigation of alleged citizen misconduct, and not as part of an investigatory interview of alleged employee misconduct. The Complaints were based on unfair practice charges filed by the State Troopers Fraternal Association and the State Troopers NCO Association.

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