

P.E.R.C. NO. 2002-45

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF SOMERS POINT,

Respondent,

-and-

Docket No. CO-H-2001-227

MAINLAND PBA #77 and  
APRIL VAN DALEY,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Somers Point for special permission to appeal a Hearing Examiner's refusal to stay the processing of an unfair practice charge pending Superior Court litigation. The Hearing Examiner ruled that the Commission has primary jurisdiction over the unfair practice Complaint. The unfair practice charge was filed by Mainland PBA #77 and April Van Daley alleging that the City violated the New Jersey Employer-Employee Relations Act by disciplining Van Daley in retaliation for her filing a grievance seeking a shift change to accommodate her National Guard training. Van Daley also filed an action in the Superior Court against the City, the mayor, the police chief, a police captain, and a police sergeant. The Commission concludes that there are no extraordinary circumstances warranting special permission to 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. 2002-46

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH HUDSON REGIONAL  
FIRE AND RESCUE,

Respondent,

-and-

Docket No. CO-H-2000-254

NORTH HUDSON FIRE OFFICERS  
ASSOCIATION,

Charging Party,

-and-

TOWNSHIP OF WEEHAWKEN,

Intervenor.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Weehawken for special permission to appeal a Hearing Examiner's ruling on the Township's motion to intervene in an unfair practice proceeding between the North Hudson Regional Fire and Rescue and the North Hudson Fire Officers Association. The charge alleges that the Regional violated the New Jersey Employer-Employee Relations Act when the Township of Weehawken passed an ordinance promoting certain persons to the rank of fire lieutenant and designating a pay rate for the position inconsistent with the prior contract. The Hearing Examiner denied full intervention status to the Township, but permitted the Township to brief the legal issue it raises regarding its ordinance. The Commission denies special permission to appeal and defers to the Hearing Examiner's judgment to permit only partial intervention.

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. 2002-47

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOLLAND TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-16

HOLLAND TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of a provision entitled miscellaneous/non-teaching duties that the Holland Township Education Association seeks to include in a successor agreement with the Holland Township Board. The Commission holds mandatorily negotiable a portion of the article that prevents the Board from regularly requiring teachers to duplicate instructional and other materials and a portion of the article concerning filing any records or materials in pupil's permanent record. The Commission holds not mandatorily negotiable a portion of the article which provides that teachers shall not regularly be required to maintain attendance registers and a portion of the article concerning grading standardized computerized tests.

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. 2002-48

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DENNIS TOWNSHIP BOARD OF  
EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-8

DENNIS TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Dennis Township Board of Education for a restraint of binding arbitration of a grievance filed by the Dennis Township Education Association. The grievance contests the Board's bar on the Association's use of school equipment and mailboxes to disseminate materials endorsing candidates for school board. The Commission concludes that this grievance is legally arbitrable.

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. 2002-49

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST ORANGE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TO-H-2000-1

EAST ORANGE EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a petition for contested transfer determination filed by the East Orange Education Association. The Association alleges that the East Orange Board of Education violated N.J.S.A. 34:13A-25 when it transferred several middle school teachers for disciplinary reasons. The Hearing Examiner found that the transfers were intended to enhance student achievement. The Commission finds that the Association has not proven that the transfers were disciplinary.

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.