

P.E.R.C. NO. 2002-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF PASSAIC,

Petitioner,

-and-

Docket No. SN-2002-39

COMMUNICATIONS WORKERS OF
AMERICA, LOCAL 1032, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the County of Passaic for a restraint of binding arbitration of a grievance filed by the Communications Workers of America, Local 1032. The grievance contests a policy requiring employees to submit doctors' notes for weekend call outs and docking their pay if they do not. The Commission holds that the County has a prerogative to require its employees to submit doctors' notes when calling out on weekends. However, the Commission does not restrain arbitration over any issue of who pays for any required doctors' notes. The Commission also does not restrain arbitration over any docking of pay or discipline that may stem from an employee not producing a doctor's note upon returning to work.

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. 2002-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EASTAMPTON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-42

EASTAMPTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Eastampton Board of Education for a restraint of arbitration of a grievance filed by the Eastampton Education Association. The grievance contests the scheduling of parent-teacher conferences at the end of the regular work day the day before a school holiday. The grievance procedure ends in advisory arbitration. The Commission will normally dismiss a petition seeking a restraint of advisory arbitration unless it alleges that the subject of the grievance is preempted by statute or regulation. The Commission finds no assertion that the subject of the grievance is preempted by statute or regulation and the grievance may legally be submitted to advisory arbitration.

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. 2002-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUMSON-FAIR HAVEN REGIONAL
HIGH SCHOOL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-43

RUMSON-FAIR HAVEN REGIONAL
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Rumson-Fair Haven Regional High School Board of Education for a restraint of binding arbitration of a grievance filed by the Rumson-Fair Haven Regional Education Association. The grievance concerns alleged violations of contractual provisions concerning the process for evaluating teachers. The Commission finds that the Board has not raised a negotiability issue and that its only argument is that the issues in the grievance were resolved in an unfair practice settlement. The Commission concludes that there is no basis for a scope of negotiations determination

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. 2002-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LAKEHURST BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-47

LAKEHURST EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Lakehurst Board of Education for a restraint of binding arbitration of a grievance filed by the Lakehurst Education Association. The grievance alleges that the Board violated the parties' collective negotiations agreement by denying the Association its contractual right to present its views at all steps of the grievance procedure. The Commission holds that N.J.S.A. 34:13A-5.3 requires negotiations over grievance procedures. The employer's contractual defenses concerning the applicability and conditions of the parties' grievance procedure must be addressed by the arbitrator.

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. 2002-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TRENTON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-17

TRENTON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Trenton Board of Education for a restraint of binding arbitration of a grievance filed by the Trenton Education Association. The grievance contests the withholding of a teacher's increment for the 2001-2002 school year. The Commission concludes that the Board's stated reasons for this withholding concern the administration of a district reading program which predominately relate to the evaluation of teaching performance and must be considered by the Commissioner of Education.

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. 2002-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TINTON FALLS BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-29

TINTON FALLS EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Tinton Falls Board of Education for a restraint of binding arbitration of a grievance filed by the Tinton Falls Education Association. The grievance asserts that the alleged mid-year termination of an instructional aide lacked just cause and violated contractual notice provisions. The Commission concludes that the employer has made no negotiability argument distinguishing a long line of cases declining to restrain binding arbitration of mid-year contract terminations of non-professional school employees.

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. 2002-69

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NUTLEY BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2002-31

NUTLEY EDUCATION ASSOCIATION,

Respondent.

Appearances:

SYNOPSIS

The Public Employment Relations Commission denies the request of the Nutley Board of Education for a restraint of binding arbitration of a grievance filed by the Nutley Education Association. The grievance contests the non-renewal of a custodian's employment contract. The Commission reaffirms that tenure and other forms of job security for custodians are mandatorily negotiable subjects.

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. 2002-70

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Respondent,

-and-

Docket Nos. CO-H-99-331
CO-H-2000-105
CO-H-2000-184

TRENTON SUPERIOR OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint based on unfair practice charges filed by the Trenton Superior Officers Association against the City of Trenton. The charges allege that the City violated the New Jersey Employer-Employee Relations Act when, despite his promise to promote Deputy Chief Joseph Constance to chief, the Mayor promoted another deputy chief and that irritation with Constance and the police unions as well as Constance's position as Mercer County Republican Chairman motivated that decision; it refused to "buy back" Constance's unused vacation days pursuant to the retirement process; and placed Constance on "leave without pay" during an approved vacation. The Commission concludes that some evidence, but not a preponderance of the evidence, indicated that protected activities figured in the City's decision not to promote Constance. The Commission also find that the TSOA did not prove that the City's rejection of Constance's request that it "buy back" his unused vacation or the decision to place him on leave without pay were retaliatory. Nor did the City change an established practice when it placed Constance on leave without pay.

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. 2002-71

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EGG HARBOR TOWNSHIP
EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-H-2001-47

DONNA L. ZELIG,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint based on an unfair practice charge filed by Donna Zelig against the Egg Harbor Township Education Association. The charge alleges that the Association violated the New Jersey Employer-Employee Relations Act by failing to timely advise her of negotiated changes to the collective negotiations agreement governing her terms and conditions of employment with the Egg Harbor Township Board of Education and by misleading her regarding the scope of a grievance regarding changes to the agreement. The Commission finds that the Association did not breach its duty of fair representation in the way it conducted the contract ratification process or pursued the grievance to arbitration.

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. 2002-72

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLEN RIDGE SCHOOL PERSONNEL ASSOCIATION AND
NEW JERSEY EDUCATION ASSOCIATION,

Respondents,

-and-

Docket No. CI-H-96-32

KENNETH T. TUCKER, JR.,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission orders the Glen Ridge School Personnel Association and the New Jersey Education Association to comply with their duty of fair representation under N.J.S.A. 34:13A-5.3 by reimbursing Kenneth T. Tucker, Jr. at reasonable and customary rates for the attorney of his choice to represent him in his grievance arbitration proceeding. Tucker had filed an unfair practice charge against the respondents alleging that they violated the New Jersey Employer-Employee Relations Act by misleading him into trusting the NJEA to provide him with representation in his arbitration and discrimination cases related to his termination.

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. 2002-73

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ASBURY PARK
and IAFF LOCAL 384,

Respondents,

-and-

Docket No. CI-2001-63

ROBERT R. FARRELL, SR.,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies an appeal of D.U.P. No. 2002-9, 28 NJPER 160 (¶33057 2002). In that decision, the Director of Unfair Practices refused to issue a Complaint based on an unfair practice charge filed by Robert R. Farrell, Sr. against the City of Asbury Park and IAFF Local 384. The charge seeks enforcement of a settlement agreement resolving two prior charges (CI-H-99-48 and CI-2001-6) against the City or reinstatement of those charges. The Commission finds that nothing in the appeal addresses the dismissal as to the IAFF. The Commission further finds that a charge alleging a mere breach of a settlement agreement does not warrant a Complaint and Notice of Hearing. In addition, the Commission finds that the Director did not abuse his discretion in refusing to reopen the prior charges.

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. 2002-74

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CLIFTON,

Appellant,

-and-

Docket No. IA-99-69

CLIFTON FIREMEN'S MUTUAL BENEVOLENT
ASSOCIATION, LOCAL 21,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a request for a stay of City of Clifton, P.E.R.C. No. 2002-56, 28 NJPER 201 (¶33071 2002), pending review by the Superior Court, Appellate Division. The City has not shown a substantial likelihood of prevailing on appeal or that it will be irreparably harmed by implementing the work schedule change ordered by the decision. In addition, a stay would further delay implementation of a work schedule that an interest arbitrator found would further the public interest by improving firefighter safety and morale.

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.