

P.E.R.C. NO. 2003-46

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF UNION,

Respondent,

-and-

Docket No. CO-2003-82

UNION COUNTY SUPERIOR CORRECTIONS  
OFFICERS ASSOCIATION, PBA LOCAL  
NO. 199A,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Union County Superior Corrections Officers Association, PBA Local No. 199A for reconsideration of I.R. No. 2003-8. In that decision, a Commission designee denied the PBA's application for interim relief. The designee concluded that the PBA had not demonstrated that it had a substantial likelihood of prevailing in a final Commission decision with respect to its claim that the County had unilaterally changed terms and conditions of employment. The designee also concluded that there was a material factual dispute over whether the alleged change was intended to discriminate against the PBA's president. The Commission finds that there are no extraordinary circumstances warranting reconsideration of those determinations.

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. 2003-47

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

KNOWLTON TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2003-14

KNOWLTON TOWNSHIP EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Knowlton Township Board of Education for a restraint of binding arbitration of grievances filed by the Knowlton Township Education Association. The grievances contest the transfer of a teacher to a new grade level and assignment, withholding of her increment, and comments and ratings on her annual evaluation. The Commission concludes that below standard ratings do not transform an evaluation of teaching performance into a reprimand that can be challenged through binding arbitration. The Commission also concludes that the transfer was intended to move the teacher to a more appropriate setting rather than intended to punish her. Finally, the Commission concludes that the increment withholding centers on the Board's concerns about parental complaints and the teacher's interactions with students in class. These reasons involve an evaluation of teaching performance that can be challenged only before the Commissioner of Education.

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P.E.R.C. NO. 2003-48

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HACKETTSTOWN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2003-12

HACKETTSTOWN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Hackettstown Board of Education for a restraint of binding arbitration of a grievance filed by the Hackettstown Education Association. The grievance contests the increment withholding of a school nurse who failed to attend a field trip. The Commission concludes that the increment withholding centers on the nurse's alleged insubordinate refusal to perform, not an evaluation of her performance as a school nurse.

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P.E.R.C. NO. 2003-49

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTHERN HIGHLANDS REGIONAL  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2003-10

NORTHERN HIGHLANDS EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Northern Highlands Regional Board of Education for a restraint of binding arbitration of a grievance filed by the Northern Highlands Education Association. The grievance contests the withholding of a teacher's salary increment. The Commission concludes that the Board's cited reasons for the withholding (inappropriate classroom behavior and inappropriate instructional methodology) predominately relate to an evaluation of teaching performance.

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P.E.R.C. NO. 2003-50

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PASSAIC,

Petitioner,

-and-

Docket No. SN-2003-11

PASSAIC FIREFIGHTERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses as untimely a scope of negotiations petition filed by the City of Passaic. The City seeks a negotiability determination concerning a contract clause which it wants to remove from a successor collective negotiations agreement with the Passaic Firefighters Association. The Commission concludes that this scope petition is not independent of the interest arbitration because the City also asked the arbitrator to delete the clause and the Association has proposed a modification to the clause.

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STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MAPLEWOOD,

Petitioner,

-and-

Docket No. SN-2002-54

P.B.A. LOCAL 44,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of aspects of a police promotional system proposed for inclusion in a collective negotiations agreement between the Township of Maplewood and P.B.A. Local 44. The Commission finds that interviews by the Township committee and weight to be given to responses in interviews are not mandatorily negotiable. The Commission concludes that given the subjective nature of promotional interviews, it cannot require the employer to negotiate the specific criteria it must use in assessing candidate responses to the specified topics. The parties may, however, negotiate over how many days' notice are required before interview subjects can be changed since that issue is predominately procedural. The Commission concludes that a proposal that the Township Committee's caucus following promotional interviews be taped, is not mandatorily negotiable. The Commission finds that our Supreme Court has noted that excluding the public from executive session discussions of personnel matters permits open and free comments and evaluations of employees that would be inhibited if the discussion were to be conducted publicly. South Jersey Publishing Co., Inc. v. New Jersey Expressway Auth., 124 N.J. 478, 493 (1991). The Commission holds that the issue of whether the Township must negotiate over a proposal that Committee members not know the scores and ranking of candidates before the interviews is not mandatorily negotiable. The Commission concludes that the Township's interest in knowing as much as possible about promotional candidates before the interviews outweighs the employees' interest in insuring that interview scores will not be influenced by other factors. The Commission holds that the issue of whether the Township must negotiate over its decision not to have a written test for candidates for promotion to captain is not mandatorily negotiable, but a proposal that the Township announce new point allocations for captain promotions is mandatorily negotiable. The Commission finds that a proposal that the promotional system be subject to a one-year trial period is mandatorily negotiable to the extent the trial period applies to mandatorily negotiable promotional procedures.

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P.E.R.C. NO. 2003-52

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BELMAR,

Petitioner,

-and-

Docket No. SN-2003-2

BELMAR POLICEMEN'S BENEVOLENT  
ASSOCIATION, LOCAL NO. 50,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Borough of Belmar for a restraint of binding arbitration of grievances filed by the Belmar Policemen's Benevolent Association, Local No. 50. The grievances assert that off-duty police officers should have been assigned to road work projects performed by outside contractors. The Commission holds that the PBA may not challenge the chief's decisions to assign an on-duty officer or not to require the presence of an off-duty officer around construction projects.

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P.E.R.C. NO. 2003-53

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ASBURY PARK,

Petitioner,

-and-

Docket No. SN-2003-7

IFPTE, LOCAL 196, CHAPTER 5,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Asbury Park for a restraint of binding arbitration of a dispute between the City and IFPTE, Local 196, Chapter 5. Local 196 alleges that the City violated the parties' collective negotiations agreement in its treatment and payment of Dina Todd. The Commission restrains arbitration over any challenge to the City's prerogatives to abolish positions and transfer duties.

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P.E.R.C. NO. 2003-54

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY,

Petitioner,

-and-

Docket No. SN-2003-6

CAMDEN COUNTY CORRECTION OFFICERS,  
P.B.A. LOCAL #351

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Camden for a restraint of binding arbitration of a grievance filed by Camden County Corrections Officers, P.B.A. Local #351. The grievance alleges that the employer violated the parties' collective negotiations agreement by changing the work schedules of employee in the mailroom, information center, and visiting room from five days to seven days. The Commission concludes that a clause which provides that work schedules shall not be changed for the purpose of avoiding the payment of overtime is negotiable and enforceable because it protects the employees' interests in negotiating over their work hours and does not interfere with any governmental policy interests.

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P.E.R.C. NO. 2003-55

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WOODBRIDGE,

Petitioner,

-and-

Docket No. SN-2003-5

WOODBIDGE TOWNSHIP POLICE  
DEPARTMENT SUPERVISORY OFFICERS  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Township of Woodbridge for a restraint of binding arbitration of a grievance filed by the Woodbridge Township Police Department Supervisory Officers Association. The grievance contests a change in work hours and compensation for sergeants called in to cover for lieutenants. The Commission concludes that the City's governmental policy interest in guarding against supervision gaps would not be substantially limited by paying officers for their regular shift, in addition to overtime for hours worked outside their regular schedules.

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