

P.E.R.C. NO. 97-110

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS SCHOOL DISTRICT
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-30

THE EDUCATION ASSOCIATION
OF MORRIS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Morris School District Board of Education for a restraint of binding arbitration. The grievance contests the withholding of a teacher's salary increment for the 1996-1997 school year. The reasons given for the withholding are based on the teacher's observation reports, summaries of supervisory conferences, and alleged inability to meet the goals of her Professional Improvement Plan for two years in a row. The Commission concludes that the reasons for the withholding predominately relate to an evaluation of teaching performance and any appeal must be heard 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. 97-111

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNIVERSITY OF MEDICINE
AND DENTISTRY OF NEW JERSEY,

Petitioner,

-and-

Docket No. SN-97-20

LOCAL 97, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the University of Medicine and Dentistry of New Jersey for a restraint of binding arbitration of a grievance filed by Local 97, International Brotherhood of Teamsters. The grievance contests the termination of a nursing assistant for alleged inappropriate patient contact. The Commission finds that N.J.S.A. 2C:51-2(g) requires a court to determine whether invocation of the forfeiture statute is appropriate. It does not preempt arbitration over a grievance contesting a dismissal for conduct independent of that which gave rise to the criminal charge.

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P.E.R.C. NO. 97-112

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF EAST BRUNSWICK,

Respondent,

-and-

Docket No. CO-96-375

OPEIU LOCAL 153,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission remands to the Director of Unfair Practices an unfair practice charge filed by OPEIU Local 153 against the Township of East Brunswick. The charge alleges that the Township violated the New Jersey Employer-Employee Relations Act by unilaterally changing the way employees can use vacation time. The Commission finds that under its Complaint issuance standard, it cannot be determined based on the charge alone whether the employer had an obligation to negotiate or whether its action was authorized by the contract.

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P.E.R.C. NO. 97-113

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MATAWAN-ABERDEEN REGIONAL
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-96-141

LOCAL 74, SERVICE EMPLOYEES
INTERNATIONAL UNION AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Matawan-Aberdeen Regional Board of Education for a restraint of binding arbitration of a grievance filed by Local 74, Service Employees International Union, AFL-CIO. Local 74 asserts that the Board violated the parties' collective negotiations agreement when it denied a cafeteria worker a probationary promotion to cafeteria leader in favor of a less senior employee and when it applied a qualification not announced in the promotional announcement. The restraint is granted to the extent the grievance contests the Board's substantive right to require supervisory experience as a promotional criterion for cafeteria leader. The request is otherwise denied.

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P.E.R.C. NO. 97-114

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TEANECK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-96-132

TEANECK TOWNSHIP EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Teaneck Board of Education for a restraint of binding arbitration of a grievance filed by the Teaneck Township Education Association. The grievance seeks to prevent the Board from permitting teachers to hold parent-teacher conferences in lieu of administrative or department meetings and seeks compensation for teachers involved in those conferences. The restraint is granted to the extent the grievance seeks to prohibit the Board from permitting teachers to schedule parent-teacher conferences during administrative or department meetings. The request is denied to the extent the grievance seeks compensation for teachers who conduct parent-teacher conferences.

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P.E.R.C. NO. 97-115

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-97-23

PBA LOCAL 4,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the City of Elizabeth for a restraint of binding arbitration of a grievance filed by PBA Local 4. The grievance asserts that the City violated the parties' collective negotiations agreement when it deviated from the contractual procedure in allocating overtime assignments among patrol officers. The Commission finds that a public employer has a right to deviate from a negotiated overtime allocation system when necessary to protect the public interest. The City adequately established that the overtime detail calls for officers with specialized experience.

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P.E.R.C. NO. 97-116

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CUMBERLAND,

Petitioner,

-and-

Docket No. SN-97-39

CUMBERLAND COUNTY PBA LOCAL 231,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of portions of an expired collective negotiations agreement between the County of Cumberland and Cumberland County PBA Local 231 that the PBA seeks to retain in a successor agreement. The Commission finds that a provision concerning work schedules for officers in the corrections division is mandatorily negotiable. The Commission finds that a provision concerning work schedules in the transportation division is mandatorily negotiable except to the extent it would prohibit the employer from scheduling employees after 6:00 p.m. The Commission finds a provision concerning scheduling of weekends off in the corrections division to be mandatorily negotiable.

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P.E.R.C. NO. 97-117

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOUTH BRUNSWICK TOWNSHIP
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-96-116

SOUTH BRUNSWICK TOWNSHIP
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the South Brunswick Township Board of Education for a restraint of binding arbitration of a grievance filed by the South Brunswick Township Education Association except to the extent the grievance concerns compensation and safety issues. The grievance alleges that the Board violated the parties' collective negotiations agreement when it regularly scheduled two of its physical education teachers to teach for more than four consecutive periods. The Commission concludes that a school board has a prerogative to determine the structure of the school day and to establish block scheduling. However, teachers have a generally negotiable interest, expressed in terms of safety and workload, in not teaching more than four consecutive periods without a break or without additional compensation. The Commission notes that should an arbitrator sustain the grievance and the Board believe that the remedy significantly interferes with its educational policy determinations, it may refile its petition.

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P.E.R.C. NO. 97-118

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT
OF THE CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-96-126

CITY ASSOCIATION OF SUPERVISORS
AND ADMINISTRATORS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State-Operated School District of the City of Newark for a restraint of binding arbitration of a grievance filed by the City Association of Supervisors and Administrators. The grievance contests an alleged change in evaluation procedures whereby administrators could not, while being evaluated by an assessor, visit the class of any teacher who had not consented to be observed. The Commission holds that such a claim is not preempted by any statute or regulation and that the claim, if sustained by an arbitrator, would not impede the employer's statutory duty to scrutinize the performance of principals and vice-principals.

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